

DECISION-MAKER:		PLANNING AND RIGHTS OF WAY PANEL	
SUBJECT:		PLANNING PERFORMANCE AGREEMENTS AND PRE-APPLICATION CHARGING	
DATE OF DECISION:		21 SEPTEMBER 2010	
REPORT OF:		HEAD OF PLANNING AND SUSTAINABILITY	
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STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

Following the Local Government Act 2003 and Circular Guidance, many local authorities, including the City Council, have introduced fee charges for pre-application planning advice. This is usually coupled with the introduction of a more formalised service and protocols, backed by written reports of any meeting(s) and advice provided.

At Full Council in July 2009, the concept of introducing charges to recover costs for planning pre-application advice from the City Council was agreed. In November 2009, Cabinet agreed to the introduction of an improved, chargeable pre-application advice scheme for the Southampton City Council Planning Authority.

The Council commenced its pre-application charging system on 6th April 2010 following a briefing to the Planning Panel in March.

This report explains the role that Planning Performance Agreements (PPA) will have in delivering this service, and makes suggestions as to how the Planning Panel will be involved at the pre-application stage. This builds on the recent Member training undertaken on 12th July 2010.

RECOMMENDATIONS:

- (i) The Panel note the content of the report; and
- (ii) The Panel agree that the PPA guidance note at Appendix 1 is approved for use as part of the Council's pre-application service and added to the Council's website.

REASONS FOR REPORT RECOMMENDATIONS

- 1 To provide information to the Planning and Rights of Way Panel of the changes to how the City Council will provide pre-application planning advice through the use of Planning Performance Agreements.

CONSULTATION

- 2 Individual meetings have been held with internal consultees, including the Development Management Team and City Development Team.
- 3 The Overview and Scrutiny Management Committee considered the Cabinet report proposals at its meeting in November 2009.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4 Not to implement Planning Performance Agreements

The option to continue with the previous pre-application advice service, free of charge, was considered and rejected. National guidance advocates that an improved and more consistent, formal approach to the early stages of engagement and negotiation should be implemented. This would involve additional resources and a more formal pre-application advice service, requiring additional staff time, which can be recovered through the introduction of fees. It will not be compulsory for applicants to enter into a PPA.

DETAIL

5 It has been agreed that the City Council will charge for its pre-application planning advice. As part of this approach the Council will also promote the use of Planning Performance Agreements for larger schemes.

6 The PPA embraces the planning process from pre-application advice, through to the submission and determination of a planning application by the Council's Planning and Rights of Way Panel, and builds in a review process to ensure that realistic targets are set and achieved. Further details are provided in the guidance note attached to this report at Appendix 1.

7 In return for entering into a PPA, applicants will be rewarded with:

- increased certainty of process, timescales and issues to be addressed;
- input from relevant officers and the elected decision makers;
- the avoidance of abortive work;
- the earliest possible indications and negotiations of planning obligations;
- the opportunity to resolve issues prior to the application submission; and,
- an aftercare programme following a decision with assistance with planning conditions.

8 As part of the PPA process detailed in the attached guidance note, it is proposed that applicants will have the opportunity to present their schemes to the Planning and Rights of Way Panel and the Architect's Panel as part of the pre-application stage.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

9 None

Revenue

10 It was previously estimated that the level of resource for the provision of free pre-application advice was £40,000 per annum. The total resource cost of providing the pre-application advice, under the enhanced scheme, will depend on the level of demand for the service. However, based on the assumed demand the total cost is estimated at £74,000 per annum.

11 As far as possible, the additional resources for an enhanced service would be redirected from work on planning applications, allowing costs to be met from existing budgets. However, there may be a need to increase overall Development Management resources to deal with the additional service requests in due course.

- 12 The estimates are subject to the uncertainties of current market conditions. Cabinet have given delegated authority to allow adjustments to fees annually, for any deficit or surplus, within a period of up to 3 years.

Other

- 13 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 14 Best Value authorities have the power to charge for discretionary services. Under section 111 (1) of the Local Government Act 1972, the Council has the power to do anything reasonably incidental to its express powers. Thus the provision of pre application advice will be incidental to the statutory duty to provide planning services.
- 15 Section 93 of the Local Government Act 2003 allows an authority, relying on subsidiary powers, to charge but the recipient of the discretionary service must have agreed to its provision and to pay for it.
- 16 Circular guidance entitled 'General power for best value authorities to charge for discretionary services – guidance on the power in the Local Government Act 2003' makes it clear that Authorities when exercising this power are under a duty to secure that, taking one year with another, the income from charges do not exceed the costs of provision of the service. The circular advises that charges may be set differentially, so that different people are charged different amounts. Further, authorities are not required to charge for discretionary service and may provide them for free if they so decide.

Other Legal Implications:

- 17 None

POLICY FRAMEWORK IMPLICATIONS

- 18 The proposal to charge for pre-application advice (including the use of PPAs), whilst improving the level of service provided, is set out within the broad business plan objective to 'Improve Development Control Performance' as set out in the Corporate Improvement Plan 2009/10.

SUPPORTING DOCUMENTATION

Appendices

1.	Proposed Planning Performance Agreements Guidance Note
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
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Background documents available for inspection at: N/A

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	All
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