

Portfolio Holder Decision

Approval to update guidance and charges on flood risk pre-application advice service

Portfolio Holder	Portfolio Holder for Fire & Rescue and Community Safety
Date of decision	13 October 2023
	Signed

1. Decision taken

- 1.1 That the Portfolio Holder approves the formalisation of the updated Flood Risk Management (FRM) chargeable pre-application service offer from its current 'trial' status.

2. Reasons for decisions

- 2.1 Since March 2015, the Flood Risk Management (FRM) team as Lead Local Flood Authority (LLFA) have fulfilled the Council's duty as statutory consultee on major planning applications with surface water drainage.
- 2.2 A Portfolio Holder decision in 2018 enabled the FRM team to establish a pre-application advice service on a trial basis, with developers the primary recipient of this service.
- 2.3 One of the key benefits of providing pre-application planning advice is that the FRM team can provide comments at an earlier stage of site development. This provides the applicant the opportunity to resolve issues before the site layout is fixed, and in turn provides a smoother passage of applications through the planning process if our advice is followed.
- 2.4 The Council also benefit as there is greater opportunity to influence the design at the earlier stages, and it is more likely that we will secure betterment such as alleviation of existing flooding issues or more suitable outfall locations.
- 2.5 The pre-application advice service proceeded on a trial basis in 2019 and has continued as such ever since. As detailed in the original Portfolio Holder decision paper (in Appendix A), the existing charges were considered introductory with a commitment to scale them appropriately once sufficient information was available to inform and set the costs more formally.

- 2.6 During the trial period, records have been kept of the time to undertake each task and the proposed charges have been developed based on these to recover the full cost of providing the service.
- 2.7 This report seeks to formalise the pre-application offer and costs which have not changed since their introduction in 2019 and are still not advertised on our website.
- 2.8 We are now seeking approval to formalise the FRM pre-application service, which will establish:
- a clear application process (paper and online documentation);
 - detailed guidance for developers;
 - an agreed charging structure, based on full cost recovery;
 - publication of details on our website to promote the service; and
 - a series of improved service templates.
- 2.9 The updated service offer has been informed by feedback from users of the trial and benchmarking with others in the Council and other Lead Local Flood Authorities.
- 2.10 The proposal has been considered by Communities DLT and Corporate Board and the recommendation to the Portfolio Holder to formalise the pre-application advice service is supported.

3. Background information

- 3.1 There is no statutory duty to provide a pre-application advice service. Therefore the service will remain discretionary, allowing the FRM team to decline requests for pre-application advice due to a lack of available resource. This will ensure that the delivery of statutory duties are prioritised and are not negatively affected because of the pre-application advice service.
- 3.2 The FRM team have calculated, based on the uptake to-date, that the pre-application service has taken on average 2% of the team's annual chargeable hours to deliver. It is not anticipated demand will increase significantly as a result of formalising the pre-application service, and therefore it has been concluded that there is capacity to deliver the service.
- 3.3 The proposed formalising of the pre-application service will ensure it adapts to the needs of the user and that the service can be sustainably delivered moving forward.
- 3.4 The formalised service proposed reflects feedback from staff and users and furthermore provides a robust framework for delivering it. The proposed charges have been set on a full-cost recovery basis informed by the time taken to deliver the service over a number of years.
- 3.5 The proposed charges have also been benchmarked against other pre-application services offered by the Council and other Lead Local Flood Authorities and are considered reasonable, proportionate and justifiable based on this analysis. Details

on the benchmarking exercise are available on request.

- 3.6 The table below sets out the proposed formalised offer. These costs have been determined using a detailed breakdown of officer time spent on the various elements of the service. The charges proposed use the latest 2023/24 staff direct costs and include direct and indirect overheads. The charges proposed can therefore be considered as delivering full-cost recovery.

Proposed service offer and charges:

	Service	Minor	Small Major	Large Major or Phased
Level 1	Online guidance	Free	Free	Free
Level 2	Site-specific data request	£130	£190	£300
Level 3	Document review and informal written advice	£330	£680	£1,200
Level 3a	Virtual Meeting (plus document review and informal written advice)	£470	£900	£1,650
Level 3b	Site visit (plus document review and informal written advice)	£600	£1,040	£1,780
Level 3c	Other (such as master-planning workshop or input to partner pre-application services)	Price on enquiry		

Charges above exclude VAT at 20%.

- 3.7 The charges have been set based on experience of delivering the trial service over the last few years, and solely reflects the likely officer time taken to deliver the service. There is no profit added to these figures and the amounts used can be justified, if required, with a full breakdown of officer time using approved hourly rates.
- 3.8 Charging any less for these services would result in the FRM team making a loss on the service and therefore threaten our ability to deliver the service going forward.

4. Financial implications

- 4.1 Section 93 of the Local Government Act 2003 prevents the authority from making profit on its charges for discretionary work such as providing pre-application advice.
- 4.2 As highlighted above, the new charges are based on a robust breakdown of officer time to provide the service. These rates are based on the latest 2023/24 budget and include direct and indirect overheads, representing full cost recovery.
- 4.3 The pre-application service is fully delivered within the FRM team. Should we receive a bespoke request that includes other service areas, for example Legal Services, then Level 3c of the pre-application service offer will apply and a

bespoke charge will be calculated based on officer time within FRM and any costs payable to other service areas. This is detailed in the user guidance. This approach is similar to that taken with other areas of FRM work (e.g. highway design reviews).

- 4.4 The updated charging structure and offer is not expected to negatively impact the demand for the service. As highlighted above, the FRM team have undertaken a benchmarking exercise with other authorities offering a similar service and also with other services within the Council. It was concluded that the proposed charging structure was similar and therefore justifiable and proportionate.
- 4.5 Since the service was first offered, there has been a steady uptake in pre-application advice from developers, generating on average around £9,000 a year toward the Flood Risk Management team income target. This income is used for consultant technical support.
- 4.6 No additional resources or budgets are sought to update and continue providing this service.
- 4.7 The cost of providing the service will be monitored. The Flood Risk Management team will seek approval should we consider it necessary to update the charges in the future. Any update to the fees will not occur more than once a year.

5. Environmental implications

- 5.1 Offering pre-application advice often allows the FRM team to be involved before the site layout is fully fixed so we have a greater opportunity to influence design and resolve issues. This greater influence may allow WCC to secure additional betterment that may reduce existing flooding and help “future proof” the site.
- 5.2 Over time, a reduction in flood risk will reduce the likelihood of an emergency call out during a time of flooding for other WCC services such as County Highways and Fire & Rescue. This will reduce both the resource burden, but our carbon footprint from not needing to attend site and for there to be less clean-up and repair required post-flood.

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Portfolio Holder	Portfolio Holder for Fire & Rescue and Community Safety

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Appendix A: PH Decision Paper dated 16/02/2018: Approval to establish a chargeable service for advice on surface water drainage.

Members and officers consulted and informed

Portfolio Holder – Councillor Andy Crump

Corporate Board – Mark Ryder

Legal –Caroline Gutteridge

Finance – Mark Baker & Virginia Rennie

Equality – Joanna Kemp

Democratic Services – Isabelle Moorhouse

Councillors – Clarke, Chilvers, Feeney and Fradgley

Local Member(s): none