

REPORT TO THE CABINET
(16/06/2020)

Cabinet Member: The Councillor Cartin Wager

Subject: To establish the right for the SuDS Approval Body (SAB) to charge a fee for providing a pre-application service.

Contact officer: Emlyn Jones, Assistant Head, YGC

1. The decision sought

- 1.1 An approval to the principle of the SAB charging a fee for the pre-application service they currently provide.
 - 1.2 An agreement on the fees the SAB propose to charge.
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2. Introduction

2.1 Background

2.1.1 Schedule 3 of the Flood and Water Management Act became operational in Wales on the 7th of January 2019. It requires any new development which has drainage implications and a construction area of 100m² or more to comply with the National Standards for Sustainable Drainage. Schedule 3 of the Flood and Water Management Act 2010 also places a duty on all local authorities to establish a Suds Approval Body (SAB), which approves, adopts and maintains systems in accordance with Section 17 of the Schedule.

2.1.2 The statutory duties of the SAB in Gwynedd are carried out by YGC.

2.1.3 Application Fees are governed by the Sustainable Drainage (Application for Approval Fees)(Wales) Regulations 2018 and must be calculated by reference to the size of the construction area. An application fee of £350 is payable plus the following up to a maximum of £7,500:-

£70 for each 0.1 hectare or fraction of a 0.1 of a hectare, for the first 0.5 hectare;
£50 for each 0.1 hectare or fraction of a 0.1 of a hectare, from 0.5 hectare up to and including 1.0 hectare;

- £20 for each 0.1 hectare or fraction of a 0.1 of a hectare, from 1.0 hectare up to and including 5.0 hectares; and
£10 for each additional 0.1 hectare or fraction of a 0.1 of a hectare in excess of 5.0 hectares.
- 2.1.4 The Regulations also prescribe for an Inspection Fee as a condition of approval to enable cost recovering whilst ensuring construction takes place in accordance with the Sustainable Drainage Approving Body approval. This has been set at £168 for each inspection undertaken.
- 2.1.5 Whilst the Regulations set the application fee (see above), the Statutory Guidance and Standards promote the need to provide a pre-application advice service, so that SuDS matters can be discussed at an early stage of project development. Up to now, this service has been provided for free in Gwynedd. Developers have noted that it is a beneficial service, since early discussions can lead to review of plans in a timely manner and avoiding delays at a later stage of a project, which can prove costly.,
- 2.1.6 Some of the pre-application discussions can take a significant amount of officer time, they are often of a technical nature and therefore need close scrutiny. By now it is considered timely to charge a fee for this service, similar to the charges raised by the Planning pre-advice service, to ensure that the service is sustainable and to cover the staff time costs incurred.
- 2.1.7 Our proposal is to charge a fee for some elements of the pre-application service, as noted in Appendix 1 of this document. This will define the pre-application process.
- 2.1.8 We are keen to encourage good working relationships with our applicants, where an applicant can contact the SAB for an informal conversation or meeting for simple advice relating to their application. Our proposal is to continue to provide this element of the service for free, allowing up to an hour of officer time per applicant. This type of discussion has been welcomed, especially by smaller scale applicants such as self-builders and agricultural developments, where a brief conversation with an officer is often sufficient for a development of that nature.
- 2.1.9 Up to now, the pre-application service has recognised the need for several applications to be re-designed in order to fully comply with the principles and standards set by Welsh Government. The positive knock-on effect of this is to reduce the determination time of the full applications when submitted. Ultimately, the pre-application advice reduces the time for the customer from submitting an application, receiving a determination and being able to start construction work. It also reduces the risk of the application being rejected.

2.2 Update on the work of the SuDS Approval Body (SAB)

- 2.2.1 At the moment the SAB continues to provide a free pre-application advice service, where consultants or developers can contact us before submitting a full application. The meetings held have been positive and appreciated by developers as most have highlighted minor problems which can be rectified prior to submitting their formal application.
- 2.2.2 The Gwynedd SAB continues to sit of the National SuDS Implementation Group, which feeds back into Welsh Government.
- 2.2.3 The SAB works regionally across North Wales, trying to ensure consistency in applying the new requirements, mainly through establishing common polices and processes and also through the sharing of resources.
- 2.2.4 As well as undertaking SAB duties on behalf of Gwynedd Council, the SAB also provides SAB services to the Isle of Anglesey and Wrexham Councils through a commercial agreement. Gwynedd's SAB undertakes the technical approval of applications for both Counties.
- 2.2.5 In order to raise awareness of SuDS requirements on new developments the SAB has been working with the Gwynedd and SNPA's Planning Authorities, architects and agents. The SAB has produced information sheets which can be distributed to developers as well as a series of simpler information sheets suitable for use on social media, to raise awareness to the general public. Gwynedd and YGC's social media platforms will be used to share this information, which will be published within the next few weeks.
- 2.2.6 The SAB has received 25 full applications and 14 formal pre-applications to date, combined with daily pre-application discussions. These numbers are expected to grow in time.
- 2.2.7 Following an investigation into how many approved Planning applications were submitted between January and June 2019, it became apparent that 41 of these applications also needed a SAB application. All applicants where sent a letter to raise their awareness of the requirements and offering advice prior to them submitting an application. This investigation was re-run between July and December 2019, and a further 41 approved Planning applications needed a SAB application. This task will be re-run to cover Planning applications approved since December 2019.

3. Reasons for recommending the decision

- 3.1 Providing advice on SAB applications is a specialist field which requires the relevant technical training and experience. As expected, the number of SAB applications are increasing.
- 3.2 Introducing a fee for the pre-application service will re-coup some of the costs associated with providing the service. Whilst we are eager to continue to provide some elements without a fee, the aim of the SAB is to become self-sufficient in terms of cost.
- 3.3 Pre-application advice fees will initially be set at 30% of the full application fee. This is considered sufficient to cover staff costs associated with initial discussions, scrutiny of supplied information, attendance at meetings and provision of formal feedback. Multiple submissions or revisions would require the payment of additional fees if the scope of work significantly exceeds that as detailed within Appendix 1.
- 3.4 Any work which goes above the threshold described in Appendix 1 would comprise a bespoke fee based on an hourly charge to provide further Services. This would include, but not limited to: attendance at meetings, supplementary technical review of amended or revised design details, attendance at site visits etc. For this service the SAB will prepare a bespoke fee proposal confirming deliverables and providing a cost breakdown for the applicant's consideration prior to their acceptance.
- 3.5 Table 1 notes the fee proposed by the SAB, based on the size of the development area and the level of service provided. The fees and areas are in line with those which are determined by the Regulations.

3.6 Table 1

Development Size	SAB Pre-app Fee
0 – 0.1ha (minimum fee)	£126
0.5 ha	£210
1.0 ha	£285
5.0 ha	£525
10.0 ha	£675
65.0 (maximum fee)	£2250

- 3.7 Appendix 1 also details services that will not be included within the process. This includes direct consultation from the SAB to statutory consultees defined within the legislation.

- 3.8 This will be closely monitored following implementation to ensure the approach is reasonable and does not result in excessive charges to applicants or does not result in cost recovery associated with the provision of this service by the Council requiring subsidy from elsewhere.

4. Relevant Considerations

- 4.1 Giving the right to the SAB to charge a pre-application service fee would lead to more SAB applications of a higher standard, which meet the requirements of the Regulations. This will lead to fewer applications needing to be re-designed or rejected following submission of the full application, therefore reducing the time between submitting the application and the start of Building work, which is important to the customer.
- 4.2 It will also aid the SAB in reaching the statutory requirement of determining applications within 7 weeks, or 11 weeks for those applications which need and Environmental Impact Assessment.
- 4.3 These arrangements are consistent with those established in other local authorities across Wales. Many Councils are already charging a fee for this service, such as Cardiff, Caerphilly, Rhonda Cynon Taff and Pembrokeshire Councils. In the North, Wrexham Council have adopted similar arrangements to those proposed here, and the other North Wales Councils have expressed their intention to follow the same path.

5.0 Next Steps and timescale

- 5.1 Subject to this request being approved, the intention is to put arrangements in place to charge pr-application fees by August 2020.
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Opinion of the statutory officers

The chief executive:

The monitoring Officer:

The principle of charging fees for pre-application service is acceptable, and the Welsh Government guidance on SUDs refers specifically to this. The Pre-application service requires substantial work on the part of officers which is of great benefit to the developer, and means early professional engagement in order to improve the standard of applications. This is an additional service which is being provided which has associated costs. Monitoring arrangements are in place in order to ensure reasonableness, and I note the fees are consistent with other authorities. No further comments in relation to propriety.

Head of Finance:

Approving the right to charge a fee will not only bring additional income to the Council to fund the Unit, but will also facilitate the design process for the customer by avoiding having to re-submit applications which will save them time in the end.

Attachments

Appendix 1 - SAB Pre-Application Advice Service and Fees

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Service	Size of application	Charge	Description of service/deliverables
Pre-application scoping & Discussion	All Sites	No Charge	A meeting/discussion of up to one hour in duration at SAB offices/telephone to discuss principles and requirements of SuDS standards and introduce pre application advice service if applicable
Pre-application advice service <i>(Please Note: This service will not consult Statutory Consultees. Applicants are advised to consider direct consultation where appropriate.)</i>	0 to 0.1ha (minimum Fee)	£126	Stage 1: Meeting with the reviewing SAB Officer of up to two hours duration. This is an opportunity for the applicant to present their proposed drainage strategy and solutions for discussion, initial feedback and comment.
	0.1 to 0.5 ha	£126 - £210	
	0.5 to 1.0 ha	£210 - £285	Stage 2: Formal technical review of information and documentation submitted following Stage 1 meeting. A summary report providing opinion with respect to compliance of the proposed drainage design with each of the 6 National Standards and the principles underpinning those standards will be provided within 21 working days of submission. <i>Please note: the level of detail provided is dependent on the information supplied at the pre-application stage and feedback on the standards can only be provided if relevant information/documentation has been supplied as part of the pre-application process.</i>
	1.0 to 5.0 ha	£285 - £525	
	5.0 to 10.0 ha	£525 - £675	
	10.0 to 65 ha (maximum fee)	£675 - £2250	
Additional service above that	N/A	Per hour	Provision of additional services including: attendance at meetings,

detailed in the Pre- application advice service			supplementary technical review of amended/revised designs, additional site visits etc.
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