

From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee - 17 November 2016**

Subject: **Introduction of a pre-application charging scheme for sustainable urban drainage advice**

Key Decision: 16/00130

Past Pathway of Paper: N/A

Future Pathway of Paper: For Cabinet Member Decision

Classification: **Unrestricted**

Electoral Division: Kent wide

Summary: This report seeks the introduction of an interim chargeable pre-application service for sustainable urban drainage advice to developers pending a wider review on charging within the Growth, Environment and Transport Directorate.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on a proposed decision to introduce a pre-application charging service for sustainable urban drainage advice to developers as set out at **Appendix A** to this report for engagement with representatives from the development industry via the Kent Developers Group.

1. Introduction

1.1 This report seeks the introduction of a chargeable pre-application advice service for sustainable urban drainage (SuDs) advice to developers promoting applications that are determined by the borough and district planning authorities.

2. Context

2.1 In 2015, the County Council became a statutory consultee to the planning authorities in Kent responsible for providing technical advice on surface water management including sustainable drainage matters. This includes consultation for full and outline applications as well as secondary consultation in relation to reserved matters, discharge of conditions and variations. This advice is considered as part of the determination of planning applications.

- 2.2 As a result of the new consultee role, a number of 'potential developers' are seeking pre-application advice from the County Council on SuDs matters prior to the submission of a planning application to the borough and district councils.
- 2.3 This discretionary engagement provides an opportunity to shape development at an early part of the development process and can lead to quicker decision making and higher quality development. Developments that are unlikely to be successful during the planning process can also be discouraged, resulting in potentially expensive consultancy and survey work being avoided for the developer.
- 2.4 Providing this service will obviously cost the authority in staff time and other resource. Unlike other parts of the GET Directorate and other local authorities, the cost of this pre-application advice is currently not met by the developer. However, with current financial pressures on the public purse, it is proposed that the service seeks to recover its costs.

3. The Service

- 3.1 The Flood and Water Management Team currently receive consultations with respect to:
 - a) enquiries to support preparation of flood risk assessments required for major developments and some minor developments (Flood Risk Assessment enquiries),
 - b) enquiries to inform drainage strategies to support a planning application (pre-application enquiries),
 - c) consultations in relation to the preferred approach to define detailed drainage strategies (after planning permission is granted but prior to any further subsequent planning submissions),
 - d) consultations in relation to discharge to the ground and ordinary watercourses; and
 - e) consultations for minor development which may have a drainage issue.
- 3.2 These consultations are received from consultants, house builders, Local Planning Authorities and the general public. The enquiries may result in a written response, meetings in our offices, at local planning authority offices or site meetings to clarify the issues at hand.
- 3.3 An indication of the demand for the service is provided by an assessment of requests over the last year which records some 100 consultations.
- 3.4 To date, the additional advice provided has not been widely advertised. This additional consultation has been promoted through discussions and presentations with developers and through the Kent Development Managers Group (part of Kent Planning Officers Group).

4. Introducing a charge

- 4.1 Charging for pre-application services is not new, and KCC has had in place charges for a number of services for a number of years, including those for planning, highways and transport, ecology and heritage. These charges vary based on the service provided and the resource required to provide the service.
- 4.2 In recent years, increasing numbers of local authorities are now charging for a pre-application service and a number of SuDs authorities have implemented charging schemes. There are a number of different charging models in place and considerable variation as to the amount charged, the service offered and the exemptions that apply. Local authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003, although there is Government expectation that there is some element of free advice. It is clear from the legislation that where charges are made, they should not exceed the cost of providing the service.
- 4.3 In deciding whether and how much to charge, careful consideration needs to be given to potential unintended consequences. This includes setting a rate that deters engagement, leading to poorer quality developments and delays in planning decisions.
- 4.4 In addition, it is also noted that any charge introduced should be consistent with other services for which KCC charges in a similar capacity. To this end, a wider review of charging is currently being undertaken within the GET Directorate. This work is considering the charging schemes in place, the consistency of existing rates and services for our customers and whether these meet customer needs. The work is expected to report to Environment and Transport Cabinet Committee (E&TCC) in 2017. Should revisions be proposed to existing schemes, these will need to be reported to E&TCC and agreed by the Cabinet Member for Environment and Transport.
- 4.5 In light of the timescale for this wider review, an interim chargeable SuDs pre-application advice service is proposed, which will allow the service to start charging from January 2017 and enable it to begin recovering costs as soon as possible.

5. Proposed Charging Scheme

- 5.1 The proposed interim rate schedule for SuDs is to be based on the service currently offered by the Planning Applications Group. This interim scheme would be reviewed as part of the wider GET review of charging referenced in para 4.4.
- 5.2 Since 2011, the Planning Applications Group has provided a chargeable pre-application service. It charges for bespoke planning advice either given verbally at a meeting or in writing for applications that are to be determined by the County Council. There is an element of free advice and unlike some other charging authorities, the rate is the same irrespective of the complexity of the proposal or the number of officers involved. Where a developer seeks the

views of additional specialist services i.e. ecology, then the scheme enables the recharging of the specialist service cost. In practice, however, the take up of specialist service views to date has been minimal.

- 5.3 The proposed charging schedule is set out in **Appendix A**. A limited range of guidance would be freely available to individual home owners who have specific flood related issues which may impact their own house and to local community groups, parish councils or Flood Forums on works proposed to improve local communities. Standing advice for specific development scenarios and types will also be available on line. Charges would apply for written and verbal advice for all other discretionary flood management requests.
- 5.4 The proposed Charging Scheme is to be reported to Kent Developer's Group in December 2016. This engagement will raise awareness of the scheme and afford an opportunity for representatives of the development industry to comment on the proposal. Any views raised will be considered by the Cabinet Member prior to implementation of the scheme.

6. Corporate Policy Implications

- 6.1 The proposed charging scheme will support and aid delivery of a number of corporate and partnership strategies. In particular, it will underpin policies within the Strategic Statement 'Increasing Opportunities, Improving Outcomes by supporting and facilitating new growth in the Kent economy and the creation of a high quality built environment. In addition, the work has a role to play in the delivery of the Kent Environment Strategy and the Kent and Medway Growth and Infrastructure Framework.

7. Financial Implications

- 7.1 The proposal would recover the costs of providing pre-application advice to developers on sustainable drainage matters.

8. Legal Implications

- 8.1 The Local Government Act 2003, section 93 enables local authorities to charge for discretionary planning services.

9. Equalities Implications

- 9.1 An Equalities Impact Assessment (EQIA) has been undertaken to support the work. It concluded that the introduction of the charging scheme is unlikely to have any specific adverse or positive impacts upon the identified nine characteristics. Further details are set out in Appendix C.

10. Conclusions

- 10.1 This report seeks the introduction of an interim chargeable pre-application service for sustainable urban drainage advice to developers pending a wider review on charging within the Growth, Environment and Transport Directorate. The proposed charging scheme is attached at **Appendix A**. The

proposed scheme is to be discussed at the Kent Developers Group in December 2016. Subject to the views of this Committee and those raised by the Kent Developers Group, the Cabinet Member is asked to agree the interim charging scheme for implemented.

11. Recommendation(s)

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on a proposed decision to introduce a pre-application charging service for sustainable urban drainage advice to developers as set out at **Appendix A** of this report for engagement with representatives from the development industry via the Kent Developers Group.

12. Background and Appended Documents

12.1 Sustainable Urban Drainage – Planning Application Advice – Charging Schedule 2016 - **Appendix A**

Proposed Record of Decision – **Appendix B**

Equality Impact Assessment – **Appendix C**

13. Contact details

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SUSTAINABLE URBAN DRAINAGE – PLANNING ADVICE CHARGING SCHEDULE

1	Free Advice	<p>Free advice is available to (1) individual home owners who have specific drainage or flood related issues which may impact their own house for development; (2) Local community groups, Parish councils or Flood Forums on works proposed to improve local communities.</p> <p>Standing advice for specific development scenarios and types will also be available on line from kent.gov.uk</p>	No Charge
2	<p>Site enquiry or Flood risk assessment enquiry Site location is defined but development proposal is not detailed.</p>	<p>Written advice in response to written enquiry Review of a site location to identify geographical, geological and flood risk constraints; provision of bespoke comments and advice on preferred concept; sign-posting of further information sources; support and advice available. With a written response provided within 14 days of fee payment.</p>	£200 + VAT
3	<p>Site enquiry or Flood risk assessment enquiry for residential or commercial development <u>where</u> the development proposal is detailed</p>	<p>Meeting on site or at an office location external to KCC One officer attending one meeting on site or other office to review preliminary drainage strategy, provide bespoke comments and advice, and includes confirmation of agreed principles (does not include minutes of meeting) with a written response provided within 14 days of meeting. Total time including meeting and travel not to exceed 4 hours.</p>	£400 + VAT
4	<p>Site enquiry or Flood risk assessment enquiry for residential or commercial development <u>where</u> the development proposal is detailed</p>	<p>Meeting at County Hall or other KCC office if agreed One officer attending one meeting at an agreed KCC office to review preliminary drainage strategy, provide bespoke comments and advice, and includes confirmation of agreed principles (does not include minutes of meeting) with a written response provided within 14 days of meeting.</p>	£300 + VAT

		Total meeting time not to exceed 2 hours.	
5	Site enquiry or Flood risk assessment enquiry for residential or commercial development <u>where the development proposal is detailed</u>	Written advice after meeting Formal response to details or information submitted in direct response to meeting as follow up to KCC comments. Response provided within 21 days of submission of information.	£150 + VAT
6		Any additional correspondence requested beyond initial meeting; reviews not within our statutory requirements; applications already approved or previously submitted to LPA will be charged at an hourly rate. EIA Screening, scoping or any matters relating to master-planning or where other authorities are taking the lead may need to be charged outside the defined schedule.	Depending upon complexity - price upon application Based upon hourly rate

The type of pre-application advice that is provided will depend upon whether the development proposals are at a generic or detailed stage. Where the site location is defined but the development proposal is not detailed, then a written advice option as set out in (2) above is available. The County Council can provide:

- A review of the site location with respect to ground conditions and National surface water mapping
- A summary of any historic flood incidents that have occurred on the site or within the related locality as held on KCC databases or reports
- A review of drainage assets or natural drainage systems, including ordinary watercourse or known public sewers that are within the locality that require consideration
- A statement of any other flood issues or ground conditions that should be considered within the proposed development
- Advice on the type and nature of surface water drainage that could be designed into the relevant development
- Information about flood risk consenting that may be required for the proposed development
- Listing of other information sources that may be referenced but not sourced by KCC

If a detailed development layout has been developed then the enquirer is advised to arrange a pre-application meeting.