

Chargeable Planning Advice Guide

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From January 2025, Kent County Council, as the County Planning Authority, is introducing an updated system of charging for planning advice associated with planning applications for minerals and waste developments and major County Council community development. This is in accordance with the recommendation of the Planning Applications Committee to introduce charges for non-statutory planning advice approved by members on 15th March 2011.

Early discussions between applicants and the planning authority are a valuable part of the planning application process. They can save wasted costs and ensure a quicker and smoother application process. In order for the Council to sustain and improve our current levels of service, a range of charges for planning advice are necessary. These fees for advice are separate from the statutory fees payable for the submission of an application or the chargeable monitoring of mineral and landfill sites.

This document sets out the benefits of seeking planning advice prior to the submission of a planning application and the arrangements in place for providing planning application advice.

Why Seek Advice?

The Council's Planning Applications Group encourages prospective applicants to seek planning advice prior to the submission of planning proposals. There are considerable benefits in seeking advice before making an application. These include:

- An opportunity to influence development at an early stage of the process, leading to quicker decision-making;
- Ensuring that your application is complete, comprehensive, and meets satisfactory standards, thereby avoiding rejection at the validation stage or early refusal due to inadequate or insufficient information;
- Providing site-specific advice on supporting information and mitigation measures required for the consideration of an application, including guidance on the Council's Local Guidance and Validation Requirements;
- Gaining an understanding of how national and local guidance and policies will be applied to your development, and identifying the need for any specialist input;
- Offering an opportunity for wider engagement with other stakeholders when appropriate, which can result in better outcomes for all parties;
- Potentially reducing the time your professional advisors spend developing proposals;
- Minimising the need for pre-commencement conditions before development may begin; and
- Indicating proposals that are completely unacceptable, thereby saving the cost of pursuing a formal application.

What are the Charges?

A limited amount of free site-specific advice is available for minor proposals, along with generic advice accessible via the Council's website www.kent.gov.uk/planning. However, site-specific advice is chargeable for all major developments, involving minerals and waste proposals, as well as complex County Council community (Regulation 3) developments. The following charges are applicable and include administration costs and officers' time for research and assessment.

Service	Fee (plus VAT)
Meeting on Site (verbal advice)	£550 (plus VAT)
Teams Meeting (verbal advice)	£350 (plus VAT)
Written advice <u>following</u> either of above meetings:	-
Standard Written Advice	£150 (plus VAT)
Detailed Written Advice	£825 (plus VAT)
Written Advice only (no meeting)	-
Standard Written Advice	£425 (plus VAT)
Detailed Written Advice	£1100 (plus VAT)
Subsequent meeting on site	£275 (plus VAT)
Subsequent Teams meeting	£150 (plus VAT)
Additional specialist advice (including relating to Noise, Air Quality, Landscape, Geotechnical)	Consultant's fees will be charged at cost (in addition to any case officer time)
Attendance of other officers at the meeting, including specialist advisors	At the case officer's discretion
Other written advice - including commenting on a draft application	Price upon application based on hourly rate (depending upon complexity)
Follow on officer advice	Charged in advance at an hourly rate (plus VAT)
Planning histories and solicitor enquiries	Price on enquiry based on an hourly rate (plus VAT)

Service	Fee (plus VAT)
Work in connection with a legal agreement (post identification of the heads of terms, including relating to Biodiversity Net Gain) or KCC legal advice (pre-application)	Price on enquiry based on an hourly rate (plus VAT)

Major community development is defined as any of the following:

- Proposed buildings over 1000m², or sites over 1ha or schemes subject to Environmental Impact Assessment. Complex proposals are likely to be those where development seeks an increase in pupil admission numbers and/or likely to be significant impacts on local amenity.

Where pre-application advice is sought for multiple community projects that cumulatively exceed the threshold then the proposed charges will apply.

Major mineral and waste development is defined as:

- All minerals and waste development, including amendments to working schemes, variations and discharge of conditions.

Post-determination Advice

Where detailed advice is provided post-determination of a planning application, for example in relation to changes to approved development, the County Council reserves the right to charge for this advice at the same charging rate as the pre-application service set out above. Requests will be considered on a case-by-case basis regardless of the type and scale of development. Similarly, officer costs in connection with a legal agreement (post identification of the heads of terms) are chargeable to the applicant on a case-by-case basis.

How Do I Obtain Planning Advice?

Prospective applicants seeking advice that is chargeable are required to complete a 'Request for Chargeable Planning Advice' form which is available on our website (www.kent.gov.uk/planning). This form sets out the information that is expected from prospective applicants to enable a quality advice service to be provided. In some cases, it is recognised that not all of the information will be available, but the more information that you provide will help us deliver a more tailored and site-specific response. As a minimum, you should provide:

- A clear description of the proposed development and the uses to which land and/or buildings are proposed to be put;
- Full site address and site location plan (usually at a scale of 1:1250 or 1:2500) with the development site outlined in red and land in the applicant's ownership outlined in blue;
- Outline of proposal site layout on a plan;
- Details of the current use of the land and/or buildings;
- Site history – what has the site previously been used for?

- For waste management development, details of annual throughput, waste sources, waste types, potential catchment areas, proposed hours of operation, estimated traffic movements, and any proposed ecological and amenity mitigation;
- For mineral development, details of quantities to be extracted or processed per annum, likely timescales and any 'value added' processes envisaged, proposed hours of operation, estimated traffic movements, and any proposed ecological and amenity mitigation;
- Proposed access arrangements and vehicle movements, including the number of HGVs
- Contact details including phone number and email address; and
- The appropriate fee.

Additional information would usefully include:

- Sketch drawings / details showing height/scale of development and elevational details;
- Photographs and/or sketch drawings showing the site, buildings and trees as existing;
- Details of materials;
- Any additional staff and/or visitors to site;
- Draft floor plans and number of storeys in height;
- Details of the landownership of the site, and where different, the applicant's interest.
- Details of proposed survey work to inform proposed mitigation;
- Any proposed Heads of Terms for s106 agreement (if needed);
- For Environmental Impact Assessment development, consideration of the environmental information likely to be required; and
- How Biodiversity Net Gain requirements are to be met.

In validating any future application, the Council will consider your application against its Guidance and Validation Requirements for Minerals & Waste Application or for the County Council's community development, the Guidance and Validation Requirements for County Council Community Development (Regulation 3) Applications. These documents provide useful information for those preparing an application, and you are encouraged to review the relevant document in preparing any request for pre-application advice.

If you are seeking advice, there are options to include the Council's specialist technical advisors in the process. The County Council buys in professional advice relating to a number of technical areas. The technical advisor's time will be charged separately at cost and can relate to noise, air quality (including dust and odour), geo-technical, stability, landscape and lighting considerations, amongst other matters. Please note that specialist advisor's attendance at meetings is subject to availability and at the discretion of the Council. If you wish to request input for a specialist advisor or to request attendance at a meeting, please indicate on the form. Prior to seeking specialist advice, the planning officer will provide details of the likely fee for this element of the service. This fee will need to be paid prior to the specialist advice being sought.

Most of our planning advice service is expected to be via meetings. Based on previous experience, this appears to be the preferred method for applicants. Should you require written advice without a meeting, please indicate this on the advice form. The Planning Applications Group will then contact you to agree on a price for the work, based on the complexity of the request.

Please note that we are unable to progress requests for chargeable advice until the relevant fee has been received. Fees are payable by via BACS payment (account details available on request).

What the Council Will Do

Within 5 working days of receiving a request for chargeable advice, the Planning Applications Group will contact you either by telephone or in writing to confirm that:

- Your request for advice has been received;
- That the fee is correct or, if a fee has not been submitted with the form, what the fee is;
- The name of the case officer who will be providing the advice and their contact details.

Within 14 days of receiving a valid request, the case officer will contact you to agree on a suitable time and date for any meeting. The timing of the meeting will depend on the complexity of the proposal, the amount of preparation work needed prior to the meeting, and the availability of any specialist advice that may be required. Where no meeting is requested, the case officer will confirm the timescale for issuing their advice. As a discretionary service, the target date for responding to a valid request is 30 working days, although we will aim to respond quicker than this if possible.

Where written advice is required following a meeting, the timing of this will be agreed at the end of the meeting.

What Will Our Advice Contain?

The standard written planning officer advice will briefly identify:

- Key planning considerations that need to be taken into account when preparing any planning application, including local validation requirements (based on the County Council's Local Validation List);
- The need for any specialist technical input;
- Informal and without prejudice officer advice on the planning merits including an indication if the proposal will be completely unacceptable or not;
- Advice about the Council's development management (control) process including consultation processes, likely timetable of consideration, and an estimation of decision date or Planning Application Committee date where applicable; and
- Where appropriate suggest pre-submission consultation with identified stakeholders.

If you have requested a more detailed written response or planning history, the provided information will include previous relevant planning decisions held by the County Planning Authority, along with an analysis of relevant material considerations, including Government and Development Plan policies and guidance.

The provision of a detailed response depends on current workload and officer availability at the time of request, and is at the discretion of the Head of the Planning Applications Group.

What if you Choose Not to Seek Advice?

To make the best use of resources, applications will typically proceed to determination based on the information provided in the application with limited reference back to the applicant. Applications for particularly poor-quality proposals that lack pre-application discussions are likely to be returned if not valid or refused on the grounds of insufficient information.

Important Notes

Please note that any views or opinions expressed in responses are made at officer level in good faith, and to the best of their ability, without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately determined against Government and Development Plan policies by the County Council, as the local Planning Authority.

The final decision on any application received is taken 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 considered the comments they may raise. The final decision will either be delegated to the Head of Planning Applications or decided at the County Council's Planning Applications Committee.

Any advice given by officers does not constitute a formal response or decision of the County Council. Under no circumstances 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 planning advice provided under this service.

The pre-application advice given may not necessarily be exhaustive but is intended to highlight the main issues that need to be addressed or considered as part of the application process based on the discussions that have taken place and the information available at the time.

Any pre or post-application advice that has been provided will be carefully considered when reaching a decision or recommendation on an application or planning submission, subject to the proviso that circumstances and information may change or come to light that could alter that position.

In providing written advice planning officers will not draft planning statements or other reports to accompany applications, as that is the responsibility of the applicant. In this respect the applicant should appoint its own professional advisers as necessary, particularly on more complex proposals.

Should the detail or the nature of the proposal change from those shared at the pre-application stage, further 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 advice and any attachments to it are solely for the use of the individual to whom it is addressed. If you are not the intended recipient of the advice, you must neither take any action based upon its contents, nor disclose this communication to a third party.

The County Council has an obligation to meet the requirements of the Freedom of Information Act 2000 and Environmental Information Regulations 2004, where applicable. If requested, unless an exemption applies, we may be required to release correspondence relating to pre-application advice. If you consider your enquiry (or parts of) to be confidential, please set out the reasons why, and for what period any information should remain confidential.

Please note the following information regarding privacy and personal data. This relates to name, postal address, email address, phone numbers, signatures, bank details/payment information, landowner name, address of development which may be included by you in your pre-application request. We do not expect to receive any special category data, as defined by the General Data Protection Regulation (GDPR), as part of this discretionary service. We rely on public task as the lawful basis, and we store and process the information from you for the purpose of giving the pre-application advice. This may include sharing your pre-application advice request information, in unredacted form, with the council's specialist technical advisors, including with any contracted external providers carrying specialist technical work out on our behalf, or external consultees, as is necessary to provide the pre-application advice service. We will retain the information in our systems, in unredacted form permanently, as part of the planning site history.

Discretionary Service

Whilst recognising the important role that pre-application advice has in the development process, in line with government expectations to deliver timely planning decisions, the Planning Application Group may on occasions have to prioritise the assessment of planning applications over pre-application advice. As a discretionary service, the Head of Planning Applications therefore has the right to decline a request made for pre-application advice where it is not considered either appropriate, necessary, or where planning resources are constrained by existing casework.

Sharon Thompson
Head of Planning Applications
Kent County Council
Planning.applications@kent.gov.uk

Request for Chargeable Planning Advice

Please complete all sections of the form. Upon completion submit this form, plans and supporting information and the correct fee to Planning Applications Group, Invicta House, Maidstone, Kent ME14 1XX or email to planning.applications@kent.gov.uk.

Please read the Guidance Notes to help you complete this form.

1. Your Details	
Applicant Name and Address: Click here to enter Name and Address.	Agent Name and Address: Click here to enter Name and Address.
2. Main Contact Details	
Name: Click here to enter Name.	Email: Click here to enter Email.
Tel No: Click here to enter Number	Mobile No: Click here to enter Number.
3. Interest in the Property/Land	
Please state your interest in the property/land e.g. owner, developer, prospective purchaser Click here to enter Interest.	
4. Location of Proposed Development	
Please provide the site address of the development site, including postcode or grid reference (where necessary). Click here to enter Location Details.	
5. Description of Proposal	
Please provide a detailed description of the proposed development Click here to enter Description.	
6. Viewing the Site	
Can the whole site be seen from the road or public land?	Select item.
7. Freedom of Information Act and Environmental Information Regulations	
If you consider your enquiry to be confidential, please set out the reasons why, and for what period any information should remain confidential Click here to enter text.	

8. What Advice are you seeking?	
Meeting on Site (verbal advice) <input type="checkbox"/>	Standard written advice following a meeting <input type="checkbox"/>
Teams Meeting (verbal advice) <input type="checkbox"/>	Standard written advice following a meeting <input type="checkbox"/>
Standard Written advice only (no meeting) <input type="checkbox"/>	Additional specialist advice (including relating to Noise, Air Quality, Landscape, Geotechnical – See Question 10 below) <input type="checkbox"/>
Detailed Written advice only (no meeting) <input type="checkbox"/>	Follow on officer advice <input type="checkbox"/>
Subsequent meeting on site <input type="checkbox"/>	Subsequent Teams meeting <input type="checkbox"/>
Other written advice - including commenting on a draft application (prepared following advice contained in the Council's validation documents) <input type="checkbox"/>	Work in connection with a legal agreement (post identification of the heads of terms, including relating to Biodiversity Net Gain) or KCC legal advice (pre-application) <input type="checkbox"/>
Planning histories/solicitor enquiry <input type="checkbox"/>	
9. Do you require additional specialist advice? Please see Guidance Note for further details	
Select item.	
If yes please specify which: Enter details / Select item.	
10. Attached Supporting	
If you are unsure about the level of detail to be submitted please refer to the guidance notes for further advice. Details mark in bold with an * are mandatory	
Site location plan (e.g. 1:1250 or 1:2500) with the site outlined in red and other land within the ownership of the applicant in blue* <input type="checkbox"/>	Details of the current use of the land and building* <input type="checkbox"/>

Outline of proposal on plan* <input type="checkbox"/>	Proposed access arrangements and vehicle movements including number of HGVs* <input type="checkbox"/>
Photographs and/or drawings showing site, buildings and trees as existing <input type="checkbox"/>	Sketch drawings showing height/scale of development and elevational treatment <input type="checkbox"/>
For waste management development details of annual throughput, waste sources/types and potential catchment areas, hours of operation and any proposed ecological and amenity mitigation* <input type="checkbox"/>	For mineral development details of quantities to be extracted or processed per annum, likely timescales and value added processes, proposed hours of operation, and any proposed ecological and amenity mitigation* <input type="checkbox"/>
Site history – what has the site previously been used for? <input type="checkbox"/>	Draft design and access statement (Community Development only) <input type="checkbox"/>
How Biodiversity Net Gain requirements are to be met <input type="checkbox"/>	
Other Supporting Information – please specify	
Click here to enter text.	
11. Payment and Declaration	
<p>I, the undersigned, confirm that I am requesting planning advice and have enclosed a fee of £ Click here to enter text. as payment for the service.</p> <p>I also agree to pay any additional fees that may arise from the provision of this service, as outlined in the Planning Advice Charging Guidance.</p>	
Signed:	Date:
Click here to enter text.	Click to enter a date.
Office Use Only	Ref No:
Date Received: Date.	Reference. Click here to enter text.