

# Worcestershire County Council

## Planning Pre-Application Charging Schedule and Advice

### Introduction

Worcestershire County Council in its role as the County, Minerals and Waste Planning Authority, processes planning applications relating to minerals and waste management proposals and for development it intends to carry out itself (under Regulation 3 of the Town and Country Planning General Regulations 1992), such as schools, libraries, children homes, roads, bridges and railway stations. The County Council welcomes and encourages early discussions with applicants on the merits of a proposal before a planning application is submitted.

From 1 January 2019 Worcestershire County Council's Planning Development Management service is charging for the provision of pre-application planning advice.

Pre-application advice is an essential part of delivering a quality planning service as recognised by the National Planning Policy Framework (NPPF) and the Government's Planning Policy Guidance (PPG). Paragraph 39 to 46 of the NPPF specifically address pre-application engagement. Paragraph 39 and 40 of the NPPF state:-

*"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*

*Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications".*

The Government's PPG follows the thrust of NPPF advice in relation to the importance of planning authorities delivering timely and comprehensive pre-application advice:-

*"A prospective applicant should expect a clear, timely, and authoritative, view on the merits of a proposed development – as well as clear advice on consultation requirements and the information to be submitted with a formal planning application"* (Paragraph Reference ID: 20-010-20150326).

Up to now Worcestershire County Council has provided pre-application advice through informal advice to applicants on the form, content and merits of future planning applications. Many applicants value this service, but the provision of pre-application advice can be costly and requires appropriate resources to make it effective. Local planning authorities are entitled to charge for discretionary services under Section 93 of the Local Government Act 2003 to cover the cost of providing the service.

The introduction of a charging regime for pre-application advice provides a clear and time-bound process for both applicants and planning officers, adding certainty to the procedure and improving the accountability of the advice. The introduction of these charges enables the County Council to sustain and improve the current levels of service provided to applicants, and will offset the cost of supplying this advice and ensure that the costs are recovered directly from the service users rather than falling to council tax payers.

The fees payable for pre-application advice are in addition to the fees payable for the submission of planning applications and the chargeable monitoring of mineral and landfill sites.

### **Why Seek Advice?**

Whilst local planning authorities are not legally obliged to enter into pre-application discussions, the County Council considers that there are considerable benefits in seeking advice before making a planning application. These include:-

- An indication of whether the proposal would be unacceptable in planning terms, saving applicants the cost of pursuing a formal application.
- Highlight the key issues to be addressed in the planning submission.
- A greater understanding of how a proposal would be judged against the relevant planning policies and other material considerations and whether this policy context supports the principle of development.
- An opportunity to shape the proposal at an early stage of the development process which can lead to faster decision making.
- Consideration of how draft proposals may be improved to make the development more acceptable in planning terms.
- Identifying the information required to accompany a formal planning application, to a satisfactory standard, thus reducing the likelihood of delays at the validation stage.
- Gaining site specific information on what is needed for an application to be considered more favourably.
- Identification of the need for specialist input from a range of technical specialists, for example archaeology, drainage, ecology, highways and landscape advice.
- Minimise the need to make further applications to satisfy planning conditions before approved development can commence.
- Provide an opportunity for wider engagement with other stakeholders which can deliver better outcomes for all parties.
- The potential to reduce the time applicants' professional advisors spend working up proposals by identifying issues at the outset, thereby saving applicants money.
- Advice as to whether a Section 106 Agreement will likely be required, and identifying draft Heads of Terms.
- Where appropriate, putting in place a Planning Performance Agreement (PPA) where this would help with managing the process and agreeing any dedicated resources for progressing the application.
- Agree a timetable for the formal application submission.

## How to Obtain Planning Advice

Prospective applicants seeking advice are required to complete a 'Get Pre-Application Advice' form, which is available on the County Council's website at: [http://www.worcestershire.gov.uk/info/20251/planning\\_applications](http://www.worcestershire.gov.uk/info/20251/planning_applications) or by contacting the Development Management Planning team by email at: [DevControlTeam@worcestershire.gov.uk](mailto:DevControlTeam@worcestershire.gov.uk).

The above form sets out what information is required from prospective applicants. Whilst it is recognised that in some cases not all of the information will be available, the more information that can be provided the more tailored and site specific the advice.

## What are the Charges?

The charging schedule is set out in the table below:-

Development Category	What is Included	Fee	For Additional Meetings with Planning Officers (up to 2 hours long) (Each)	Specialist Officers Advice and Attendance at Site Visit or Meeting (Per Additional Officer <sup>1</sup> )	For Additional Meetings with Specialist Officers (up to 2 hours long) (Each)
<b>Category A Development</b>  All proposals for development (including change of use applications and sewage treatment developments) where the site area (red line boundary) is below 1 hectare, or less than 1,000 square metres in floorspace (in total), or waste management related development where the annual throughput to be created would not exceed 25,000 tonnes, or would be an application for one of the following:-	Accompanied site visit or meeting.  Written report detailing comments on the proposal, constraints, policy considerations, site history and advice on validation requirements, within 15 working days of the site visit or meeting.  1 site visit or meeting up to 2 hours (if deemed necessary by the case officer and applicant).	£285	£150	£135	£70

<sup>1</sup> This applies to Lead Local Flood Authority, Archive & Archaeology Service, County Ecology, County Landscape, Public Rights of Way and Planning Policy Officer advice. Please note alternative fee requirements apply in relation to County Highways advice, other consultees may also charge in the future.

<p>Prior approval applications, consent to display an advertisement, discharge of condition applications (Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015), applications for Lawful Development Certificate for an existing use or operation or activity and all applications for a Lawful Development Certificate for a Proposed use or development.</p> <p>It also includes minor material amendments, and removal or variation of condition applications (Section 73 of the Town and Country Planning Act 1990), for 'Category A Development' as outlined above.</p>					
<p><b>Category B Development</b></p> <p>Mineral or waste management related development (including sewage treatment developments), including variations to existing permissions<sup>2</sup>, or other built development, or changes of use, where the site area (red line boundary) is 1 hectare or more, or greater than 1,000 square metres in floorspace (in total), or waste management</p>	<p>Accompanied site visits or meetings.</p> <p>Written report detailing comments on the proposal, constraints, policy considerations, site history and advice on validation requirements, within 20 working days of the initial site visit or meeting.</p> <p>Up to 2, 2 hour site visits and / or meetings.</p>	£520	£150	£170	£70

<sup>2</sup> This includes minor material amendments, and removal or variation of condition applications (Section 73 of the Town and Country Planning Act 1990), for Category B Development.

development where the annual throughput would exceed 25,000 tonnes or handle hazardous waste materials, but excluding 'Category C Development' (as described below).					
<p><b>Category C Development</b></p> <p>All new mineral workings where the site area (red line boundary) is 15 hectares or greater, or involve the extraction of more than 30,000 tonnes of mineral per year, or waste management development where the annual throughput would exceed 50,000 tonnes, or where the site area (red line boundary) is 10 hectares or more, or all proposal which have the potential for a significant adverse environmental impact (i.e. likely to require Environmental Impact Assessment).</p>	<p>Accompanied site visits or meetings.</p> <p>Written report detailing comments on the proposal, constraints, policy considerations, site history and advice on validation requirements, within 20 working days of the initial site visit or meeting.</p> <p>Up to 3, 2 hour site visits and / or meetings.</p>	£925	£150	£200	£70

**Note:** All fees are inclusive of VAT.

If you are unsure of the correct fee or category your proposal falls within, please contact the Planning Development Management team for further advice, email:

[DevControlTeam@worcestershire.gov.uk](mailto:DevControlTeam@worcestershire.gov.uk), Tel: 01905 763763.

### Exemptions

At the discretion of the County Council fee exceptions will usually apply to the following:-

- Advice as to whether planning permission is required (permitted development enquiries).
- Advice on how to submit a planning application or pre-application advice enquiry.
- Advice in connection with applications for non-material amendments (NMA)
- An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted (a disabled person is one to whom Section 29 of the National Assistance Act 1948 applies or a child who is

disabled for the purposes of part III of the Children Act 1989. A medical practitioner's certificate may be required in some cases)

- Works to trees covered by a Tree Preservation Order.
- Enquiries made by a Town or Parish Council and District, City or Borough Council in connection with their statutory functions.
- Advice to third parties affected by development proposals.
- Advice to registered charities and community groups.
- Discussions in relation to planning enforcement investigations, however, pre-application advice relating to planning applications that arise from the need to regularise unlawful development will be charged.
- Requests for Environmental Impact Assessment (EIA) Screening and Scoping Opinions.

Please note that this is not an exhaustive list, and the County Council reserves the right to reduce or waive a fee as considered appropriate in the circumstances.

Please also note an enquiry made for a revised proposal within 3 months of the date of the County Council's response to the initial enquiry will be free of charge provided that:-

- The enquiry is made by the same person as the previous enquiry.
- The enquiry relates to the same site or part of the same site as the previous enquiry.
- The development is of the same character or description as the development to which the earlier enquiry related.
- The revisions are specifically aimed at addressing matters identified in the first pre-app response and advice and do so comprehensively.
- Officers will consider one set of revisions only, multiple revision stages will not be acceptable.
- Further meetings will be at the case officers' discretion, but are unlikely to be necessary.

### **How to Pay the Fee**

Payment can be made by cheque, made payable to Worcestershire County Council and sent to the following address:-

Worcestershire County Council  
Directorate of Economy & Infrastructure  
Planning Development Management  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Alternatively you can pay online by Credit / Debit Card at:

<http://www.worcestershire.gov.uk/pay> then selecting 'secure online payments site' and then 'Planning Applications Fee'.

For proposals involving the County Council's own development the payment should be made by cost code, sent to the Planning Development Management team, email:

[DevControlTeam@worcestershire.gov.uk](mailto:DevControlTeam@worcestershire.gov.uk).

## What the County Council will do?

Within 5 working days of receipt of the pre-application request form, documentation and relevant fee you will be sent an acknowledgement to confirm:-

- That your request has been received;
- The name and contact details of the case officer dealing with the enquiry;

*Cases will be allocated by a senior member of the Planning Development Management team taking into account the likely complexity of the proposal, past knowledge of the site and the relative workloads of the case officers.*

- A unique pre-application reference number that should be used on all correspondence;
- That the fee is correct, or if the fee is incorrect what amount is outstanding; and
- Any additional information that may be required.

Please note that pre-application advice requests that have not been validated due to insufficient information and / or fee will be placed on "Hold". If the requested information and / or fee is not received by the County Council within 30 days of the date of the acknowledgement letter the pre-application advice request will be closed and any pre-application fee that has been submitted will be returned.

Following acknowledgment of a valid request, a case officer will be allocated and will contact you to confirm arrangements for a site visit or meeting within 15 working days. For 'Category A Development' this includes 1 site visit or meeting up to 2 hours long, if deemed necessary by the case officer and applicant. For 'Category B Development' this includes up to 2, 2 hour site visits and / or meetings. For 'Category C Development' this includes up to 3, 2 hour site visits and / or meetings. Additional site visits or meetings can be obtained at additional cost.

For 'Category A Development' a written report will be provided within 15 working days of the site visit or meeting. For 'Category B Development' and 'Category C Development' a written report will be provided with 20 days of the initial site visit or meeting.

The timing of the site visit or meeting will depend upon the complexity of the proposal, the amount of preparation work needed prior to the site visit or meeting and the availability of any specialist advice that may be required. In most cases two planning officers will attend each site visit or meeting. From time to time for training purposes or for more complex planning applications additional Development Management planning officers may attend each site visit or meeting at the discretion of the County Council, but this would be at no extra cost to the applicant.

Specialist advice from internal technical consultees (Lead Local Flood Authority, Archive & Archaeology, County Ecology, County Landscape and Planning Policy Officer) can be sought for an additional fee (see table above). The fee for specialist advice includes attendance at a site visit or meeting. Please note, unfortunately no refund or reduction in the fee will be available should the specialist officer not be required to attend a site visit or meeting.

## **What will our advice contain?**

The pre-application advice may not necessarily be exhaustive, but will be intended to highlight the main issues raised by a proposed development that will need to be addressed and considered as part of the planning application process.

Whilst each proposal will raise different issues, following the meeting the case officer will provide you with a written report with the following areas covered:-

- Informal and unprejudiced advice on the planning merits of the proposal, including indication as to whether or not the proposal is likely to be acceptable in planning terms.
- Comments on the proposal including the key planning considerations which will need to be taken into account in preparing the planning application.
- Advice on whether a formal Environmental Impact Assessment (EIA) Screening Opinion should be sought.
- Planning history search (applications dealt with by Worcestershire County Council only).
- Identification of the relevant constraints affecting the site.
- Identification of the need for any specialist input.
- National and local development plan policies that will be relevant to the proposal and an indication as to whether the proposal is a departure from the development plan.
- Detailed commentary on the type and level of information that will be required to enable the County Council to validate the application.
- Advice on the County Council's development management process, including consultation and publicity processes, estimated timescale for the determination of the planning application and the decision making process.
- Where appropriate identify the need for any pre-submission community engagement.

## **Freedom of Information and Environmental Information Regulations**

Pre-application enquiries, together with any response made by the County Council, will be made available for public inspection, unless applicants can confirm in writing that the information provided is commercially sensitive. If the County Council receives a request, under the Freedom of Information Act 2000 (FOI) or Environmental Information Regulations 2004 (EIR), to disclose information relating to this pre-application enquiry they are obliged to do so, unless the information is deemed exempt under the Act.

The County Council can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to complete the 'Commercially Sensitive Checklist' that should set out the reasons why, and for how long, they feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be disclosed rests with the Council.



## Disclaimer and Important Notes

- No chargeable advice will be provided, or your request considered, without receipt of the relevant fee.
- Meetings are not a compulsory element of the pre-application advice process and will only be conducted where agreed by both parties. Unfortunately no refund or reduction in the fee will be available should a meeting not be taken up.
- Please note the additional fee requirements in relation to County Highways advice, other consultees may also make charges in the future.
- Any advice given about the planning history of the site, planning constraints or statutory designations does not constitute a formal response under the provisions of the Local Land Charges Act 1975.
- The County Council may provide a copy of its pre-application advice to other relevant authorities with an interest in the application (e.g. a District or Parish Council). If you would prefer the County Council not to do so, a statement to this effect should be included with your request for pre-application advice.
- In the interests of timely decision making, the County Council will proceed to determine a valid formal planning application on the basis of the submitted documentation and without further discussion where an applicant has not sought pre-application advice, or where pre-application advice has been given, but that advice not followed in the substance of the submission.
- Planning officers can only give a professional opinion on the merits of a pre-application proposal. Any views or opinions expressed in pre-application advice are made at officer level in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application. It does not constitute a formal response or decision of the County Council.
- The final decision on any application that you make is made only after the County Planning Authority has consulted the local community, statutory consultees and any other interested parties as part of the formal planning application process, and taken into account the comments that they may raise. Advice that has been provided will be considered when reaching a decision or recommendation on a planning application; but is not a material consideration and is subject to the proviso that circumstances and information may change or come to light that could alter that position.
- In no event will the County Council be liable for any loss or damage including without limitation, indirect or consequential loss or damage, or any loss or damage whatsoever arising from or in connection with, the use of the advice.
- The purpose of the pre-application advice is not to draft planning statements or other reports to accompany applications, as that is the responsibility of the applicant. It is recommended that applicants should appoint professional advisers as necessary, particularly on more complex proposals.

- In the event that the detail or the nature of the proposal changes further pre-application advice should be sought. Similarly, once the detail of any proposal has been worked up if not previously available, it may be helpful to seek further advice prior to the submission of an application.
- The Head of Strategic Infrastructure and Economy has the right to decline a request made for pre-application advice where it is not considered either appropriate or necessary.
- The County Council will use its best endeavours to honour the timescales outlined within this document and would normally expect such timescales to be adhered to. Occasionally, however, it may not always be possible to respond as indicated, and in such instances we will communicate this to you at the earliest opportunity.
- The pre-application service and charging scheme will be subject to periodic review. Feedback on the scheme is welcome in order to inform service improvement.

## Helpful Information

The following documents may be of assistance to you if you are looking to submit a planning application for a minerals or waste development in Worcestershire:-

[County of Hereford and Worcester Minerals Local Plan](#) sets out the Council's adopted planning policies for the extraction and restoration of minerals sites within the County

[The Emerging Worcestershire Minerals Local Plan](#) will set out how the Council will plan for mineral extraction in the county. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan and will be part of the Development Plan for Worcestershire.

[The National Planning Policy Framework \(NPPF\)](#) was published on 27 March 2012 and revised on 24 July 2018 and sets out the Government's planning policies for England and how these are expected to be applied.

[The Planning Portal](#) contains useful information about the planning system, and is where you will find the forms to submit a planning application.

[Planning Practice Guidance](#) sets out guidance to local planning authorities to ensure the effective implementation of the NPPF.

[Validation Document](#) sets out what information is required to be submitted with a planning application in order to make it valid.

[Worcestershire Waste Core Strategy](#) sets out the Council's adopted planning policies for waste management developments within the County.

1 January 2019

## **Contact us**

If you wish to contact the Planning Development Management team for more information or advice, please email: [DevControlTeam@worcestershire.gov.uk](mailto:DevControlTeam@worcestershire.gov.uk), or Tel: 01905 763763. Website: [www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)