

**INFRASTRUCTURE, HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE - 20
NOVEMBER 2018**

PART I - DELEGATED

**9. DEVELOPMENT MANAGEMENT, LOCAL LAND CHARGES SEARCHES AND
PARKING SERVICES FEES AND CHARGES
(DCES)**

1 Summary

1.1 This report provides an overview of all discretionary charges for Development Management, Local Land Charges Searches and Parking.

2 Details

2.1 Development Management

2.1.1 Responding to development proposals, in the form of pre-application advice, is a service offered and encouraged by the Development Management Section. Whilst there is no legal requirement for Local Planning Authorities (LPAs) to undertake pre-application discussions it is widely accepted that offering pre-application advice is good practice. It allows for the early identification of issues and contributes towards both quality outcomes and the avoidance of delays in the formal submission process. It is a fundamental part of the Development Management Section's role specifically in terms of customer service. The National Planning Policy Framework (NPPF) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

2.1.2 Planning pre-application fees were introduced by TRDC in 2011. An increase in fees was made in 2013, a further increase of 10% was made to the fees in 2013/14 and further increases were made to some of the categories, as agreed by Members at the Sustainable Development, Planning and Transport Committee in November 2015. The most recent increase was a 20% increase to all pre-application fee categories in January 2018 which coincided with a 20% increase nationally to statutory planning application fees. A 'follow-up' fee was also introduced to cover situations where applicants/agents wish to submit amended plans for comment having had regard to initial pre-application advice. **Appendix A** details the existing scale of pre-application charges.

2.1.3 A comparison table of planning fees and pre-application fees is provided in **Appendix B** (note that the development categories are not all directly comparable). The table demonstrates that the majority of pre-application fees are not significantly lower than the equivalent planning application fee. Whilst the Council wishes to encourage and promote the formal pre-application route and fees need to cover the cost of providing the service, consideration has to be had to the equivalent planning application fee in order to ensure that take up of the formal pre-application service remains.

2.1.4 Whilst the gap between the pre-application and application fee for householder applications is greater, this is to ensure that the formal pre-application service remains a viable option for residents of the District and to encourage residents to take this route over the free duty planner service that is also provided. The benefit of the formal approach being the completion of a site visit and the preparation of a

detailed written response. The householder fee was increased by 20% in January 2018.

- 2.1.5 A free Duty Planner Service for householders remains, although householders are required to go through the formal fee paying route if they wish to submit plans for written comment or wish a site visit to be undertaken. The Duty Planner service is currently being monitored to further Officers understanding on how this service is used.
- 2.1.6 It is also relevant that other Statutory Consultees have introduced their own charges for pre-application advice. Currently Hertfordshire County Council Highways Authority, the Environment Agency and HCC Lead Local Flood Authority all have their own pre-application charging. These fees are in addition to the pre-application fees of TRDC. In considering pre-application fees, Officers are mindful that, with additional pre-application charges to pay, applicants may seek to avoid pre-application if the costs become too high.
- 2.1.7 To date the use of the pre-application service from April - October 2018 is only slightly below expected income targets. However, historically pre-application advice income has exceeded the income target. This gap in income may be partly attributable to the 20% increase earlier this year but also to the nature and scale of pre -application submissions being received.
- 2.1.8 Having regard to the detail above it is not recommended that pre-application fees be increased, however, this should continue to be reviewed annually.

2.2 Local Land Charges

- 2.2.1 Local Land Charges fees are charged on a cost recovery basis under the Local Land Charges Act (as amended) and the Local Land Charges Rules 1977. Cost recovery fees were set with the adoption of new enquiry questions in July 2016. Additional questions relating to Highways matters were introduced necessitating the majority, if not all, of the Search enquiries to be sent to Hertfordshire County Council. At present, Hertfordshire County Council has only increased their fees minimally to cover the additional enquiries; it is possible that a further increase may be implemented for April 2019. The fees should be reviewed should this happen to ensure cost recovery. The existing fees are attached at **Appendix C**.
- 2.2.2 In January 2017 new fees were introduced for street naming and numbering applications and set at a level compatible with cost recovery. A review of these fees was undertaken with the Finance Officers in September 2018. Whilst the income for street naming and numbering fees is above initial expected income, it was felt that further information was needed to determine future patterns of service use and estimated income levels. It is therefore proposed to only increase these fees by inflation at 2.5% from April 2019 with a further review of the fees and the use of this service later in 2019. The existing and proposed fees are attached at **Appendix D**.

2.3 Parking Services

- 2.3.1 Whilst a number of Parking Services fees/charges are discretionary, the review of the Parking Service continues in response to a previously identified £180k budget deficit. Since April 2016 a number of the discretionary charges have been increased and Members and Officers are continuing to investigate the service provision. It is not considered appropriate to individually increase fees/charges

further at this time. Reports on a parking strategy and further charging proposals will be brought to Committee over the coming year.

3 Options and Reasons for Recommendations

3.1 Development Management

3.1.1 It is recommended that pre-application fees are not increased at this time, however, this should be reviewed in the future.

3.2 Local Land Charges

3.2.1 It is recommended street naming and numbering fees should be increased by 2.5%. A further view of Local Land Charges fees will only be required if HCC increase their fees.

3.3 Parking Services

3.3.1 It is recommended that parking fees are not increased at this time considering the ongoing parking review. Further reports will come back to Committee over the coming year.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website and Health & Safety Implications

5.1 None specific.

6 Financial Implications

6.1 An average increase of 2.5% across all fees and charges has been agreed as part of budget setting responsibilities. However, it is recognised this increase is to be reviewed across services in the light of their effect on demand, affordability and vulnerability.

6.2 Whilst there is no proposed increase in pre-application fees, the current demand for the existing pre-application service is expected to balance the income budget.

6.3 Street naming and numbering fees are to be increased by 2.5% with Local Land Charges fees remaining unchanged unless HCC increase their fees from April 2019. If HCC increase their fees the Local Land Charges fees will be reviewed on a cost recovery basis.

6.4 The Parking Services budgets including fees and charges are being reviewed as a separate exercise.

7 Legal Implications

7.1 The Council has the power to charge for discretionary services under Section 93 Local Government Act 2003 but the income received must not exceed the costs of providing the service.

7.2 In accordance with Statutory Guidance, the Council are not able to increase charges for parking to create a surplus and parking income targets should not be set. Any surplus arising from parking charges and income can be used to meet a deficit or be spent on parking services with off-street income used more widely to balance the parking account (for example inclusive of aspects such as car park maintenance costs, Officer salaries). Surplus income can also be used to balance previous deficits in the parking service.

8 Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	No

9 Risk Management and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Regulatory Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

9.3 The following table gives the risks that would exit if the recommendation is agreed together with a scored assessment of their impact and likelihood:

	Description of Risk	Impact	Likelihood
1	Applicants will choose not to use the discretionary part of the street naming and numbering service. The Council has a duty to allocate street names and numbers (or house names) and therefore cannot charge for this service. However, the Council is able to charge for the discretionary service of notifying interested parties of street naming and numbering matters including Royal Mail, the emergency services and other statutory undertakers.	II	E

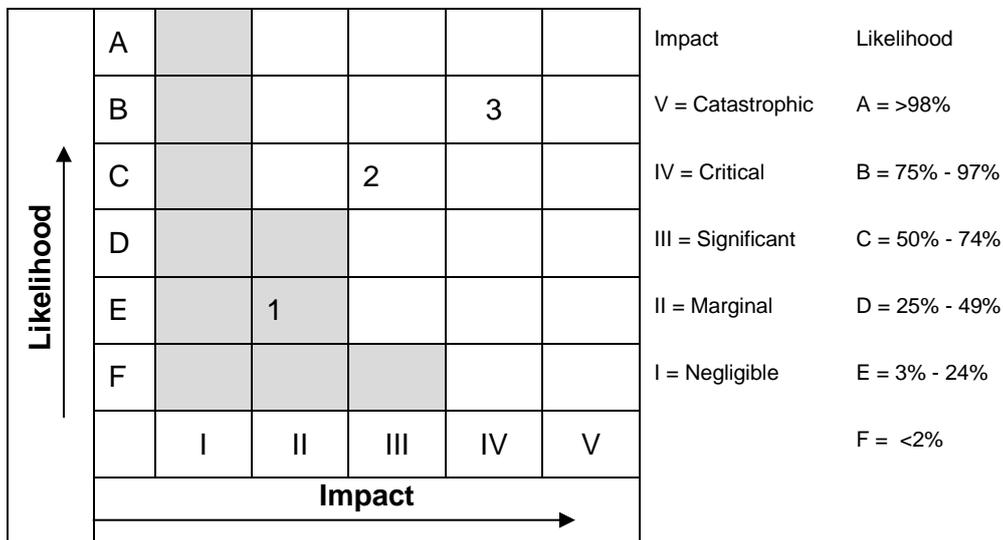
9.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

	Description of Risk	Impact	Likelihood
2	Applicants will choose not to use the pre-application service and giving officers less input at an early stage.	III	C

	This will impact on both income and service performance.		
3	Customers will choose not to utilise the Council's Parking Services resulting in unmanaged and displacement parking. This will impact on income and result in poor management of parking provision with potential highway safety concerns.	IV	B

9.5 Of the risks detailed above none is already managed within a service plan.

9.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



9.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

10 Recommendation

10.1 That the Committee agree the following recommendation:

- i) There is no change to the fees and charges associated with the Development Management pre-application service or the Parking Service. The existing fees and charges are accepted into the Committee's budgets, which are recommended to the Policy and Resources Committee.
- ii) Fees and charges for street naming and numbering are increased in line with inflation at 2.5%.

- iii) A further review of search fees will be required if HCC increase their fees from April 2019. This review will be conducted on the basis of cost recovery.

Report prepared by: Kimberley Rowley, Head of Regulatory Services

Data rating:

1	Poor	
2	Sufficient	X
3	High	

APPENDICES / ATTACHMENTS

Appendix A – Current Pre-Application fees from 17 January 2018

Appendix B – Full Planning Application and Pre-Application Fee Comparison Table

Appendix C – Current Local Land Charges fees

Appendix D – Current Street Naming and Numbering charges