



Development Control Committee	Thursday, 12 May 2016	Matter for Decision
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Title: **Local Development Orders – Fees**

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1. Introduction

1.1 To seek approval of the proposed fee regime for Local Development Orders.

2. Recommendations

2.1 It is recommended that Members approve:

- (i)** The principle of charging fees for Local Development Orders.
- (ii)** That the scale of charges are set at:
 - a)** 100% of the appropriate pre application charge as per the Council's existing scale of charges
 - b)** 50% of the relevant full planning application fee as per the Council's existing scale of charges for a Certificate of Compliance.

3. Information

3.1 At its meeting on 28 May 2015 this Committee resolved to proceed with the preparation of Local Development Orders for three sites in the Borough.

3.2 Essentially, a Local Development Order grants planning permission for types of development which the Council deems to be suitable on a site. The Orders are site specific only. However a developer would still have to submit documentation and plans to the Council to illustrate their intentions for the site. It would then be up to the Council to decide whether or not the proposal conforms to the adopted Local Development Order, the conditions and design principles. If it is felt that a proposal does conform a Certificate of Compliance would be issued and building could begin.

3.3 The Council has the opportunity to consider charging fees in relation to Local Development Orders. There are two potential elements - pre-application stage and the issue of a Certificate of Compliance. The level of charging is not set down in legislation and is at the discretion of the local planning authority but should reflect the aim of the Local Development Order to promote development and regeneration, for example, by offering a discount on the equivalent planning application fee levels.

3.4 The Planning Advisory Service offers the following advice in relation to fees associated with Local Development Orders.

‘5.6 Fees

It is possible for the costs of the work to create the Local Development Order to be recovered, at least in part, if a fee proportionate to the costs is charged at the point where a certificate of conformity/prior approval submission is made. It will be for the local planning authority to reach a decision on whether to reclaim these costs taking into account various circumstances including whether the Local Development Order has been developed collaboratively with the landowner or developer with some elements of cost sharing and how important a priority the regeneration is for the council’s agenda. Similarly the costs involved in considering the conformity and or conditions submissions can be reimbursed through a fee proportionate to the costs involved. For the landowners and development community there are clear benefits to working collaboratively and sharing costs with the council in order to gain a surer and quicker route through the planning system. Alternatively, paying a fee at the time that a conformity certificate application is submitted – even if that fee is higher than a normal planning application fee - also probably represents a good deal to the developer in the context of not having had to undertake the preliminary site investigations as part of the pre-application/design phase.’

- 3.5 The opportunity is available to charge at the pre application stage and for considering the issue of a Certificate of Compliance that the developer’s proposals accord with the Local Development Order.
- 3.6 In relation to the Certificate of Compliance the ‘Guide to Planning Applications in England (issued April 2015) makes reference to a fee at 50% for a ‘Lawful Development Certificate’ for a proposed use or development. On the basis that there will be a similar level of work involved for officers for a Certificate of Compliance then it is suggested that a fee of 50% of the equivalent planning application fee is proportionate and transparent. This approach has also been taken by Swindon Borough Council.
- 3.7 The pre application stage is likely to be similarly as onerous as for a detailed planning application and therefore charging 100% of the appropriate pre application charge as per the Council’s existing scale of charges is considered to be appropriate.

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Implications	
Financial	The proposed fee regime is based at a level that is anticipated to cover the cost of providing the service. It would however entail a lower level of fee income than might arise for a routine planning application or applications – were those to be forthcoming without the promotion of the proposed Local Development Orders. However, this reflects the aim of the Local Development Order to promote development and regeneration.
Legal	There is no legislation relating to the charging of fees for an application subject to a Local Development Order. The fee regime can be set by the local planning authority.
Risk	CR9 – Economy The Local Development Order will assist in bringing forward development and delivering the overall economic regeneration of the particular sites and the wider area. This will help the Council to

	promote investment in the town centres and to continue delivering housing thus protecting greenfield land from development
Equalities	An Equalities Impact Assessment has been prepared.