

Summary of responses to consultation on introducing charging for non-statutory highways development management services

SUMMARY OF CONSULTATION RESPOSNSES		
SUMMARY	<p>Eleven responses were received during the consultation period from a variety of respondents. This included those regularly involved in making planning applications such as developers and their agents, Local Planning Authorities (LPA) and internal Leicestershire County Council (LCC) stakeholders.</p> <p>The responses were wide ranging in nature and not all related to the proposed charges. Several recommendations were made relating to the proposed process and these are considered in this table.</p>	
PRE-APP CHARGING	<p>HEADLINES</p> <p>Not all respondents expressed an opinion on the introduction of charges for pre-application advice. Those that did, supported the introduction of charging as long as the Local Highway Authority (LHA) provides quality advice in a timely manner, i.e. they want to get value for money. The majority of respondents felt that the level of fees was largely supported/acknowledged as necessary, with some individual comments regarding specific development types/thresholds. Two felt that the proposed charges were excessive and had not been sufficiently justified in the document.</p>	<p>RESPONSE TO COMMENT</p> <p>The proposed charges have not been based on officer hours, but rather on a comparative assessment with other LHA's and LPA's who have already introduced charging. It is anticipated that the process of being asked for and providing advice will be reviewed once it has been established and some monitoring data in relation to the time and cost of providing the service in relation to the charges applied is available. Monitoring of the impact of charging on the number of pre application enquiries in relation to the number of applications responded to will also be monitored over time. It is anticipated that there will be an initial review after 6 and 12 months with annual reviews thereafter.</p>

	<p>There were three queries regarding the application of thresholds for site size and scale over 2ha. This was felt to be problematic for some smaller residential developments that would likely be above this threshold, but below the scale threshold, and also for mineral or waste sites which are of lower value, but would attract the high rates due to scale. It was also considered to be a factor in whether pre-app advice would be required for variation in condition applications, due to the vehicle impacts that would need to be considered.</p> <p>Do the charges include VAT?</p> <p>FURTHER COMMENTS A summary of other individual comments:</p> <ul style="list-style-type: none"> • Some developers and their agents state that they have experienced deterioration in quality when charges were introduced in other authorities. They value the LHA's advice and want the quality to be at least maintained or improved. • Charging may reduce demand, not only for speculative enquiries, but for more serious proposals as well. • Add on an element to the pre-app fee to cover the investigation of the highway extent as part of the pre-app package. 	<p>It is acknowledged that this was not clear in the consultation document. The thresholds have been reviewed and the changes incorporated into the schedule of charges. The 2ha threshold in the consultation document was intended to enable mixed use sites to be considered but without too much complexity in the scale of charging. This has now broken into more categories in the table.</p> <p>Yes, the charges set out in the schedule are inclusive of VAT.</p> <p>The documentation relating to this service sets out the service standards. Monitoring against the service standards will be carried out.</p> <p>Noted. The number of pre application enquiries received alongside the number of applications consulted upon will be monitored over time to establish the impact on the service and advice provided.</p> <p>It is not proposed to introduce an additional cost within the proposed charges to investigate highway extents. However, the revised document refers to Highway Records Enquiries to</p>
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	<ul style="list-style-type: none"> • Enquiries for up to 249 dwellings are limited to one written response. This is insufficient, and opportunities for clarification and phone calls should be included for the fee. • The document states that pre-app advice is provided “in good faith.” On occasions, the LHA has changed its viewpoint on a proposal after the application is submitted. If this is a chargeable service, it must be reliable advice that would not change. • Advice provided for type B and above applications under the £500 charge appears to be limited to publicly available information. Clients may not want to pay this, although the additional £250 fees for types C and D are considered appropriate. If clients are charged £500, the advice needs to be specific to that situation and provide detail that isn’t publicly available. Pointing out that it “doesn’t meet the 6 C’s” will be insufficient. 	<p>certify extent as a separate chargeable service.</p> <p>This is accepted and the LHA will respond to queries for clarification, but will be limited to one request. The LHA will be unable to respond where the query is a rebuttal on the advice given.</p> <p>Pre-application advice is provided based on the development proposal and up to date policies, guidance, regulations and legislation at the time the advice is given. Where there is a change in any of these between pre application advice and a formal consultation response on a planning application, the formal response must reflect the up to date position. If there are changes to the development proposal between the pre application enquiry and a future planning application this may result in a different impact on the highway network which the highway advice would need to reflect. This has been reflected in the revised charging document.</p> <p>It is accepted that the charge for type B proposals in the consultation document is disproportionate to the level of advice provided and has been reduced to £350. S106 agreements are not signed for developments of this scale, and in the majority of cases off site highway improvements are not required. The consultation responses suggest that where a proposal meets highway standards it is unlikely that pre application advice would be sought. Where a proposal does not meet highways standards further guidance will be provided in relation to the specific issues that would need to be overcome, however this will not cover advice in relation to a designer’s responsibilities. This will again be monitored and reviewed. A higher level of service will be offered for type C and above.</p>
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	<ul style="list-style-type: none"> • Meetings with the Local Highway Authority should be made available to Types B, C and D at the same cost as additional meetings for E&F. • One request for quicker response times suggesting 7 working days for smaller developments, 14 for large scale, plus confirmation of when the timescale starts. Information also requested regarding lead-in times for use of models, to assist with their client planning. • Concern about the £500 charge for disagreeing with advice – would this still be chargeable if it is a mistake by the LHA? • Would advice for LCC developments, such as schools and non-commercial sites be chargeable? • How would LHA charging work alongside the LCC Local Planning Authority which doesn't intend to introduce charges? 	<p>The LHA does not consider that meetings will have an added value for type B applications and does not propose to offer this service. It is considered that there may be a benefit in meetings with applicants for types C & D and this will be offered as an additional service, at the same cost as E & F.</p> <p>The response timescale will start on receipt of payment. The timescales have been reviewed and the response time for type A & B has been reduced to 10 working days. For type C and larger this has been revised to 15 working days. Type C and larger developments can often attract off site migration and require longer to assess. Where a meeting is requested a reasonable response time will be agreed at that meeting. This is clarified within the main document.</p> <p>Where there is a genuine misinterpretation by the LPA this will be reviewed at no additional charge. Where there is a disagreement of opinion in advice given the LHA advice will stand and the applicant can determine how to proceed.</p> <p>There is no proposal to charge another LCC department for pre application advice which would be a cost neutral service to the County Council as a whole, but which would result in additional costs to administer. However, the service provided will be in line with the standards set where charging is applied.</p> <p>The LHA proposes to introduce charging as part of delivering wider Medium Term Financial Strategy (MTFS) savings which will include applications relating to minerals and waste. Charging for services provided by other departments is a matter for that department to consider.</p>
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	<ul style="list-style-type: none"> • One LPA raised a concern related to the expectation that they direct an applicant to the LHA for advice which may compromise impartiality and result in the LHA having a monopoly on providing pre application advice. Also, they feel that advice given should not be confidential if the client agrees. • Need to be clear on what advice is “technical” or “non-technical” for LPAs. • Concern about costs incurred for early consultation for speculative major developments in relation to the Local Plan. • The LHA fees are comparatively high compared to the planning fees imposed by one LPA. • The thresholds should align with the LHA’s standing advice and other policies. For example, 1-5/6-10 dwellings rather than 1-9 and 80-150/151-249 dwellings instead of 80-249. 	<p>Any applicant is able to approach a transport consultant for highways advice or use information which is publically available. If an applicant wishes to seek the opinion of the LHA in advance of submitting an application, the only organisation which can provide this is the LHA. The consultation document identifies that applicants will be asked to clarify whether they wish their enquiry to be treated as confidential.</p> <p>Technical is fact or interpretation of policy guidance and related to highway matters. Non-technical relates to matters of opinion.</p> <p>It is not proposed at the time that advice given for Local Plan work would not incur a charge. Once the development management team is involved and the applicant is working towards a planning application, then pre-application charges would be incurred.</p> <p>Noted. Charges are based on a comparison with other local highway authorities and they will be monitored and reviewed.</p> <p>The LHA has accepted this and the thresholds have been reviewed and amended where necessary</p>
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CHARGING FOR ATTENDANCE AT MEETINGS (including Planning Committees and some meetings during the application stage)	HEADLINES	RESPONSE TO COMMENTS
	<p data-bbox="405 331 1093 655">There were three responses that commented on charging for attendance at meetings. Two were from LPAs, which disagreed with the introduction of charges. The grounds stated for this include feeling that the proposed fees are arbitrary, inconsistent and excessive; would discourage LPAs from asking LHA officers to attend meetings; and are not in the spirit of partnership working.</p> <p data-bbox="405 699 757 730">FURTHER COMMENTS</p> <p data-bbox="405 735 994 767">A summary of other individual comments:</p> <ul data-bbox="456 810 1048 1390" style="list-style-type: none"> <li data-bbox="456 810 981 879">• Will there be charges for the local planning surgeries? <li data-bbox="456 1102 1048 1171">• Charging for meetings runs contrary to the NPPF aims. <li data-bbox="456 1362 1003 1390">• Discouraging LPAs from requesting 	<p data-bbox="1115 331 1995 507">Fees proposed relate to input required and average time spent rather than the duration of the meeting. This is a real cost to the LHA for a service which is over and above that required to deliver the statutory function and the charge is considered reasonable.</p> <p data-bbox="1115 810 1989 1066">This is interpreted as being district liaison whereby a highway officer visits the local planning authorities at agreed time. The purpose of this is to enable LPAs to seek advice on sites referred to standing advice and is separate to the pre-application process. This is part of the process for using standing advice and it is not proposed to introduce a charge for this.</p> <p data-bbox="1115 1102 1995 1326">The LHA is often invited to attend meetings which do not relate to highways or where highways issues are only a small proportion of the agenda or to discuss issues that the LHA has already responded to. This is not considered to be a good use of public funding and it is proposed to charge for meetings to provide a greater focus and expedite discussions.</p> <p data-bbox="1115 1362 1249 1390">As above</p>

	attendance at meetings could result in poorer planning applications that take more officer time to deal with during the statutory process.	
COMMENTS ON THE DOCUMENT WORDING		
Page 2 – Applicant’s responsibility to determine effect on highway (internal consultee response)	Under the section which describes the type of application where pre-application advice is not required, an informative along the lines of the following should be considered: “It is the responsibility of the applicant to determine whether their application has any effect on the publicly maintainable highway. Information relating to highway status and extent can be obtained by contacting hre@leics.gov.uk ”.	Noted – and agreed that this should be incorporated
Page 4-6 Provision of highway extent information (internal consultee response)	It is essential that both the applicant and case officer in HDM work from verified highway status and extent information. At present, applicants only do so if they independently request the information from hre@leics.gov.uk, and likewise with HDM officers. Formal highway record enquiry replies include Public Rights of Way (PROW) so this may negate the need for HDM officers to advise of the existence of PROWs.	Noted – It is the applicant’s responsibility to verify information. Reference is now incorporated in the text.
Pages 4, 5 & 6 – provision of stopping up advice (internal consultee response)	Pre-application stage is the ideal opportunity to advise whether any highway would need to be stopped up to enable development to take place, and also any non-prejudicial comments on the proposal. This should be included in the package of advice provided at the pre-application stage.	Noted and now included

<p>What type of responses can be expected and what fees would be charged? (Local Planning Authority)</p>	<p>It would be helpful to understand more about how these proposed charges have been arrived at. LPA would assume that the LHA has taken the opportunity to streamline its working practices and has undertaken time and motion studies to understand the time involved by each contributor in providing advice and then linked this to officer charge-out rates. However, the rates charged appear somewhat excessive, arbitrary and inconsistent. I'm sure that the LHA will be keen to demonstrate how it is recovering its costs and not profiting from its service provision given the rules around this.</p>	<p>The development management function has been reviewed which has introduced efficiencies throughout the process. The efficiencies are outlined in the main body of the Cabinet report. Please also refer to comments made above regarding review of charges.</p>
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