

# Bridgend County Borough Council

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



BRIDGEND COUNTY BOROUGH COUNCIL - COMMUNITIES DIRECTORATE - DEVELOPMENT GROUP

### **CHARGING FOR PRE-APPLICATION ADVICE - GUIDANCE NOTE**

**Updated Version effective from 3 April 2023**

The Council has operated a paid for pre-application advice service since April 2011. We encourage and welcome the opportunity to provide advice before an application is made.

The *Planning (Wales) Act 2015* (6<sup>th</sup> July 2015) introduced new pre-application processes that will be key to the effective frontloading of applications.

Section 18 of the Act introduced a new statutory requirement for Local Planning Authorities (LPAs) to provide a pre-application advice service.

The regulations set a standard, national fee for the purposes of the statutory pre-application service and this came into force on 16<sup>th</sup> March 2016 under Parts 1 and 2 of the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016*. The regulations require LPAs to provide a **written response** to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant.

Any additional written advice from, or meetings/site visits with, LPAs regarding a pre-application enquiry will **not** form part of the statutory (basic level) service.

However, the Welsh Government actively encourages LPAs to provide a more comprehensive pre-application service over and above the statutory minimum and recognise that this may be subject to a discretionary charge under section 93 of the *Local Government Act 2003*.

Our aim is to enable and promote high quality development. We have reviewed our pre-application advice charging schedule and, whilst we have increased the charges compared to 2011 levels, they will enable us to provide a more responsive and professional service which will reduce uncertainty and be highly cost effective for people preparing a planning application.

A new guidance note was adopted in June 2016, the pre-application process was reviewed in the Autumn of 2018 and an updated guidance note came into force on Monday 1<sup>st</sup> April 2019 following a report to the Development Control Committee. Following a further report to Cabinet on 18<sup>th</sup> May 2021, the LPA updated the Guidance Note to include the provision for Planning Performance Agreements with developers (on a cost recovery basis) and to introduce additional cost recovery measures. This current guidance note accommodates the recent increase in inflation of circa 10%.

These fees are in addition to the fees payable for the submission of applications. If you make an application having received advice for which you have paid, the full application submission fee remains applicable.

The advice is intended to help you understand the best way to go about seeking permission and offer the option of the statutory level of service or a more bespoke, flexible and comprehensive non-statutory level of service.

The main changes to how we have previously applied our pre-application advice service are:

- a tailored and equitable charging system related to the type and scale of development proposed;
- a new charge for householder design advice to cover the time and cost of assessing a domestic extension etc.;
- a bespoke and comprehensive advice service to include the option of undertaking meetings and site visits; and,
- an initial free “scoping” meeting with developers on major developments (of up to an hour) to identify the information required to be included with a pre-app submission and the required input from other departments of the Council and statutory consultees such as the Highway Authority and Public Protection etc.

There are considerable benefits in seeking our advice as:

- It gives you an opportunity to understand how our policies will be applied to your development.
- It can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscaping, noise, flooding, transport, contaminated land, ecology or archaeology.
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more quickly.
- It may lead to a reduction in time spent by your professional advisors in working up proposals.

**It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application.**

You may be able to find the information you need on the planning pages of our website [www.bridgend.gov.uk/planning](http://www.bridgend.gov.uk/planning) or on the Planning Portal's website [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

Householders seeking to extend their homes can access our website to establish if planning permission is required and can also access our Supplementary Planning Guidance advice on householder development. However, we are introducing a new charge for responding to queries as to whether a proposal is a form of permitted development or not due to the resource implications of providing this advice.

## **WELSH GOVERNMENT STATUTORY PRE-APPLICATION ADVICE SERVICE**

The Welsh Government's Statutory Pre-Application Advice Service specifies that developers must submit **a completed pre-application advice enquiry form** containing information on their proposal to enable a response from the LPA. As a minimum they will be required to provide:

- Name, address and contact details
- Description of the proposal (including an indication of any increase in floorspace and/or number of new units proposed)
- Site Address
- Location Plan
- Fee

The fees that will be levied for the statutory pre-application service are the same across Wales, although they vary depending on the size and scale of the proposed development as follows:

- Householder - £25
- Minor development - £250
- Major development - £600
- Large major development - £1000

The *Town and Country Planning (Development Management Procedure) (Amendment) Order 2015* provides the following definition:

“householder application” means an application for—

- (a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
- (b) change of use to enlarge the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwellinghouse but does not include—
  - (i) any other application for change of use,
  - (ii) an application for erection of a dwellinghouse, or
  - ( ) an application to change the number of dwellings in a building;

Large major development is defined as development exceeding 24 dwellings, or 0.99 hectares, or 1,999 square metres.

We will send you an acknowledgement of your request for pre-application advice upon receipt of a valid enquiry.

As a minimum, applicants for householder developments should expect to receive the following information within their written response:

- The relevant planning history of the site
- The relevant development plan policies against which the development proposal will be assessed
- Relevant supplementary planning guidance (i.e. design, conservation etc.)
- Any other material planning considerations
- An initial assessment of the proposed development

For all other development proposals, applicants will receive all the information outlined above, as well as advice as to whether any Section 106 Legal Agreement contributions are likely to be sought and an indication of the scope and amount of these contributions.

Without payment of the appropriate fee, the LPA will be under no obligation to accept and process a pre-application enquiry form.

Advice for listed building consent applications and advertisements can only be provided through the non-statutory service offered by the local planning authority. Article 4 of the *Town and Country Planning (Pre-application Services) (Wales) Regulations 2016* stipulates that qualifying applications are applications for planning permission made to a local planning authority for the development of land.

## BCBCs NON-STATUTORY PRE-APPLICATION ADVICE SERVICE

We will always ask you to write to us with details of your proposal if you want us to comment on a particular building, extension, design etc.

For **all enquiries under the non-statutory service** you will need to send us the following as a minimum:

- Written details of the address and proposal;
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put;
- Site location plan with the site clearly marked (to a recognised scale, north point etc);
- Sketch drawings providing details of the proposal (to a recognised scale);
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Full contact details including phone number and email address;
- The appropriate fee – **The enquiry will not be registered on the system and no detailed work will be undertaken until the full fee has been paid;**
- An initial draft Design and Access statement and/or Heritage Statement;
- Access and parking arrangements;
- The submission may also need to be accompanied by ecological, landscape, ground contamination, flood and transport assessments depending upon the location, nature and complexity of the development.

### WHAT WE WILL DO

On receipt of your initial enquiry, we will decide whether it requires pre-application advice and what type of advice is most suitable. We will then check that the appropriate fee has been paid. If it has not, we will contact you confirming that we will not progress your enquiry until the appropriate fee has been paid.

Once the fee has been paid, your enquiry will be allocated to an appropriate officer.

We will aim to reply to your enquiry within the target response periods as outlined in the charging schedule. However we cannot guarantee a response within this time period as we may be awaiting consultation responses etc. and we will contact you to agree a time extension. In particularly complex cases, more time may be needed and we will advise you when you can expect a reply.

If we do not have enough information to answer your enquiry then we will write to you by letter or email, setting out what information we need. If the enquiry relates to a major proposal then you will be contacted by the officer allocated to your enquiry, who will confirm whether there is sufficient information to provide advice and, if not, will ask for additional information. In either case, the clock will stop until all of the information is received.

Where a site visit or meeting is sought, we will arrange a suitable date depending on the complexity of the scheme and the amount of work that will be needed beforehand. This may include any time necessary to obtain initial views from other interested parties such as the Highways Engineer, Building Conservation Officer etc. However, no meetings will take place without prior sight of the requested information.

Attendance of other officers at the meeting, including specialist advisors, will be at our recommendation and will require the payment of additional fees (see Charging Schedule below).

Following the site visit/meeting, we will confirm the advice in a formal letter.

Should a further meeting be required, the scope for such a meeting will be established beforehand together with the relevant fee which must be received together with any relevant document before the subsequent meeting.

Meetings will take place at the Civic Offices, Bridgend.

The Development and Building Control Manager has the right to decline a request for pre- application advice where it is considered that it is either inappropriate or unnecessary.

# WHAT ARE THE CHARGES?



## BRIDGEND COUNTY BOROUGH COUNCIL DEVELOPMENT MANAGEMENT

### Guidance on Pre-Application Charges – Welsh Government Statutory Service from 16<sup>th</sup> March, 2016 BCBC Non-Statutory Service from 13<sup>th</sup> June, 2016 – updated 3<sup>rd</sup> April, 2023

Category/Scale of Development	WG Statutory Service - Written Advice Only	Non Statutory Service - Written Advice/Response Only	Written Advice and a Meeting (site or office)	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date (Days)
Householder Advice re: Permitted Development	-	£46.50	£61	£29	14
Other Permitted Development Enquiries:	-				14
• Agricultural and Forestry development		£58.50	£87	£58.50	
• Telecommunications Operators proposals		£58.50	£87	£58.50	
• Changes of Use of land and buildings		£58.50	£87	£58.50	
• Commercial/industrial development		£58.50	£87	£58.50	
• Non-domestic micro-generation/renewable energy schemes		£58.50	£87	£58.50	
• Domestic micro-generation/renewable energy schemes		£29	£58.50	£29	
• Temporary Uses and Buildings		£29	£58.50	£29	
Householder design advice (non-statutory service suspended until further notice)	£25	£105	N/A (site visit inc. in fee)	£58.50	21
Planning History Search	-	£46 per plot/site for applications since 1996 £92 per plot/site for applications since 1976	N/A	N/A	21

<b>PD Rights Removal</b>	-	£58.50 per plot	N/A	N/A	21
<b>Compliance with Conditions/Notices</b>	-	£58.50/£174.5	£116/£346	N/A	14
<b>Works to Protected Trees</b>	-	£58.50	£116	£58.50	14
<b>Minor Agricultural and Forestry Development</b>	-	£174.50	£291	£116	21
<b>Minor Commercial Development/CoU* (up to 500 sq. m. gross floorspace)</b>	£250	£291	£407	£232	21
<b>Minor Works to Listed Buildings/in Con Areas</b>	-	£116	N/A (site visit inc. in fee)	£58.50	21
<b>Adverts</b>	-	£116	£174.50	£116	21
<b>Copies of Decision Notices</b>	-	£18	N/A	N/A	7
<b>Copies of S.106 Legal Agreements</b>	-	£18	N/A	N/A	7
<b>Copies of TPO</b>	-	£18	N/A	N/A	7
<b>Confirmation conditions/S.106 have been discharged</b>	-	£116	£174.50	N/A	14
<b>Pre-Purchase Certificates/Completion Certificates</b>	-	£331.50 for individual houses £552.50-1105 for larger	-	-	21
<b>Pre-submission Validation Check</b>	-	£99.50- £221 depending on the	-	-	-
<b>Completing NRW Derogation licence questionnaires</b>	-	£276	-	-	-
<b>Highway Stopping Up Orders required by Planning Permission</b>	-	Hourly rate and legal fees or publicity requirements	-	-	-

\* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8



<b>Category/Scale of Development</b>	<b>WG Statutory Service - Written Advice Only</b>	<b>Non Statutory Service - Written Advice/ Response Only</b>	<b>Written Advice and a Meeting (site or office)</b>	<b>Additional Written Advice and/or Meetings</b>	<b>Target Response Time from Enquiry or Meeting Date</b>
<b>Larger Scale Development</b>					
<b>New dwellings/conversion to residential</b>					
<b>1-2 dwellings</b>	£250	N/A site visit inc.	£407	£116	21
<b>3-4 dwellings</b>	£250	N/A site visit inc	£580	£232	28
<b>5-9 dwellings (inc. Planning Obligations)</b>	£250	N/A site visit inc	£1160	£348	35
<b>Rural Enterprise Dwelling</b>	£250	N/A site visit inc	£696	£291	35
<b>Barn Conversions</b>	£250	N/A site visit inc	£580	£232	28
<b>Agricultural and Forestry Development (500-1000 sq. m.)</b>	£250	£348	£464	£174.50	28
<b>Commercial Development/CoU * (500 – 1000 sq. m.)</b>	£250	£871	£987	£291	35
<b>Non-PD Domestic Scale Renewable Energy</b>					
- <b>Small Scale Hydro Schemes</b>	£250	£291	£407	£116	28
- <b>Solar Panels/Photovoltaics</b>	£250	£291	£407	£116	28
- <b>Single Turbines up to 40m to blade tip</b>	£250	£580	£696	£232	35

\* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

\*\* To be confirmed by the Planning Officer based on the details provided

Category/Scale of Development	WG Statutory Service - Written Advice Only	Non Statutory Service - Written Advice/ Response Only	Written Advice and a Meeting (site or office)	Additional Written Advice and/or Meetings	Target Response Time from Enquiry or Meeting Date
<b>Major Development (N.B. first scoping meeting with Officers is free)</b>			<b>Maximum – fee to be agreed following initial scoping meeting (Minimum Fee of £1000)</b>		
<b>10 or more dwellings (or 32 dph) inc. Planning Obligations</b>	£600 < 25 units £1000 > 24 units	N/A site visit inc. N/A site	£2991 £5801	£1160 £2991	35 42
<b>Agricultural and Forestry Development (&gt; 1000 sq. m.)</b>	£600 < 2000 sq. m. £1000 > 1999 sq.	N/A site visit inc. N/A site	£1740 £2901	£580 £1160	35 42
<b>Commercial Development/CoU * (&gt; 1000 sq. m.)</b>	£600 < 2000 sq. m. £1000 > 1999 sq.	N/A site visit inc. N/A site	£3481 £5801	£1160 £2901	42 42
<b>Commercial Renewable Energy Schemes (inc.</b>					
- <b>Hydro Schemes</b>	-	N/A site visit inc.	£580	£116	35
- <b>Waste to Energy Schemes</b>	-	N/A site visit inc.	£5801	£348	42
- <b>Solar Parks/Farms</b>	-	N/A site visit inc.	£5801	£580	42
- <b>Wind Farms</b>	-	N/A site visit inc.	£5801	£871	42
<b>Winning and Working of Minerals</b>	£600	N/A site visit inc.	£5801	£580	42
<b>Waste Development</b>	£600	N/A site visit inc.	£5801	£580	42

\* Pre-app advice fee to be determined by Planning Officers in conjunction with Economic Development e.g. for employment uses B1, B2 or B8

### **Exemptions**

Town Council/Community Council Enquiries (except for Commercial Development)

Registered Charities (excluding Housing Associations)

Other BCBC Service Areas

Non-profit making groups/Community Interest Companies/Churches etc.

Conservation advice - urgent structural repairs to Listed Buildings only

Works that are required to improve facilities and access for the registered disabled  
(that would not be subject to a planning application fee)

### **Specialist Advice**

### **Additional Cost Per Hour (inc. meetings/site visits)**

BCBC Ecologist	£60
BCBC Highways	£60
BCBC Building Conservation/Heritage	£60
BCBC Public Protection	£60
BCBC Economic Development	£60
BCBC Parks	£60
BCBC Land Drainage/SuDS	£60
BCBC Tourism	£60

## **PLANNING PERFORMANCE AGREEMENTS (PPAS)**

The main purpose of a PPA is to provide a framework, agreed between the Local Planning Authority (LPA) and the applicant or potential applicant, about the process for considering a major development proposal.

There is no standard PPA as each one is likely to be unique to its particular circumstances.

The Local Government Act 2003 allows Councils to make charges for additional services. In the case of a PPA, the additional services would include the cost of engaging temporary or agency staff to backfill officers engaged full time in working on the project or to procure specialist advice to assist in the determination of the proposal. The use of a PPA would allow a project management approach to major developments, with a dedicated project manager and/or team, whilst not compromising business as usual work streams.

A PPA should be viewed as an efficiency tool, which provides a clear timeframe to progress significant development proposals with associated economic benefits as well as where necessary additional resource is provided to ensure service continuity.

The process that a PPA sets out will vary according to the number and complexity of the issues to be considered and the type of development proposed.

Relatively modest development proposals with straightforward planning issues may not benefit from a PPA approach, although even smaller scale schemes may require specialist input for example ecological, landscape and visual or highways expertise. In this case the determination period will likely be extended and additional resource needed to allow the LPA to make an informed, on balance, decision or recommendation. Most large scale or significant development proposals will require some form of additional or extraordinary input and the PPA will agree the extension to determination periods, which is allowable under current regulations.

A PPA could be agreed by way of a mutual understanding between the parties or by way of formal agreement. In most cases, some form of written agreement will be required in order to agree timescales. This will be more pertinent when there is a financial contribution over and above the normal planning fee, which would be used to provide any additional resources necessary to determine the application.

A PPA should not be considered as a means of 'buying' a planning consent or circumventing the normal planning process. Notwithstanding any agreement on the use of a PPA for any particular planning application, it is a requirement under planning law for each planning application to be considered on its merits, taking into account all material considerations including national and local land use policy. It will be highly unlikely that a LPA will enter a PPA related to a development that has little or no chance of receiving a favourable recommendation.

Common elements of a PPA:

- The agreement is usually drawn up prior to the submission of a planning application.
- The LPA and the prospective applicant will be signatories to the agreement.
- As a general principle, the agreement should be as simple as possible, consistent with a proportionate approach to the scale of the proposal and complexity of the issues raised.
- The agreement should include one or more agreed milestones to define the process of considering the development proposed, including an agreed date by which an application will be determined by the LPA.
- The agreed determination date will supersede the normal statutory time limits.
- The simplest PPAs will be an agreement between the Council and the applicant, setting an appropriate determination date for a planning application.
- More often than not, the PPA will be agreed during pre-application discussions to set out the scope and timetable for pre-application engagement and subsequent submission and determination of the planning application.
- An additional financial contribution to cover any extraordinary costs, over and above the planning fee, will be agreed.

Principally PPAs would be used for larger development schemes (major and above) but could also be used for any type of development that requires an extraordinary response from the LPA. This could include renewable energy schemes or essential development on sensitive sites.

PPAs could also be used as part of a response to consultations on Developments of National Significance (DNS) applications. These applications are submitted to and determined by the Welsh Ministers via the Planning Inspectorate, which takes most of the planning fee. In this case, the local authority will be a statutory consultee and will be responsible for discharging the conditions and any subsequent enforcement. It is essential therefore that any costs incurred by securing critical advice can be recovered from the developer.

## **WHAT THE COSTS COVER**

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

The HMRC have confirmed through the CIPFA VAT Committee that the statutory pre-application service provided by Welsh LPAs is to be treated as non-business and outside the scope of VAT. The non-statutory/discretionary service will remain VAT-able and the charging schedule above includes VAT.

For major developments, a 'free' scoping meeting of up to 1 hour will be offered. The purpose of the scoping meeting is to allow the potential developer to explain and outline their scheme and for the LPA to identify the main issues. Some very basic guidance will be provided but there will not be any qualitative advice at this stage. Following the meeting, the case officer will provide a written schedule outlining the scope of the PE, which Sections from the Council will be involved, a breakdown of the cost of providing the formal pre-application advice and a draft timetable for meetings/responses. It is then up to the applicant whether to engage our more detailed PE service or use the more limited statutory system.

The level and nature of staff attending the initial scoping meeting will be dependent on the nature of the development. Very large scale proposals will involve the Group Manager – Development, the Development and Building Control Manager and/or the Development Planning Manager.

Each project or separate site referred to in an enquiry will be charged at the appropriate rate. Sites may not be artificially divided in an attempt to attract a different tariff. Multiple requests will attract the appropriate multiple fees. The Development and Building Control Manager has the right to determine the fee. In the event of any disputes, the issue will be referred to the Head of Regeneration and Development whose decision will be final. Where the appropriate fee is not paid within 15 working days after a reminder, no response will be given.

We would prefer payment to be made by credit card by telephoning the department (Tel. No. 01656 643675) where the payment can be taken.

## **PLEASE NOTE**

Our pre application advice service is offered to both developers and individual applicants including householders. In either case there are some general points which you should take into account before you contact us:

- Try to contact us at the earliest reasonable opportunity in your project;
- Undertake some initial research yourself including looking at our notes on how to submit a valid application;
- Sound out the views of those who may be affected by your proposals;
- Remember the more information you can give us, the more accurate and helpful our response can be - vague proposals can receive only vague advice. The key to the success of this service will be you providing us with adequate information in advance - this is set out in more detail in the documents mentioned above; and
- On complex issues be prepared to seek private professional help - our service is not intended to be an alternative to employing professional consultants.

We will always do our best to give you the best advice we can on the information which is to hand. However, you need to be aware that any advice given by Council Officers for pre application enquiries does not constitute a formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith, and to the best of our ability but without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It will be made by the Development Control Committee or by planning officers and be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s). However, any pre application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position.

Please note that the weight given to pre application advice will decline over time, and can be superseded by new government advice or new planning policies.

Fees are non-refundable.