

Planning Committee

10.00am, Friday, 24 March 2023

Changes to the pre-application advice service

Executive/routine Wards Council Commitments	All
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1. Recommendations

- 1.1 It is recommended that the Planning Committee agrees:
 - 1.1.1 That the proposed changes to the Council's pre-application advice service and the proposed charges for providing pre-application advice be implemented from 1 April 2023;
 - 1.1.2 That the Planning Fees Charter and Scale of Fees will be updated to reflect the proposal;
 - 1.1.3 That a follow-up report be brought to Planning Committee 12 months after the implementation date; and
 - 1.1.4 The proposed amendments to the pre-application advice service principles.

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Changes to the pre-application advice service

2. Executive Summary

- 2.1 This report proposes changes to the pre-application advice (PAA) service that the Council provides to customers in advance of receipt of a planning application. To enable the delivery of an improved service and to achieve full cost recovery, it is proposed to alter the existing PAA service and charging scheme. These changes respond to customer feedback and officer experience since the implementation of charges for PAA in July 2019.

3. Background

- 3.1 PAA is the provision of advice to a prospective applicant before a planning application has been submitted. The Council offers two tiers of PAA, generic and bespoke. Generic advice is provided without charge on the Council website and via the planning helpdesk, which customers can use to inform themselves of the likely acceptability of a given proposal. Bespoke advice is tailored advice on a specific proposal, based on information provided by the customer.
- 3.2 Whilst providing PAA is not a statutory planning function, the Council provides this service to support the efficient operation of the planning system, as it can help improve the quality of applications received and provides a level of additional certainty to customers. Importantly, PAA is provided strictly without prejudice to Planning Authority's determination of any subsequent planning application.
- 3.3 Since July 2019, the Council has charged for providing bespoke advice with the objective of achieving overall cost recovery, where charges for PAA are set at a level that is to equal the cost of providing the PAA service.
- 3.4 The Council has reviewed the way in which it provides PAA with a view to improving the quality of the service received by applicants, reflecting on customer feedback and the experiences of the service since implementation of the existing PAA service in July 2019. This review identified that whilst the PAA service has historically been received well by customers, the amount of officer time used to provide PAA has been more than initially envisaged. This has meant the intended full cost recovery has not been realised.

4. Main report

Pre-application advice service

- 4.1 It is proposed to change the PAA service to improve the level of customer service, standardise the offer to customers, and ensure its long-term sustainability. However, it is intended that the existing principles that underpin the PAA service, adopted in May 2019, are broadly maintained. The existing principles are set out in Appendix 1 and the proposed updated principles are set out in Appendix 2.
- 4.2 The service is divided into three categories, Local development (small), Local development (medium) and Major/national development.
- 4.3 The Council does not currently offer PAA for householder developments, advertising and signage, or simple changes of use/alterations on the basis that the generic advice provided is likely to be sufficient for the preparation and submission of these types of application. It is not proposed to change this.
- 4.4 In broad terms, the existing level of service is to be maintained, however simplification of the charging schedule is proposed. For the Local development (small) category, feedback from customers and officers indicated that a streamlined desktop review would provide the optimal level of service for customers, allowing them to receive sufficient additional information and/or understanding of policies applicable to proposals before investing in producing detailed designs. For the Local development (medium) and Major/national development categories, the additional surcharging options have been moved into the standard service. Feedback from customers and officers indicated it was not typically possible to provide an effective quality of PAA should these options not be utilised, resulting in either customer dissatisfaction and/or abortive use of officer time.
- 4.5 It is however recognised that the additional standardisation proposed may have consequences for how the charging schedule adapts to atypical circumstances. As such, it is proposed that options are maintained where, in exceptional circumstances, additional meetings are facilitated, proposals dealt with in another category, or, in the case of an exceptionally large major development, a bespoke agreement is made with the applicant.
- 4.6 In the interest of the continuous improvement of the PAA service, it is proposed to review the updated PAA service as it is implemented, gathering feedback from customers and learning from the process, reporting back to committee 12 months after implementation.

Pre-application advice service charges

- 4.7 The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (as amended) make provision for planning authorities to charge fees for carrying out pre-application discussions.
- 4.8 To account for the context of the proposed standardisation of the PAA service, and of officer time for delivery, it is proposed to increase the charges for PAA in line with the continued objective of overall cost recovery. The existing charging schedule is set out in Appendix 1 and the updated charging schedule is set out in Appendix 2. These prices have been arrived at based on:
- 4.8.1 Data derived from the Costing the Planning Service study produced by the Chartered Institute of Public Finance and Accountancy for 2018 and the extrapolation of its methodology;
- 4.8.2 An annualised average of the number of each category of PAA provided by the Council from July 2019 to January 2023; and
- 4.8.3 Estimates of the impact of the proposed service changes on costs incurred by the planning authority.
- 4.9 No change is proposed to the current fee exemption for works which relate to improved accessibility for people with disabilities.
- 4.10 In line with the proposed 12-month review of the updated PAA service set out in 4.6, it is proposed that the charges for PAA are also reviewed at this time.

5. Next Steps

- 5.1 Should Committee agree the recommendations, the Council will implement the new PAA service and updated fees from 1 April 2023 and the Planning Fees Charter and Scale of Fees will be updated to reflect this.

6. Financial impact

- 6.1 The proposed charging schedule include fees set at a level which it is estimated would cover the Council's annual costs for providing the PAA service, by generating an income for the Council of approximately £613,844 per annum (if demand for PAA is consistent with recent years). This is equivalent to the estimated cost to the Council's planning service of providing PAA plus the estimated costs of input from other Council service areas. As set out in 4.10, it is anticipated that these charges will be reviewed in 12 months to ensure they accurately reflect the true costs to the Council.
- 6.2 It is reasonable to anticipate that the introduction of additional charging may deter some applicants from seeking PAA who would otherwise have done so. This would result in reduced revenue to the Council but would also reduce the costs to the Council of delivering PAA, thereby creating a neutral financial impact.

7. Stakeholder/Community Impact

- 7.1 The Council has engaged with customers about the success of the PAA service. Customers have been requested to complete feedback surveys since July 2019 and a customer forum was also held to discuss the PAA service in March 2021. The outcome of this engagement has informed the proposed changes to the PAA service, and a summary of the feedback received is set out below:
- 7.1.1 Works well, but consistency needs to be improved;
 - 7.1.2 Opportunity for refinement of the service;
 - 7.1.3 Pricing options are confusing;
 - 7.1.4 Inconsistencies between teams; and
 - 7.1.5 Manage expectations at the start of the process and better advice needed.
- 7.2 As set out in 4.6, it is proposed that further feedback will be sought from customers during the implementation of changes to the PAA service, and that this will be incorporated into any proposals made at that time, as well as reported on to committee.

8. Background reading/external references

- 8.1 Changes to the pre-application advice service and Edinburgh Planning Concordat – report to the Planning Committee, [15 May 2019](#).

9. Appendices

- 9.1 Appendix 1 – Pre-application advice service: Existing principles and charging schedule.
- 9.2 Appendix 2 – Pre-application advice service: Proposed principles and charging schedule

Appendix 1 – Pre-application advice service: Existing principles and charging schedule

Pre-application advice service: Existing Principles

- 1.1. PAA will be offered for all prospective applications with the general exceptions of (a) householder enquiries, (b) advertising and signage, (c) simple changes of use and (d) simple alterations to buildings (listed and non-listed). In these four cases, advice will be provided only in exceptional cases at the discretion of the team manager. The Council will reserve the right to decline to provide PAA at officers' discretion.
- 1.2. PAA will be provided only where customers have (a) made a formal application for PAA using the form on the Council website, (b) provided all required information upon submitting the form and (c) have paid the charge upon submitting the form.
- 1.3. Customers who do not have a material interest in the site in question will be eligible to receive PAA on the same basis as customers who do.
- 1.4. Upon receiving a valid application for PAA, the relevant team manager will identify a case officer who will remain the customer's contact for the duration of consideration of the PAA other than in unavoidable situations.
- 1.5. Where proposals involve several consents, a charge will be payable for the aspects which require planning permission. Listed building consent proposals would be classed as part of local or major proposals and included in the charge or if standalone (i.e. with no accompanying planning application) would be charged per the relevant development category. The Council will determine what charge applies.
- 1.6. The level and quality of PAA provided will be consistent across all Planning teams.
- 1.7. For the avoidance of doubt, PAA will represent only the opinion of the planning officer and team manager at that time offered without prejudice and will not at any point constitute a decision on the part of the planning authority or bind the authority to adhere to the PAA. No refunds will be issued based on the outcome of the PAA or the outcome of any subsequent planning applications.
- 1.8. Free PAA will be provided on a self-service basis via resources that customers can freely access on the Council website.
- 1.9. The basic level of chargeable PAA service that customers will be provided with is based upon the scale of their development.
- 1.10. PAA charges will be waived for any development relating primarily to improving accessibility for people with disabilities.
- 1.11. Customers will have the opportunity to pay a surcharge to access optional additional PAA services as set out in Appendix 2.
- 1.12. PAA will be provided in line with the timescales set out in Appendix 2.

- 1.13. All customers will be issued a formal written response from the relevant team manager on behalf of the Council setting out the outcomes of the PAA, to include at minimum (a) clear advice on the overall acceptability of what is being proposed based upon the information that has been provided, (b) advice on mitigating measures which could increase the acceptability of what is being proposed, (c) a list of potential developer contributions and (d) an expiration date for the advice after which it is recommended that renewed advice should be sought.

Pre-application advice service: Existing charging schedule

Category	Charge	Standard service	Optional additional services
Householder developments / advertising and signage / simple changes of use / alterations (both listed and non-listed buildings)	N/A	<ul style="list-style-type: none"> Council website-based resources to enable self-service. 	<ul style="list-style-type: none"> Local development (small) service (in exceptional circumstances, at the discretion of the team manager) = £220 + VAT (£264)
Local development (small) <ul style="list-style-type: none"> Up to 11 residential units Up to 999m² class 4/5/6/other /mixed space 	£220 +VAT (£264)	<ul style="list-style-type: none"> Desktop review by case officer of information submitted electronically. Advice letter provided within 20 working days of submission/validation. 	<ul style="list-style-type: none"> 1 hour face -to- face meeting with case officer = £110 + VAT (£132)
Local development (medium) <ul style="list-style-type: none"> 12 to 49 residential units 1,000m² to 9,999m² class 4/5/6 space 1,000m² to 4,999m² other / mixed space 	£945 +VAT (£1,134)	<ul style="list-style-type: none"> 1 hour inception meeting with case officer; date to be agreed within 10 working days. 1 hour follow-up meeting with case officer. Advice letter (incorporating advice from relevant Council service areas) to be provided within 10 working days of follow-up meeting. 	<ul style="list-style-type: none"> Accompanied site visit by case officer =£220 + VAT (£264) Additional 1 hour meeting with case officer and other service areas = £550 + VAT (£660) Guidance on information required for assessment of an application = £550 + VAT (£660)
Major/national development <ul style="list-style-type: none"> 50+ residential units 10,000m² + class 4/5/6 space 5,000m² + other / mixed space 2 hectares+ site size Other criteria per the Hierarchy of Development Regulations 2009 	£1,100 +VAT (£1320)	<ul style="list-style-type: none"> 2 hour pre-position discussion with case officer, team manager, and other relevant Council officers. 	<ul style="list-style-type: none"> N/A
	£5,400 +VAT (£6,480)	<ul style="list-style-type: none"> 2 hour inception meeting with case officer and team manager; date to be agreed within 10 working days. Accompanied site visit by the case officer. 2 hour meeting with case officer, team manager, other relevant Council service areas, and statutory external consultees 2 hour follow-up meeting with case officer, team manager, and other relevant service areas. 1 hour wrap-up meeting with case officer and team manager. Advice letter provided within a target 10 working days of wrap-up meeting. 	<ul style="list-style-type: none"> Additional 1 hour meeting with case officer, team manager and other relevant Council service areas = £550 + VAT (£660) Guidance on information required for assessment of an application = £550 + VAT (£660)

Appendix 2 – Pre-application advice service: Proposed principles and charging schedule

Pre-application advice service: Proposed Principles

1.1 PAA will be offered for all prospective applications with the general exceptions of:

- 1.1.1. householder enquiries;
- 1.1.2. advertising and signage;
- 1.1.3. simple changes of use; and,
- 1.1.4. simple alterations to buildings (listed and non-listed).

In these four cases, advice will be provided only in exceptional cases at the discretion of a team manager.

The Council will reserve the right to decline to provide PAA at officers' discretion.

1.2 PAA will be provided only where customers have:

- 1.2.1. made a formal application for PAA using the form on the Council website;
- 1.2.2. provided all required information upon submitting the form; and
- 1.2.3. have paid the charge upon submitting the form.

1.3 Customers who do not have a material interest in the site in question will be eligible to receive PAA on the same basis as customers who do.

1.4 Upon receiving a registered request for PAA, the relevant team manager will identify a case officer who will remain the customer's contact for the duration of consideration of the PAA other than in unavoidable situations.

1.5 Where proposals involve several consents, a charge will be payable for the aspect which require planning permission. Where only Listed Building Consent or Conservation Area Consent is required the Council will not generally provide PAA.

1.6 The level and quality of PAA provided will be consistent across all Planning teams.

1.7 For the avoidance of doubt, PAA will represent only the opinion of the planning authority at that time offered without prejudice and does not constitute a decision on the part of the planning authority or bind the authority to adhere to the PAA. No refunds will be issued based on the outcome of the PAA or the outcome of any subsequent planning applications.

1.8 Free PAA will be provided on a self-service basis via resources that customers can freely access on the Council website.

1.9 The basic level of chargeable PAA service that customers will be provided with is based upon the scale of their development. Where a proposal is of exceptional complexity or scale then it may be necessary for it to be dealt with in another category, or for Major/national developments a bespoke charge agreed. This will be at the discretion of the planning authority.

1.10 PAA charges will be waived for any development relating primarily to improving

accessibility for people with disabilities.

- 1.11 PAA will be provided in line with the timescales set out in the Charging Schedule.
- 1.12 All customers will be issued a formal written response on behalf of the Council setting out the outcomes of the PAA.

Pre-application advice service: Proposed charging schedule

Category	Fee including VAT	Standard service
Householder developments / advertising and signage / simple changes of use	N/A	<ul style="list-style-type: none"> Council website-based resources to enable self-service.
Local development (small) <ul style="list-style-type: none"> 1 to 11 residential units Less than 1,000m² class 4/5/6/other/mixed space 	£330	<ul style="list-style-type: none"> Desktop review by case officer of information submitted electronically. Formal advice letter provided within a target 20 working days of registration.
Local development (medium) <ul style="list-style-type: none"> 12 to 49 residential units 1,000m² to 9,999m² class 4/5/6 space 1,000m² to 4,999 m² other/ mixed space 	£1,500	<ul style="list-style-type: none"> 1 hour inception meeting with case officer; date to be agreed within 10 working days. 1 hour accompanied site visit by case officer. 1 hour follow-up meeting with case officer. Advice letter to be provided within a target 20 working days of follow-up meeting.
Additional meetings as required and agreed between case officer and applicant will be charged at £660 per hour for the Local development (medium) Category.		
Major/national development <ul style="list-style-type: none"> 50 or more residential units 10,000m² or more class 4/5/6 space 5,000m² or more other/ mixed space A site size of 2 hectares or more Other criteria per the Hierarchy of Development Regulations 2009 	£1,320	<ul style="list-style-type: none"> 2 hour pre-position discussion with case officer, team manager, and other relevant Council officers.
	£12,000	<ul style="list-style-type: none"> 1 hour inception meeting with case officer and team manager; date to be agreed within 10 working days. Accompanied site visit by the case officer. 2 hour meeting with case officer, other relevant Council service areas, and statutory external consultees if required. 2 hour follow-up meeting with case officer and other relevant service areas. 1 hour wrap-up meeting with case officer. Advice letter provided within a target 20 working days of wrap-up meeting.
Additional meetings for a Major/national development will be arranged between the case officer and applicant, and a bespoke charge agreed.		
Where a proposal is of exceptional complexity or scale then it may be necessary for it to be dealt with in another category, or for Major/national developments a bespoke charge agreed. This will be at the discretion of the planning authority. Information on fee exemptions can be found in the Customer Service Guide.		