

# **PERTH AND KINROSS COUNCIL**

## **Strategic Policy and Resources Committee**

**20 April 2022**

### **PLANNING FEES CHARTER**

#### **Report by Head of Planning and Development**

(Report No. 22/92)

#### **1. PURPOSE OF REPORT**

- 1.1 The report presents the Planning Fees Charter for approval, noting the fee increases set by Scottish Government, and seeks Committee agreement to reducing planning application fees for specified applications, to apply a surcharge to retrospective applications and to revise some of the discretionary charges previously agreed.

#### **2. RECOMMENDATION**

- 2.1 It is recommended that the Council considers and approves the Planning Fees Charter as set out in Appendix 1 of the report.

#### **3. BACKGROUND / MAIN ISSUES**

- 3.1 The Scottish Government laid the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 before Scottish Parliament on 11 February 2022, with those regulations coming into force on 1 April 2022.
- 3.2 These regulations replace the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (as amended) and generally increase the level of established fees for planning and associated applications. However, they also introduce new abilities for planning authorities to charge discretionary fees; waive or reduce planning application fees; and set a surcharge for planning applications made in retrospect.
- 3.3 Planning authorities are required by these Regulations to set out in a charter where they intend to apply these discretionary elements; how the levels are to be calculated; and to publish the Charter on the planning authority's website.

#### **4. PROPOSAL**

- 4.1 The Planning Fees Charter (Appendix 1) sets out where discretionary elements enabled by the Regulations are recommended to be implemented. It also incorporates a list of the statutory fees and, as such, will provide a single comprehensive document to those requiring information or clarification as to how Perth and Kinross Council applies the Fees Regulations.

- 4.2 Regulation 4 allows a planning authority to charge a fee for pre-application discussions; considering a request to vary a planning permission under section 64 of the 1997 Act (known as a non-material variation, or NMV); and considering a request for written confirmation of compliance with a condition imposed on the grant of planning permission.
- 4.3 In respect of fees for pre-application discussions, the Council has charged a fee for this non-statutory service for several years. It is proposed to retain the fee structure agreed as part of the recent 2022/23 revenue budget, but with the addition of introducing waived and reduced charges in the circumstances specified in the Charter. This will see expansion of the concessions given to development proposals associated with improving the access to a disabled person's dwellinghouse or to provide facilities designed to secure a disabled person's greater safety, health or comfort (fee waived in full) and those from community councils (fee reduced by half). The concessions are proposed on the basis that the fees for such planning applications benefit from the same reductions and thus it is equitable to extend these discounts to related enquiries.
- 4.4 The inclusion of a fee for considering non-material variations (NMVs), set in the regulations at £200 per request, is welcomed as this process allows minor revisions to be made to planning permissions granted. It also expedites the procedure which otherwise may result in the full planning application process having to be commenced afresh. Due to the significant increase in planning application submissions and multiple NMV submissions over the previous year, and to allow officers to focus on providing a better quality service for the statutory and more expansive part of the process, NMVs were limited to one per permission from June 2021. The expectation was also that applicants would be encouraged to consolidate changes into a single request, rather than multiple NMV requests or fresh planning applications. Imposing a charge for NMVs will continue to encourage applicants to think about when and how many submissions are made, whereas the free nature of the service saw an unpredictable and overly frequent use, with requests often being made each time a minor change arose post-permission. Numbers have grown from 91 NMV requests in 2016 to 122 in 2021, peaking at 148 in 2019. The statutory charge will allow this new income stream to be reinvested in the service and potentially part-fund additional posts to increase capacity and further improve customer service.
- 4.5 Assessing and providing confirmation of compliance with conditions applied to planning permissions is a valuable and crucial area of work but can be resource intensive. The introduction of a charge for this service, set in the regulations at £100 per request, is recognition from the Scottish Government that this important and necessary part of the planning process is properly resourced. It is, therefore, proposed to include this charge in the Charter.
- 4.6 Regulation 5 affords the opportunity to planning authorities to waive or reduce fees for planning and some associated applications (as specified in regulation 3). Such discretionary discounts can only be employed where they are set out in the Charter. In addition, where regulation 5 is being implemented, the

Charter must include applications which relate to “*development which, in the opinion of the planning authority, has the primary purpose of contributing to a not-for-profit enterprise or a social enterprise and where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents of the area to which the application relates*”. It is proposed that planning and associated application fees for any such development be reduced by one quarter as specified in the appended Charter (see Table 6).

- 4.7 Regulation 6 permits the imposition of a surcharge of up to one quarter on an application for planning permission where the application is made after unauthorised development has begun. Concerns have been expressed by councillors, community councils and in representations received through the development management process at developments undertaken without planning permission, which is not permitted development or otherwise exempt. The opportunity to discourage this practice and to end retrospective applications without applying a financial penalty is therefore welcome. Accordingly, it is proposed to impose the full level of surcharge in circumstances where applications are made either fully in retrospect or in part retrospect, as clarified in the appended Charter (see Table 7).

## 5. CONCLUSION

- 5.1 The formalisation of the Planning Fees Charter will ensure clarity and consistency of approach in dealing with discretionary charges associated with planning applications, enquiries and submissions; providing individuals, consultants, groups and developers the ability to establish the relevant fees prior to submission.

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### Approved

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## IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	None
Corporate Plan	None
<b>Resource Implications</b>	
Financial	Yes
Workforce	None
Asset Management (land, property, IST)	None
<b>Assessments</b>	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
<b>Consultation</b>	
Internal	None
External	None
<b>Communication</b>	
Communications Plan	None

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 None.

#### Corporate Plan

1.2 None.

### 2. Resource Implications

#### Financial

2.1 The additional fee income will give the opportunity to further invest in the development management and related services, such as by part funding additional posts to increase capacity.

#### Workforce

2.2 As mentioned in 2.1, additional fee income will give the opportunity to further invest in the development management and related services.

#### Asset Management (land, property, IT)

2.3 None.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1 The Integrated Toolkit summary response confirms a positive impact in respect of Built Environment; Climate Change, Culture and Recreation; Economy; Equality and Human Rights; Fair and Sustainable Communities; Health and Well-Being; Natural Environment and Transport and Connectivity. It further confirms a neutral impact in respect of Consumptions and Production and Lifelong Learning, with no negative impacts identified. On this basis, no Equality Impact Assessment is required.

#### Strategic Environmental Assessment

- 3.2 None.

#### Sustainability

- 3.3 None.

#### Legal and Governance

- 3.4 None.

#### Risk

- 3.5 None.

### **4. Consultation**

#### Internal

- 4.1 Finance and Legal and Governance have been consulted.

#### External

- 4.2 None.

### **5. Communication**

- 5.1 The Council's Planning Fees Charter will be available on the Council's website via [www.pkc.gov.uk/planning](http://www.pkc.gov.uk/planning).

## **2. BACKGROUND PAPERS**

- 2.1 [The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#)

### **3. APPENDIX**

#### 3.1 Appendix 1: Planning Fees Charter