

Policy and Resources Committee	
Meeting Date	12 June 2025
Report Title	New and Amended Fees for Applications made to the Planning Service
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Place
Lead Officer	Carly Stoddart Continuous Improvement Lead
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That members recommend to Full Council the introduction of charges for amendments to undetermined applications in accordance with the fee schedule as set out in Appendix I (to be reviewed and updated where necessary or at least annually). 2. That members recommend to Full Council the introduction of fees for monitoring biodiversity net gain (BNG) in accordance with the fee schedule as set out in Appendix V (to be reviewed and updated where necessary or at least annually). 3. That members recommend to Full Council the fee schedule for Planning Performance Agreements (PPAs) as set out in Table 5 of Appendix III (to be reviewed and updated where necessary or at least annually). 4. That members recommend to Full Council the revised pre-application and post-decision advice fee schedule as set out in Tables 1, 2 and 3 of Appendix II (to be reviewed and updated where necessary or at least annually). 5. That members note the updated version of the Member Protocol for Pre-application and Pre-decision Developer Engagement in Appendix IV

1 Purpose of Report and Executive Summary

- 1.1 In recent months, the Planning Service has sought to make service improvements by considering where it can recover costs for services that it provides that are not part of the statutory provision. This report proposes the introduction of charging applicants to amend their undetermined applications either through the alteration of previously submitted details or the submission of new supporting information. It also focuses on introducing charges for monitoring of biodiversity net gain (BNG).

- 1.2 The potential to introduce charges to submit amendments / additional information to applications and for monitoring BNG would align with the Corporate Plan as it would enable the Planning Service to better operate within its resources whilst maintaining the ability to engage with communities and deliver the service in a transparent and efficient way.
- 1.3 On this basis, officers have drafted a fee schedule and related procedure to cover the process of when an applicant wishes to amend their undetermined application (Appendix I) and a separate fee schedule and related procedure to cover the process of monitoring BNG (Appendix V).
- 1.4 This report also seeks to provide a holistic view and explanation of the interplay between other associated planning service fees such as pre-application advice and post-decision advice and Planning Performance Agreements (PPAs) and proposes related new fees and amendments to existing fees (Tables 1, 2, 3 and 5, Appendix III).

2 Background

- 2.1 The objective of introducing a fee for the submission of amendments / additional information to undetermined applications is to recover costs associated with a discretionary service provided by the Council.
- 2.2 There are many reasons for the submission of amendments / additional information and this can cost the Council in terms of additional officer time, administration work and costs associated with publicity of such amendments such as postage, printing and press advertisements. The proposed fee schedule is intended to recover these costs.
- 2.3 Alongside the proposed fee schedule, it is necessary for the Council to clearly set out a procedure for all parties involved to ensure the process is clear and implemented consistently.
- 2.4 In January 2025, senior officers and administration leads endorsed the development of a report to Policy and Resources Committee setting out the option and benefits of charging for the submission of amendments in relation to undetermined applications, alongside a draft fee schedule.
- 2.5 Research has since been undertaken to review the fee schedules and processes of other Local Planning Authorities across the country such as Lichfield, Merton, Southwark, St Albans and Surrey Heath who have already implemented the process of charging for the submission of amendments and additional information.
- 2.6 For Local Authorities where amendments are accepted and charging is in place, the majority allow the submission of one round of amendments. Where charging is in place, most apply a set charge for the type of application. There are a couple of

Local Authorities that charge per hour. Where the hourly charge is in place, it was not clear on the website how the charge is applied. It is assumed that the case officer would estimate the hours it may take to process and assess the amendment. No other Local Authorities in Kent appear to have fee schedules on their website related to the submission of amendments and additional information for undetermined applications.

- 2.7 It is considered that the introduction of a fee for the submission of amendments / additional information for undetermined applications would encourage applicants to use the pre-application advice service, particularly if the number of opportunities to submit amendments per application is limited. This would be a positive shift that would fall in line with the National Planning Policy Framework (the NPPF) which at paragraph 40 states that, *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.'* Paragraph 41 of the NPPF goes on to emphasise the key role that Local Planning Authorities play in encouraging applicants to take advantage of the pre-application stage. By going through the pre-application advice process, the quality of the submission should be improved, and the application be of high quality from validation.
- 2.8 The introduction of a fee for accepting amendments would also have the benefit of deterring applicants from bypassing the pre-application advice stage in favour of using the application stage to amend and improve their submission, i.e. it would front load officer advice and input, and reduce time for officers and applicants.
- 2.9 Limiting the number of opportunities to submit amendments as part of this process would assist in minimising the potential for further backlogs to build up. Backlogs can occur, in part, when applicants are allowed to submit multiple rounds of amendments. In these circumstances, it takes longer to determine the application and the applications remain on the worklist of the Case Officer, who is in continual receipt of new applications.
- 2.10 A further benefit to restricting the number of amendments is that officer's reports will be shorter and the number of rounds of consultation will be reduced. This in turn should result in savings in terms of consultation letters sent, site and press notices posted and also reduce complaints with regard to the length of time it takes to determine applications. It may also reduce the risk of appeals against non-determination as Case Officer's work lists should remain at a more manageable level, helping to ensure applications remain within the statutory timeframe or within a timeframe agreed through an extension of time or PPA.
- 2.11 In considering how a fee schedule for the submission of amendments /additional information sits with the PPA process, it is proposed that it be incorporated into the drafting of the PPA, and the amendment fee(s) added to the fee of the PPA at a discounted rate of 10%. More than one round of amendments could also be offered as part of a PPA in accordance with a caveat that is recommended at the end of

the fee schedule stating that the Council reserves to the right to allow a further amendment for exceptional, complex proposals.

- 2.12 The applicant could be given the option to incorporate the relevant amendment fee within the PPA (caveated with no refund available if no amendment required). This would ensure the applicant endeavours to submit a high-quality application in the first place and choose the PPA route to take advantage of discounts and agreed timescales. The use of PPAs is to the benefit of the Local Authority, particularly in mapping workflow, reducing the risk of appeals against non-determination and the costs associated with them as well as providing greater certainty for the applicant.
- 2.13 The agreement to more than one amendment should primarily be reserved for PPA applications and for those of significant scale. The agreement to more than one amendment outside of a PPA and to more than two amendments for applications with PPAs is recommended to be subject to agreement of the Planning Manager (Planning Applications), Chief Planning Officer or Head of Place. Agreement at a managerial level to further amendments beyond this minimises inconsistencies within the process across the department, which could otherwise potentially result in inadvertent unbalanced service that would diminish the effectiveness of the process.
- 2.14 Appendix II shows a suggested approach to the submission of amendments which can be publicised on the Council's website, along with the fee schedule. A set fee for each category rather than an hourly rate is recommended as this is clearer for all involved in the process and the fee is provided before or at the same time the amendments are received. The proposed fees are greater for larger applications as the amendments / additional information generally involves more drawings / documents to be updated, submitted and reviewed, and wider consultation.
- 2.15 The suggested text and the fees set out in the appendices are based on what is currently being applied to this process at other Local Authorities around the country.
- 2.16 Whilst this paper focusses on the introduction of a fee schedule for the submission of amendments and additional information, it is important to consider the implications of the proposal in the wider context of services provided by the Planning Service as there is an interplay between these services. Other discretionary services undertaken by the Planning Service that currently attract a fee are pre-application advice and entering into PPAs.
- 2.17 The ideal starting point in the application process is with pre-application advice as supported by paragraph 40 of the NPPF and National Planning Policy Guidance (NPPG): 'Before submitting an application'. Pre-application advice that is taken onboard by the applicant will result in better quality developments being proposed and application submissions from the point of validation, avoiding unnecessary delays throughout.

- 2.18 Many Local Authorities will offer discounts or benefits on other services for applicants when they engage in multiple services. For example, a discount is often applied on PPA fees if the applicant has been through the pre-application advice service or allowing more than one amendment if an applicant enters into a PPA.
- 2.19 A positive pre-application advice experience will often result in PPAs which are also encouraged through NPPG: 'Before submitting an application'. PPAs provide for agreed levels of service (of both sides), consistency in the officers involved, timescales and the securing of finance to cover the cost of the Council's resourcing requirements.
- 2.20 PPAs are important for Local Planning Authorities particularly for the larger applications as very rarely is it possible for Case Officers to determine the types of applications within the statutory timescales. This is often due to unforeseen issues raised by consultee responses that require the submission of amendments or additional information and/or the length of time taken for the completion of the s106 process.
- 2.21 The PPA process allows for a timetable to be agreed for the application to be determined which is often outside of the statutory timeframe. This prevents appeals against non-determination when working in accordance with the PPA. However, with increasing costs, applicants are only willing to sign up for PPAs and other costs, if they consider those costs reasonable and that utilising the service will be of benefit. The benefit being working with the Council to achieve the optimum scheme / a positive officer recommendation, or where this cannot be achieved, reducing the number of reasons for refusal to a minimum (therefore decreasing the costs associated with appeals).
- 2.22 A review of the pre-application advice charging schedule and research into fees schedules associated with PPAs has recently been undertaken (Appendix III). This involved reviewing the pre-application charges and PPAs fees across all Local Authorities in Kent. This review was to be the basis for proposals to increase Swale Borough Council's pre-application fees and to introduce new pre-application fees, post-decision fees and a fee schedule for PPAs.
- 2.23 Prior to this, an alternative proposal regarding pre-application fees was agreed by Budget Committee in February 2025.
- 2.24 These fees (effective 01 April 2025), show most development categories having been redefined within the fee schedule with the effect that many fees have become "costed upon request" rather than pre-set. The development categories as currently defined remove reference to site area and any commercial development under 10,000sqm. A table showing a comparison of the current fees and the fees for similar categories being proposed is provided within Table 4, Appendix III. The fees being proposed also include suggested new categories for charging to maximise cost recovery (Tables 2 and 3, Appendix III).

- 2.25 In addition, the current fee schedule results in a significant increase to the fee for major development proposals of 50+ dwellings. The consequences of such an increase in pre-application fees for the larger type of residential development means that the fee for pre-application advice is significantly higher than the planning application fee itself. For example:

The planning application fee for an outline development of 2,500 dwellings (of which the Council currently has two applications) under the incoming new application fees set by Government would be a maximum of £205,943.

The Council's new pre-application charges would amount to £300,000 (inc. VAT).

- 2.26 As a comparison, the highest pre-application advice fee in Kent for this size of development is currently £6,000 (inc. VAT). This is the fee for development proposals of 250+ dwellings and a PPA at Ashford Borough Council. It highlights the significant difference in fee being applied by other Kent authorities in comparison to Swale for this size of development.
- 2.27 As a result of such a significant rise in pre-application advice fees for larger schemes, there is concern that applicants will not engage in the pre-application advice and PPA process at all and will seek to submit their applications cold with the intention to obtain advice and submit amendments as part of the application process.
- 2.28 The introduction of charging for the submission of amendments / additional information for undetermined applications, particularly as the process is drafted, will prevent this and so it is recommended that fees for amendments be introduced as soon as possible to ensure 'free advice' is not sought and obtained during the application process. However, a period of adjustment will be required following approval of recommendations within this paper to finalise and implement updates to the website, payment processes and procedures. A deadline of 31 August 2025 for implementation is proposed.
- 2.29 The consequence for applicants that have bypassed the pre-application advice and PPA services if they consider the fees to be too high, is that they are prevented from submitting amendments. This will bring pressure on officers to determine (potentially lower-quality) applications within the statutory timeframes. This in turn results in applications at risk of appeals against non-determination as it is unlikely applicants will want to engage and agree to an extension of time.
- 2.30 In such situations, the Council is at risk of costs at appeal if the costs associated with certain services are seen to be unreasonable and deter applicants from engaging. Consideration of whether pre-application fees were reasonable was included in the Inspector's decision notice in response to an application for costs associated with an appeal at Lambeth where the applicant had not sought pre-application advice.

- 2.31 The review of the pre-application charges and the proposal to introduce a set of charges for PPAs has been undertaken holistically looking at how each service interrelates and how to encourage applicants to take up further services that would best result in achieving the recovery of costs across the whole application process, improve resource and customer service as well as result in a better quality of application proposals and be in accordance with section 93 of the Local Government Act 2003 and the section 3 of the Localism Act 2011.
- 2.32 The review of the pre-application advice charges recommends a change to categories, separating out large majors to provide an additional category of 'strategic majors' and an associated fee.
- 2.33 It is also proposed to include fees for advice for other services that are often not specifically captured such as pre-application advice for the discharge of conditions. These applications are generally submitted cold and often generate multiple rounds of amendments. The introduction of a fee schedule for amendments will encourage pre-application advice which in turn will generate a fee where advice is sought from the Council. It will also result in a better quality of application from submission, thus reducing costs in terms of officer time.
- 2.34 Other suggested fees include post-decision advice. This is designed to assist in reducing the number of appeals against refusal which are costly both financially and in officer time.
- 2.35 Introducing a set fee schedule, guidance and a template for PPAs offers greater certainty for developers calculating the cost of their application process and for officers being consistent in applying and advising of fees. A set fee schedule and template would reduce delays in PPAs being drafted and completed. It would also allow the Council to recover costs for the review of application material where the Council does not have the expertise in-house or as part of any other existing service level agreement, e.g. a review of an Environmental Statement or Financial Viability Assessment.
- 2.36 Also included within the PPA schedule of fees is an option for applicants to include the ability to provide Members with a presentation of their development proposals. It is proposed that this is only an option for applicants entering into PPAs and in relation to significant schemes. Members would be supported in this fact-based engagement by the Member Protocol for Pre-application and Pre-decision Developer Engagement which is updated and set out in Appendix IV. This updated version of the Protocol should be read in conjunction with the guidance note: Engaging in pre-panning application discussions: Monitoring Officer Advice to All Members issued March 2014, which sits as an appendix to Part 4.1 Members Code of Conduct of Swale Borough Council's Constitution (29 May 2025).

- 2.37 Applicants are more likely to enter into PPAs if they have received good service at pre-application stage as they can see how this would translate to the application stage resulting in optimal income in relation to the recovery of costs.
- 2.38 It is requested that the recommendations within Tables 1, 2, 3 and 5 in Appendix III be reviewed and considered as a proposal to implement alongside the process of charging for the submission of amendments / additional information given how the engagement of each service has the potential to impact on another.
- 2.39 It is considered that securing requests for pre-application advice leading to subsequent PPAs being agreed, will result in better quality applications being received and an improved customer experience for applicants. The pre-application advice and PPA offers certainty around the Council's intention to work proactively in accordance with the NPPF, resourcing and timescales for determining applications. Clear fee schedules that are comparable with other Local Authorities offer clarity around costs involved with their application proposals and what level of service can be expected.
- 2.40 An updated fee schedule for pre-application and post-decision advice and a new fee schedule for PPAs are reasonable and proportionate and will enable cost recovery of the services being provided. The introduction of a fee schedule for the submission of amendments / additional information for undetermined applications alongside the pre-application advice and PPA fees, will steer applicants further down the route of obtaining pre-application advice in line for national planning policy and guidance and will minimise costs currently borne by the Council in terms of officer time, administration and publicity costs.
- 2.41 This holistic approach would also ensure officers are able to write shorter reports and have a more manageable workload. In turn, this results in more applications being determined within statutory timescales or as otherwise agreed through PPAs and extensions of time, therefore reducing risk of backlogs and the risk of appeals against non-determination and refusals of planning permission, thus reducing the significant costs associated with defending them.
- 2.42 Turning to the introduction of fees for monitoring BNG, the objective is to cover the cost of monitoring and associated activities that will be carried out by the Council following the introduction of mandatory BNG which commenced on 12 February 2024 for major development and 2 April 2024 for smaller sites. It is also a policy requirement for some neighbourhood plans, such as the Faversham and the Boughton-Under-Blean and Dunkirk Neighbourhood Plans.
- 2.43 Mandatory BNG means there is a requirement for any developer to show an enhancement of a minimum of 10% BNG on their respective development (unless exempt as set out on Schedule 7A of the Town and Country Planning Act 1990 and

the Biodiversity Gain Requirements (Exemptions) Regulations 2024), and this must be in place for a period of 30 years for significant on-site gain and all off-site gain.

- 2.44 By its design, BNG is a post decision matter. This means that other than to demonstrate the baseline condition of the site and the loss that will occur as a result of the development, the applicant does not need to provide final details of the intended gains. Final details of the biodiversity gain is required to be submitted as information pursuant to the condition requiring a biodiversity gain plan (BGP). This condition is automatically applied to all planning permission for sites subject to mandatory BNG. A similar condition is imposed on sites that are not subject to mandatory BNG but are required through local policies.
- 2.45 Through the application to discharge the BGP, the applicant is required to confirm how the minimum provision of 10% is to be achieved. Where the gain is to be significant on-site provision, and for all off-site provision that isn't already subject to a s106 agreement or a conservation covenant such as a habitat bank and/or site(s) managed by a responsible body, the Council as the Local Planning Authority, will be required to monitor the sites to ensure the provision and establishment of BNG for a period of 30 years.
- 2.46 The monitoring of land for BNG will require a review of condition reports and some site visits by a qualified ecologist at regular intervals. There will also be a further burden on administration, finance, and legal. This is a resource issue that cannot be accommodated within the existing regime and as such a fee schedule is proposed (Appendix V). The intention is to enable a full recovery of the costs associated with Council's monitoring of progress of BNG sites.
- 2.47 It is proposed that the Council monitor BNG sites in association with the Ecological Advice Service (EAS) at Kent County Council (KCC). KCC EAS has set a fee schedule (index linked) setting out suggested threshold categories along with suggested monitoring events and their costs based on this (Appendix VI). This information has been used as a basis to formulate a monitoring fee schedule for the Council to secure for all relevant sites that are subject to BNG. The method and assumptions on which the fee schedule has been based is set out in Appendix VII.
- 2.48 It is proposed that for significant on-site provision for sites using the small sites metric, the monitoring fee is secured by a bespoke form (Appendix VIII for the draft form to be reviewed and agreed by Legal), similar to the form that is used to secure Strategic Access Management Monitoring Scheme (SAMMS) payments (the "Birdwise" scheme), or by unilateral undertaking (UU). In the scenario for sites using the small sites metric where the form or a UU is used, the requirement will be for the monitoring fee to be paid upfront. For off-site provision, not already subject to a s106 agreement or conservation covenant, the applicant will be required to enter into a s106 agreement to secure the monitoring fees. In these cases, it is proposed that 50% of the monitoring fee be paid at upfront upon signing and completion of the s106 agreement and 50% at year 2 of monitoring.

- 2.49 In all circumstances described in the paragraph above, the applicant will be required to provide the LPA with a copy of its site monitoring reports at the agreed intervals throughout the 30-year period. For on-site provision, monitoring starts at completion of development and for off-site provision, monitoring starts at completion of all the enhancement works secured by the legal agreement.
- 2.50 Reporting on mandatory BNG comes into effect in March 2026. A fee schedule for the monitoring of relevant BNG cases will enable the Council to cover the costs and ensure adequate resources are available to undertake and record monitoring activity, including any enforcement and legal proceedings that may be required.

3 Proposals

- 3.1 That members recommend to Full Council the introduction of charges for amendments to undetermined applications in accordance with the fee schedule as set out in Appendix I (to be reviewed and updated where necessary or at least annually).
- 3.2 That members recommend to Full Council the introduction of fees for monitoring biodiversity net gain (BNG) in accordance with the fee schedule as set out in Appendix V (to be reviewed and updated where necessary or at least annually).
- 3.3 That members recommend to Full Council the fee schedule for Planning Performance Agreements (PPAs) as set out in Table 5, Appendix III (to be reviewed and updated where necessary or at least annually).
- 3.4 That members recommend to Full Council the revised pre-application and post-decision fee schedule as set out in Tables 1, 2 and 3, Appendix III (to be reviewed and updated where necessary or at least annually).
- 3.5 That members note the updated version of the Member Protocol for Pre-application and Pre-decision Developer Engagement in Appendix IV.

4 Alternative Options Considered and Rejected

- 4.1 To continue to not charge for the submission of amended plans. This represents the cheapest option for applicants. However, this discourages the use of the Council's pre-application service, encourages speculative applications and applications of a lower quality and causes costs to be incurred by the Council that primarily benefit applicants rather than the wider community. This is not recommended. Lower quality schemes often add a significant amount of time to the assessment and determination of applications which in turn has the potential to create backlogs. Extended periods of time to determine applications provides uncertainty for both the applicant and surrounding residents.

- 4.2 The Council could apply the charge to a selection of application types rather than all application types. However, as the Council incurs the costs of processing amendments for all types of applications, it is recommended that all types of applications should be liable for the charge.
- 4.3 Given the discretion that exists in relation to the processing of amendments and additional information, the Council could refuse to process changes after an application has been validated. In some instances, this can be a sound approach. However, there are also instances where this would put the Council at some risk of costs being awarded to appellants in any appeal process. Moreover, this approach would prevent applications being improved during the course of an application. In this regard, where there are some applications that can be granted planning permission because the planning balance indicates that the overall benefits outweigh the harms, these are often the types of cases where there is scope to achieve improvements that further increase the benefits. It is not recommended to take away the opportunity to improve schemes.
- 4.4 The Council could choose not to impose a fee for the monitoring of BNG sites. This leaves the Council with the burden of finding resource in existing budgets for financing appropriate software for assessing and monitoring sites and engaging with KCC EAS for their expertise in reviewing reports and absorbing the cost of the time for existing staff within the Planning Service and Legal Services taking on additional monitoring duties for a period of 30-years for each relevant BNG site. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 No 948, as amended by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (The CIL Regulations) gives specific powers for monitoring fees. There is current practice already within Legal Services to charge for work on S106 agreements (for any purpose). This proposal relates to additional planning and administration officer time associated with these additional S106 agreements. It is considered that the introduction of a fee schedule for monitoring BNG is a reasonable approach.
- 4.5 The Council could continue applying the current pre-application advice fees and methodology for generating a fee for PPAs. Whilst there will be some continuation of applicants utilising the service, this is not recommended as it will lead to confusion and inconsistencies in the pre-application fees being applied to development proposals falling outside of the defined categories; it will continue to result in inconsistencies in the fee being applied to PPAs and some services will also continue being provided without cost recovery, thus not maximising the Council's opportunities in this regard. Inconsistencies and significant increases in fees will likely deter applicants from engaging in these processes, resulting in poorer quality in proposals submitted at application stage, increased risk of appeals and the associated costs and inefficient use of officer time resulting potential backlogs.

5 Consultation Undertaken or Proposed

- 5.1 The proposal to introduce a fee schedule for the submission of amendments and additional information to undetermined applications was discussed informally with senior officers and members of the administration. It was agreed further work be undertaken with a view to moving towards Committee consideration.
- 5.2 The proposed pre-application advice and post decision fee schedule and PPA fee schedule has been discussed with senior officers.
- 5.3 The proposed amendments / further information fee schedule, pre-application advice and post decision fee schedule and PPA fee schedule have all developed through benchmarking against other authorities that already have these processes and fee schedule in place.
- 5.4 The draft Member-Developer Protocol was developed during an all-party member workgroup / training session on 23 May 2024.

6 Implications

Issue	Implications
Corporate Plan	The proposals would align with the Corporate Plan as it would enable the Planning Service to better operate within its resources whilst maintaining the ability to engage with communities and deliver the service in a transparent and efficient way.
Financial, Resource and Property	<p>The proposal to introduce a fee schedule for the submission of amendments / additional information would enable the Council to recover the costs associated with this discretionary process that is already undertaken.</p> <p>The proposal to introduce a fee schedule for monitoring BNG sites would enable the Council to recover costs associated with monitoring activities for a significant period.</p> <p>The proposal to introduce a revised pre-application advice and post decision fee schedule and a new PPA fee schedule would enable to the Council to maximise the recovery of costs associated with this discretionary process that is already undertaken.</p> <p>The agreed Council budget for 25/26 indicates an additional £50k planning fee income will be secured across chargeable services. These fees will contribute towards that, as well as to wider service budgetary pressures.</p>
Legal, Statutory and Procurement	The provision of a planning function and processing applications made to the Planning Service is a statutory requirement. However, the submission and processing of amendments and additional information to undetermined applications, the provision of pre-

	<p>application and post-decision advice and entering into PPAs, are discretionary elements of the planning function that already occurs within Swale. In accordance with Section 93 of the Local Government Act 2003 and Section 3 of the Localism Act 2011, the suggested approach to recover costs associated with this work is lawful and has no other legal or procurement implications.</p> <p>The CIL Regulations allow for the cost of monitoring BNG to be secured and therefore the suggested approach to recover costs in this way is manner is also lawful and has no other legal or procurement implications.</p>
Crime and Disorder	There are no implications for crime and disorder.
Environment and Climate/Ecological Emergency	<p>With regard to the introduction of fees in relation to the submission of amendments / further information, the revision of pre-application and post-decision advice fees and the introduction of a fee schedule for PPAs, there are no direct implications in respect of the environment and the climate/ecological emergency.</p> <p>Including an Officer discretion at managerial level within the department to discount the fee or allow further amendments where an improvement to an acceptable scheme is proposed (perhaps to deliver energy efficiency or renewable energy facilities) could ensure that the suggested approach does not prohibit gains in this regard.</p> <p>The introduction of fees for monitoring BNG would have a positive impact on the environment and would contribute positively towards addressing the ecological emergency. The introduction of monitoring fees would ensure the Council has adequate resources to undertake their duty to monitor and report on the delivery of BNG and take appropriate action where this may be failing.</p>
Health and Wellbeing	There are no implications for health and wellbeing.
Safeguarding of Children, Young People and Vulnerable Adults	There are no implications for the safeguarding of children, young people and vulnerable adults.
Risk Management and Health and Safety	With all the proposals set out, there is a risk in the potential change to the image of the Council arising from the introduction of a practice that is adding more cost for applicants. However, the introduction of fees in relation to discretionary services and to monitor BNG is becoming commonplace and it is considered that the benefits will outweigh the costs.

	No Health and Safety issues are anticipated.
Equality and Diversity	None at this stage.
Privacy and Data Protection	None at this stage.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- 7.2 Appendix I: Submission of Amendments / Additional Information Fee Schedule.
- 7.3 Appendix II: An approach to the submission of amendments / additional information.
- 7.4 Appendix III: Swale Pre-Application Advice and Planning Performance Agreement Fee Review (amended).
- 7.5 Appendix IV: Member Protocol for Pre-application and Pre-decision Developer Engagement
- 7.6 Appendix V: BNG Monitoring Fees
- 7.7 Appendix VI: KCC EAS suggested BNG Monitoring Fees – March 2025 document.
- 7.8 Appendix VII: Assumptions and Calculations

8 Background Documents

None

Appendix I

Submission of Amendments / Additional Information Draft Fee Schedule

Application Type	Description	Fee per submission
Lawful Development Certificate (existing and proposed) Householder	Householder alterations and extensions only.	£129
Lawful Development Certificate (existing and proposed) Other	Development involving establishing lawful use of properties.	£210
Householder	Householder development (affecting a single home) including extension, outbuildings and other works within the property boundary.	£240
Minor Development	<ul style="list-style-type: none"> Includes between 1 to 9 dwellings. Covers up to 0.5 hectares. Commercial development less than 1,000 square metres 	£300
Major Development	<ul style="list-style-type: none"> Includes between 10 to 49 houses or flats. Covers between 0.51 to 2 hectares. Commercial development between 1,001 to 4,999 square metres 	£600
Large Major Development	<ul style="list-style-type: none"> Includes 50 - 249 houses or flats. Covers between 2.1 to 5 hectares. Commercial development between 5,000 to 9,999 square metres 	£750 10% discount when part of a PPA
Strategic Major Development	<ul style="list-style-type: none"> Includes 250+ houses or flats. Covers more than 5 hectares. Commercial development of 10,000 square metres or more 	£1000 10% discount when part of a PPA

Listed Building Consent	Development of a listed building including extensions and internal alterations.	£240
Discharge of Condition	Applications for the discharge of planning conditions.	£210
Advertisements and Shopfronts and any other proposals not listed above.	Shop fronts, signs and adverts for a shop or attached to a business premises. Any other proposals not listed above.	£210

Note: The Council reserves to the right to review whether a further amendment will be allowed for exceptional, complex proposals. The relevant fee set out above will apply for each submission.

Appendix II

An approach to the submission of amendments / additional information

Amendment Fees

Making changes before a decision is made

Once you have submitted your planning application, we are not legally obliged to accept any amendment to your plans. This is because amendments require us to carry out additional work that an applicant has not paid for such as:

- Reassessing the proposed development
- Updating the officer report
- Managing new plans and documents
- Carrying out more internal and public consultation

The submission of amendments means that it takes longer to assess your application and to provide you with a decision. For this reason, we have introduced a charge for changes made to a planning application after it has been submitted.

We strongly encourage applicants to prepare their applications to a high standard by first seeking pre-application advice. To help prepare a high quality application, the Council provides a pre-application advice service

[Planning Permission - Ask us for advice before you apply for Planning Permission](#)

Further pre-application advice can be sought from Kent County Council as the Highways Authority and the Lead Local Flood Authority at:

[Highway pre-application advice - Kent County Council](#)
[Sustainable drainage in planning - Kent County Council](#)

The Council will exercise its discretion whether to request or accept amendments to a planning application under consideration. If an amendment is required in order to make the proposal acceptable in planning terms, you will be obliged to meet our fee requirements.

If there is a substantial objection to your proposal which officers consider could not be overcome by amendments, you may be sent the refusal notice (giving reasons) without an opportunity to submit amendments.

Changes we will accept:

- We will accept simple amendments where a scheme is unacceptable as submitted but can be made acceptable subject to very minor amendment.
- Where further analysis of the case means more information or clarification is needed. It must be needed to complete the assessment of the scheme. For example, cross sectional or levels details drawings and supporting evidence.

- Amendments of a minor nature that would improve the scheme. This must be a necessary improvement.

We will not accept amendments where the scheme is unacceptable and one or more of the following applies:

- No pre-application has been sought – A charge may still be applied if the pre-application service was used but the advice provided was not followed.
- Making it acceptable would require a large amount of additional information.
- It would require the initial submission or further marketing or wildlife surveys or any other information that may take a matter of months to obtain.
- The amount of change required would result in a very different proposal.
- The principle of development cannot be supported.
- It would result in an increase in size of or material change to the red edge site boundary (unless requested by the LPA)
- It would result in a significant move or relocation of footprint and/or volume and mass of built form.
- It would result in the introduction of materially different uses.
- It would result in conflict with development plan policies.
- The application is time sensitive with consent being deemed to have been granted automatically if a decision is not made within the original statutory timeframe (some prior approvals). Exceptions may be made at the officer's discretion where timescales will not be affected.

Note: This list is not exhaustive.

We will:

Only accept one round of amendments to a submitted scheme, unless incorporated into a Planning Performance Agreement.

- only accept the amendment if an extension of time is agreed at the outset.
- the amendments must be submitted within the timescale given by the named planning case officer.

Please note, if you fail to submit any amendments, or fail to submit them by the agreed deadline; or refuse our request for an extension to the statutory determination period, to allow more time for us to consider amendments; or fail to respond to it by the agreed deadline your application will be considered based on the information previously submitted. This could result in planning permission being refused, without additional discussion.

What to include:

- A completed form which includes, your name, contact email, the application reference number and a table of the amendments /additional information and what is superseded.
- Updated plans where necessary and make sure plan reference numbers are updated to refer to a different version.

- Updated documents where necessary and make sure document reference numbers are updated to refer to a different version.

How long does the process take?

Your case officer will discuss how much longer they think it will take them to assess your application based on the amendments to be made. You should expect all amendment requests to add at least 14 days to the assessment time of your application (from the date that the amended information is submitted and payment is received, whichever is the latest).

Your case officer might need to reconsult neighbours and statutory consultees. This will add at least a further 21 days to the assessment time.

A new determination date will have been set in advance of using this service and agreed with the case officer as an extension of time.

How to apply and pay

The charge for using this service is dependent on the type of application and is set out below. The charge has been calculated on the basis of one set of amendments being submitted. Please complete the relevant form emailing it to planningapplications@swale.gov.uk and pay via our website. Do not send the amendments to this email address.

Alternatively, you can make a payment by cheque, payable to Swale Borough Council. If you pay by cheque, you should send it to Swale House, East Street, Sittingbourne, Kent, ME10 3HT. Please ensure you enter your planning application reference and site address on the online payment form so that we can match the payment to your current application.

The amendments and a copy of the completed form should be sent directly to the case officer or submitted via the Planning Portal.

Unsolicited amendments

The Council will not accept unsolicited amendments. Please do not seek amendments in response to an objection unless first agreed with your named planning case officer. If you or your agent submit an unsolicited amendment, we will return it and let you know that we are not accepting it.

Fee information

Fees are non-refundable.

Amendment charges are exempt from VAT.

Appendix III

Swale Pre-Application Advice and Planning Performance Agreement Fee Review, 19 February 2025 (amended).

Introduction

A review was undertaken in February 2025 of the current fee schedule Swale has in place for the pre-application advice service it offers and for Planning Performance Agreements (PPAs).

Pre-application Advice

The pre-application advice fees in 2024 were as follows:

Householder Pre-App – £350.00

Minor Developments Pre-App – £962.00

A minor development is one where any of the following applies:

- Includes between 1 to 9 dwellings.
- Covers up to 0.5 hectares.
- Commercial development less than 1,000 square metres

Major Developments Pre-App – £3,445.50

A major development is one where any of the following applies:

- Includes between 10 to 49 houses or flats.
- Covers between 0.51 to 4 hectares.
- Commercial development between 1,001 to 9,999 square metres

Large Major Developments Pre-App – £5,244.50

A large major development is one where any of the following applies:

- Includes 50 or more houses or flats.
- Covers more than 4 hectares.
- Commercial development more than 10,000 square metres

Other Fees

Listed Building (householder) – written advice only – you will pay £120.00.

Heritage & Urban Design attendance at meeting (PER HOUR) – £250.00

NB: this fee is in addition to those above, however written advice will continue to be provided on a case-by-case basis.

Others not in categories above will be charged at an hourly rate – price on application.

*** Parish Councils, Voluntary Organisations, National Charities or Charities that are not 'not-for-profit' will be charged based on development size**

The fees set out in this schedule cover the cost of a meeting followed by a written response. It also allows for one set of follow up drawings/information to be submitted in advance of an application being submitted.

Planning Performance Agreements

There is no transparent, set charging system for PPAs set out by Swale. The process of working out the fees associated with PPAs is currently relatively formulaic. The calculation involves using the relevant pre-application advice fee for the proposal as the baseline which covers the review of the application and two meetings. This is added to the case officer's estimate of the hours anticipated to write a report, the hours to prepare for and attend committee at an hourly rate of £81 and the input from officers from other departments.

Member-Developer Engagement

Following a workshop in 2024, it was agreed that the Member-Developer Protocol be updated. As updated version was drafted but remains to be published. The most recent draft includes provision for presentations to Members of development schemes as part of the pre-application advice process. As the updated protocol has not moved beyond draft, the option of presentations to Members has not progressed.

Methodology

A comparison has been made of Swale's fee schedule against all other Local Authorities in Kent. It is difficult to undertake a direct comparison as each Local Authority applies categorises in various different ways. For example, for some authorities the category of 'Minors' is separated into two categories based on number of dwellings (1-4 and 5-9) and in some cases this category is separated further between the level of residential and commercial development. Greater variations also occur with the categories of the advice type such 'written advice only', meeting and written advice' etc. Nevertheless, a table was produced to try to encapsulate comparisons between the pre-application advice offer and the associated fee.

Findings

In reviewing the fee schedules, some have been found to be lengthy and confusing. In general Swale offers a simple approach that is easy for the customer and officers to understand and apply it to the proposal. The fees are competitive and are relatively in sync with other authorities that deal with similar types of development, such as neighbouring Medway. I therefore do not consider a complete overhaul of Swale's pre-application advice fee schedule is required, but that there are some recommendations which I believe would provide further clarity and offer Swale the potential for further income.

In relation to PPAs, only Dartford appears to have a set charging schedule. Most Kent Local Authorities refer to the use of PPAs but it's a mixed bag in terms of the focus that is given to them on their websites.

Dartford's PPA Fees:

Development Category	Fee (from 1 st April 2024)
50-100 homes	£12,060
5,000 – 9,999 sqm commercial floorspace 101-199 homes	(10,050+VAT) £24,024
10,000 – 19,999 sqm commercial floorspace 200+ homes	(£20,020+VAT) £48,024
20,000 sqm commercial floorspace	(£40,020+VAT)

Recommendations

Pre-application Advice

In terms of the existing pre-application advice fee schedule, the following changes are suggested to provide clarity, efficiencies and to promote the use of PPAs. The proposed fee schedule is designed to generate more applications for pre-application advice which in turn will increase income and improve the quality in the submission of proposals at application stage.

Table 1

<p>Householder Pre-App – £360.00</p> <p>Site visit at officer discretion</p> <p>Minor Developments Pre-App – £989.50</p> <p>A minor development is one where any of the following applies:</p> <ul style="list-style-type: none"> • Includes between 1 to 9 dwellings. • Covers up to 0.5 hectares. • Commercial development less than 1,000 square metres

Major Developments Pre-App – £3,545.50

A major development is one where any of the following applies:

- Includes between 10 to 49 houses or flats.
- Covers between 0.51 to 2 hectares.
- Commercial development between 1,000 to 4,999 square metres

Large Major Developments Pre-App – £5,395.50

A large major development is one where any of the following applies:

- Includes 50 - 249 houses or flats.
- Covers between 2.1 to 5 hectares.
- Commercial development between 5,000 to 9,999 square metres

Strategic Major Development Pre-App - £6,500 + Discounted PPA (see separate fee schedule for PPAs)

- Includes 250+ houses or flats.
- Covers more than 5 hectares.
- Commercial development of 10,000 square metres or more

Other Fees

Listed Building (householder) – written advice only – you will pay £150.00.

Heritage & Urban Design attendance at meeting (PER HOUR) – £260.00

NB: the Listed Building and the Heritage and Urban Design fees are in addition to those above, however written advice will continue to be provided on a case-by-case basis.

Any other advice not set out above – meeting and or written at officer discretion - hourly rates– price on application.

*** Parish Councils, Voluntary Organisations, National Charities or Charities that are not ‘not-for-profit’** will be charged at 50% of the above pre-application advice fee

Design Review – To be advised at the time of request

Admin Fee – An admin fee of £75 will be applied to any refund that may have been agreed due to exceptional circumstances.

The fees set out in this schedule cover the cost of a meeting followed by a written response.

Notes:

- The ability of the officer to exercise discretion over whether a site visit is required will reduce the number of site visits and enable some pre-application to be undertaken without a visit.
- Adjusting the definition of the categories to include a 'Strategic Major Development' category will generate more income from the larger schemes proposed.
- Slight increase in the fee for heritage advice to cover the cost of the use of consultants. This is closer to the fee other authorities have for this service, so comparable.
- Slight increase in fee for urban design attendance and advice given the demand. Again, this brings it to the similar levels as other authorities.
- A change to the fee structure for charities etc from hourly to 50% of fee. It is a slight increase but would better cover the cost of the advice that might be required. This is comparable to the approach of Ashford and Dover.
- It is recommended to remove the allowance of one set of follow up drawings/information to be submitted in advance of an application being submitted. This allows for the advice on the initial proposal to be written up and sent out soon after the meeting and the case closed on Uniform. Follow up advice can be given under a charged process as suggested below.
- The introduction of an admin fee for any refund would bring this process in line with other charging processes within the department such as the refund of a SAMMs payment.

Other services where advice could be provided at a fee:

Table 2

Advice	Suggested Fee
Follow up advice – minor amendments to a proposal following initial advice.	Hourly rate – to be calculated at submission and worked out depending on the amendment or can be invoiced after and could be charged at an hourly rate or part thereof
Post decision advice – refusal	50% of relevant pre-app fee
Amendments to an approved scheme	Hourly rate – to be calculated at submission and worked out depending on the amendment or can be invoiced after and could be charged at an hourly rate or part thereof
Discharge of conditions	Hourly rate – to be calculated at submission and worked out depending on the number of conditions and what they cover or can be invoiced after and

	could be charged at an hourly rate or part thereof
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Notes:

- The inclusion of the post decision advice may assist in reducing the number of appeals.
- An option to discuss the details required for the discharge of conditions (not requiring technical input) may assist in the processing of conditions within the statutory timeframe and less potential for the need to agree extensions of time and deemed discharge.

If hourly rates are to be used, it is helpful to set out schedule of officer fees, particularly as some sites may result in more than one amendment following the initial advice. Attendance being at the discretion of the case officer.

Benchmarking against other Council's fees and applying them to the roles in the team at Swale, it could be as follows:

Table 3

Officer	Hourly Rate (including relevant on-costs)
Planning Assistant	£108
Planning Officer	£140
Principal Planner	£162
Team Leader	£182
Planning Manager	£215
Urban Design	£260
Heritage	£170
Council Officers from other departments providing advice such as affordable housing, greenspaces	£170

The table below provides a direct comparison with the current fees where the development categories are similar.

Table 4

Current as of 1 April 2020		Proposed	
Development Category	Fee	Development Category	Fee
Householder (works to an existing dwelling)	£360.00	Householder (works to an existing dwelling)	£360.00

		Site visit at officer discretion	
Minor (1-9 houses or flats)	£989.50	Minor Developments Where any of the following applies: <ul style="list-style-type: none"> Includes between 1 to 9 dwellings. Covers up to 0.5 hectares. Commercial development less than 1,000 square metres 	£989.50
Major (10-29 houses or flats)	£3545.00	Major Developments Where any of the following applies: <ul style="list-style-type: none"> Includes between 10 to 49 houses or flats. Covers between 0.51 to 2 hectares. Commercial development between 1,000 to 4,999 square metres 	£3545.00
Major (30-49 houses or flats) starting at 30 dwellings	£3,600.00 + £100 per additional property		As above
Large Major (50+ houses or flats)	£6,000.00 + £100 per additional property	Large Major Development	£5,395.00

starting at 50 dwellings		<p>Where any of the following applies:</p> <ul style="list-style-type: none"> Includes 50 - 249 houses or flats. Covers between 2.1 to 5 hectares. Commercial development between 5,000 to 9,999 square metres 	
Large Major (Commercial over 10,000sqm)	£6,000.00	<p>Strategic Major Development</p> <p>Where any of the following applies:</p> <ul style="list-style-type: none"> Includes 250+ houses or flats. Covers more than 5 hectares. Commercial development of 10,000 square metres or more 	£6,500.00 + Discounted PPA (see separate schedule for PPAs)
Heritage and Urban Design attendance at meeting (per hour) NB: This fee is in addition to those above, however written advice will continue to be provided on a case by case basis	£257.00		£260.00

Listed building (householder) – Written advice only	£123.50		£150.00
Local not-for-profit charities	Free		
Others not in category above charged at an hourly rate	Price on application	Others not in category above charged at an hourly rate	Price on application. Hourly rates proposed in Table 3
* Parish Councils, Voluntary Organisations, National Charities or Charities that are not ‘not-for-profit’ will be charged based on development size		* Parish Councils, Voluntary Organisations, National Charities or Charities that are not ‘not-for-profit’ will be charged based on development size	50% of the above relevant pre-application advice fee.
		Design Review	To be advised at the time of request
		Admin Fee Applied to any refund that may have been agreed due to exceptional circumstances.	£75.00

Planning Performance Agreements

There are both benefits and disadvantages of setting a charging schedule for PPAs. The advantage is that it gives all parties involved a clear fee that will be applied to the relevant proposal. The disadvantage of introducing a set charging schedule, is that it may not capture the full extent of work involved in a project.

Planning performance agreements could also include an option for applicants to present their proposals to Members as part of the pre-application / pre-decision advice process provided the Member-Developer Engagement Protocol is updated, published and followed. A fee can be set for this option and this could be secured as part of a Planning Performance Agreement. Medway Council has a fee for this which could be used as the basis for a fee at Swale given the similarities in the characteristics of the administrative areas and the size of development proposals received as planning applications.

Recommendation

- Introduce a set charging schedule for greater certainty for developers calculating the cost of the application process and for officers advising of fees. This also reduces delays in PPAs being drafted and completed.

- Include a caveat that the Council reserves to the right to review the fee for exceptional, complex proposals and in circumstances where the applicant has not previously obtained pre-application advice.
- Include an additional note to advise that the Council will consider PPAs for proposals of a smaller scale than that set out in the charging schedule and a fee will be calculated based on the proposal and provided upon request.
- Include a note that the Council expects the applicant to commit to cover the costs of external consultants to progress the application, to be agreed on a case-by-case basis (this is covered in the PPA template) and the Council's administrative and legal fees.
- Offer 10% discount from the PPA fee below if the applicant has previously obtained formal pre-application advice and the PPA is completed and signed ahead or at the time of the formal submission of the application.
- Include the option for a pre-application / pre-decision presentation to Members to be included within the PPA (for as additional fee).
- Refine the PPA template and make it available online for applicants to complete a draft.

Suggested charging schedule based on Dartford's approach and taking account of the process currently utilised by Swale to calculate PPA fees. This also includes a fee for pre-application presentations to Members.

Table 5

Development Category	Fee inc. VAT
50-100 homes 1,000 to 4,999 sqm commercial floorspace	(£15,586.00 + VAT) £19,703.20
101-199 homes 5,000 – 9,999 sqm commercial floorspace	(£22,612.00 + VAT) £28,134.40
200+ homes 10,000+ sqm commercial floorspace	(£39,059.00 + VAT) £47,870.80
Pre-application / Pre-decision Presentation to Members This option should only be offered and secured as part of a PPA in relation to sites of significance and in accordance with Member-Developer Protocol for pre-application and pre-decision engagement.	(£1050 + VAT) £1260 per presentation

Note: All fees include administration fee of £1000.

Summary

The review of the fees for pre-application advice requests shows Swale to be comparable with other Kent Local Authorities. The charging process for PPAs could be simplified and standardised to make it attractive and easy for applicants to sign up to. A discount offer is proposed to encourage applicants to follow both the formal pre-application advice and PPA routes before submission of a formal application.

Appendix IV

Member Protocol for Pre-application and Pre-decision Developer Engagement

Purpose

The purpose of this protocol is to set out the recommended process for member engagement with developers at pre-application and pre-decision stages of the planning application process.

Regardless of the potential outcome of an application, the pre-application and pre-decision process is a collaborative process, whereby member engagement is encouraged at an early stage to ensure that local needs are understood.

This protocol specifically relates the following types of development (although the core principles apply to any size or nature of application): -

- Large scale major developments- schemes that propose more than 500 dwellings or over 10,000 sqm of non-residential floorspace, and large-scale solar parks. These types of development by their nature have wider strategic implications of local importance.
- Developments meeting Environmental Impact Assessment triggers
- Significant development being brought forward by Swale Borough Council and Parish or Town Councils.
- Development which would form a significant departure from the Local Plan (except householder proposals).
- Decisions that need to be referred to the Secretary of State.

It is essential that the processes and procedures relating to member engagement in pre-application and pre-decisions on planning applications are clearly understood by officers, members, developers and the public and that such engagements are subject to robust governance. This is to avoid (the perception of) pre-determination which can undermine trust in the planning system (and indeed, by extension, local governance), and which could expose the Council to appeal. This protocol sets out the recommended governance for such discussions with Swale Borough Council.

Benefits of engaging with members

Members take decisions at the Planning Committee in the best interest of the Borough, balancing their role as community custodians and the need to keep an open mind prior to a decision being made. However, this does not mean that members should not take part in early discussions with developers. The benefits of engaging with members early on are recognised by the Council. The main benefits are as follows: -

- Helps bring about a better understanding of the key issues through open information sharing, discussion, and constructive questioning.
- Shapes proposals at an early stage.
- Develops a shared understanding of the wider planning challenges.

- The Council's Statement of Community Involvement encourages consultation with local communities and stakeholders - ward members can play an important role in promoting community aspirations.

Probity

Early engagement with members is an important aspect of ensuring that proposals lead to development that communities need, and contribute to the wider objectives of the Council, encompassing community aspirations.

It is, however, important to be aware that there is a risk that such discussion can become or be seen to be part of a lobbying process by the applicant. A decision taker must ensure that they have an open mind on the proposal when it comes to taking a decision. It is acceptable for a member to be pre-disposed to support or object to a scheme as a result of both their community representation and leadership roles provided they are willing to maintain an open mind and listen to views on both sides, and that they are not (perceived to be) pre-determined.

Fact-finding meetings are to be encouraged as an appropriate means for members to test their initial views and to seek clarity where required.

Governance

Pre-application and pre-decision engagement with the Planning Committee and other interested members and the developer will take place in the form of an informal briefing, which will be instigated by the Council and can be requested by the developer.

A presentation will be given by the developer, and the case officer or other suitable representative of the Council will be present. Members will have the opportunity to ask questions and seek clarification on the details of the proposal. It is not an opportunity to enter into negotiation regarding the proposal (noting this is an officer task).

In addition to informal member briefings, the developer or applicant will be strongly encouraged to undertake appropriate pre-application consultation with the wider public, including Parish Councils, in accordance with the Council's Statement of Community Involvement.

Member engagement process

The engagement process will be as follows: -

1. The pre-application and pre-decision engagement between the Planning Committee and other Councillors will be determined by the Head of Planning or Chief Planning Officer in line with criteria set out above.
2. The applicant will be informed within 10 working days whether their request for pre-application or pre-decision engagement has been agreed.
3. If agreed, the applicant will be requested to provide a presentation including relevant information such as a site plan, other relevant plans and supporting information outlining key issues.

4. Councillors will be given 21 days' notice of the date and time of the briefing. The presentation will be circulated to Councillors at least 10 working days before the briefing.
5. The briefing will be led by the Chief Planning Officer, or appropriate substitute, who will introduce the purpose of the briefing and advise as to how it will be conducted. They will reiterate that the purpose of the briefing is a fact-finding exercise and provide clarification around the main planning challenges. They will remind members of the need for probity and that Councillors must not pre-determine any matter under discussion. A record of the outcome of the meeting will be made and such record may be subject to an application for disclosure under the Freedom of Information Regulations 2004 or the Freedom of Information Act 2000.
6. Members present will sign in their attendance and introduce themselves when they first ask a question.
7. Planning officers will confirm that the discussions will not bind the Council to make a particular decision and that the views and opinions expressed are made without prejudice to the future consideration of the application.
8. The applicant will present their proposal, which should include a strategy for engaging with ward members and Parish or Town councils.
9. The Planning Officer will offer comments and advise Councillors of the planning issues or policies that need to be considered.
10. Members will have the opportunity to ask questions and seek clarification.
11. Notes of the meeting will be placed on the application file at the earliest possible opportunity if the meeting relates to a pre-decision presentation. If the meeting relates to pre-application advice, the notes will be added to Idox under the pre-application advice reference number but will not be made public.

Member presentations are not a substitute for a site meeting.

Engagement between Members and Developers

The Planning Advisory Service has published [guidance on lobbying](#), which is helpful indicator as to what developers can expect from members as part of their pre-application and pre-decision engagement.

Should members wish an officer to be present at a meeting with a developer, officers will use best endeavours to attend. Priority will be given to the Leader and Deputy Leader of the Council and members of the Planning Committee / other relevant Chairs / Vice Chairs as development proposals progress within respective wards. Officers will make a written record of the meeting placing the note on the file.

Appendix V

BNG Monitoring Fees

Threshold	Monitoring Schedule	Monitoring Fee
<i>note: where a number of Biodiversity Units is proposed – this relates to the <u>total</u> number of units <u>not</u> just unit uplift</i>		
All development that is not Major development qualifies for Small Sites Metric and results in Significant Biodiversity Gain	Reports submitted years: 2, 5, 10, 20, 30 Site visit: none Contingency for site visit/review	£5,489.73 To be paid upfront – completion and submission of the form or completion of Unilateral Undertaking
Major Developments up to 10 Biodiversity Units	Reports submitted years: 2, 5, 10, 20, 30 Site visit: 1 Contingency for site visit/review: 1	£7,868.71 To be paid on completion of the s106 agreement
Major Developments between 11 and 20 Biodiversity Units	Reports submitted years: 1, 2, 5, 10, 15, 20, 25, 30 Site visit: 2 Contingency for site visit/review: 2	£13,596.97 To be paid as follows: 50% on completion of the s106 agreement 50% at year 2
Major Developments over 21 Biodiversity Units	Reports submitted years: 1, 2, 5, 10, 15, 20, 25, 30 Site visit: 4 Contingency for site visit/review: 4	£17,413.72 To be paid as follows: 50% on completion of the s106 agreement 50% at year 2

Notes:

- 1) The Council reserves the right to calculate bespoke monitoring fees in circumstances such as cases where more frequent monitoring is required or for some phased developments.
- 2) The monitoring fee does not include the legal fees associated with checking Unilateral Undertakings and the drafting of s106 agreements.

Appendix VI

KCC Ecological Advice Service suggested BNG Monitoring Fees - March 2025

[Government guidance](#) sets out that where Local Planning Authorities are party to a legal agreement securing significant on-site, off-site BNG or habitats they are responsible for ensuring that the landowner does what they have committed to do.

The Local Planning Authority should:

- monitor whether the landowner is meeting their obligations,
- take action if they do not,

Local Planning Authorities are able to secure a fee to cover costs of monitoring BNG. This BNG monitoring fee should be calculated to account for the administration and monitoring of compliance with the planning obligation for the entire length of the agreement (30 years).

The suggested monitoring schedules provided in Table 1 below highlights the need for the BNG monitoring fee to be varied according to the number of Biodiversity Units being monitored. It should be noted that the monitoring schedules below are suggestions, and Local Authorities may deem it appropriate to agree alternative monitoring schedules with applicants and habitat bank providers.

Table 2 provides an example of how KCC Ecology costs may be impacted by indexation over the 30-year period. Local Planning Authorities may wish to use their own processes for indexation.

Please note that the figures in the tables below only account for KCC Ecology costs associated with monitoring.

It is recommended that Local Planning Authorities include:

- Their own costs associated with receiving, processing, reviewing and reporting on Biodiversity Net Gain Sites,
- The cost of monitoring reports being reviewed by a suitably qualified and experienced ecological professional,
- Enforcement costs where non-compliance is identified through monitoring (contingency),
- May wish to include a fee to cover the cost of dedicated monitoring software.

KCC Ecology's fees are set through the existing Service Level Agreement Process. This is currently calculated to be a **day rate of £340** for a biodiversity officer. This fee will be reviewed annually as part of the service level agreement process.

BNG monitoring fees will be collected as part of the SLA process.

Table 1. provides suggested monitoring schedules and fees associated with KCC EAS monitoring of BNG. The fees below are based on a day rate of £340 for a biodiversity officer.

Recommended thresholds <i>note: where a number of Biodiversity Units is proposed – this relates to the total number of units not just unit uplift</i>	Suggested monitoring schedule	If requiring payment at the point of each monitoring event – EAS cost per monitoring event <i>Note: All monitoring fees will be subject to indexation at point of payment</i>	<u>Example of where payment is required in advance</u> <i>* Site visits agreed as part of HMMP should be charged at relevant year rate. <u>For the purposes of this example year 10 has been used for all.</u></i> <i>**Contingency fee also charged at year 10 rate for all.</i>
Low risk – qualifies for SSM <i>Agree bespoke schedule and fee if appropriate.</i>	Reports submitted years: 2, 5, 10, 20, 30 Site visit: none Contingency for site visit/review	EAS monitoring report review = £170 (0.5 day) <i>Ensure that provision is made for additional monitoring events if deemed necessary.</i>	0.5 day per report (2.5 days) - Fees account for indexation (see Table 2) = £1412.66 1 day contingency = £233.72* Total = 1646.38
Major developments up to 10 Biodiversity Units	Reports submitted years: 2, 5, 10, 20, 30 Site visit: 1 Contingency for site visit/review	EAS monitoring report review: £340 (1 day) £340 per site visit (1 day) <i>Ensure that provision is made for additional monitoring events if deemed necessary.</i>	1 day per report (5 days) - Fees account for indexation (see Table 2) = £2825.32 Site visit: 1 day = £467.43* 1 day contingency = £467.43** Total = 3760.18
Major developments between 11 and 20 Biodiversity Units	Reports submitted years: 1, 2, 5, 10, 15, 20, 25, 30 Site visit: 2	EAS monitoring report review: £510(1.5 day) £340 per site visit (1 day)	1.5 day per report (12 days) - Fees account for indexation (see Table 2) = £6776.55 Site visit: 2 day = £467.43* x 2

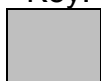
	Contingency for site visit/review	<i>Ensure that provision is made for additional monitoring events if deemed necessary.</i>	2 day contingency= £467.43** x 2 Total = £8646.27
Major developments over 21 Biodiversity Units	Reports submitted years: 1, 2, 5, 10, 15, 20, 25, 30 Site visit: 4 Contingency for site visit/review	EAS monitoring report review: £680 (2 days) £340 per site visit (1 day) <i>Ensure that provision is made for additional monitoring events if deemed necessary.</i>	2 days per report (16 days) = £9035.40 Site visit: 4 days = £467.43* x 4 4 days contingency=£467.43**x 4 Total = £12,774.84

Table 2. provides estimated indexation for KCC EAS fees based on the RPI for January 2025 of 3.6%. It is recommended that LPA ensure that KCC EAS monitoring fees are index linked in line with LPA processes for their own fees.

Year	Small sites using SSM	Up to 10 BU	11-20 BU	Over 21 BU
1	170.00	340.00	510.00	680.00
2	176.12	352.24	528.36	704.48
3	182.46	364.92	547.38	729.84
4	189.03	378.06	567.09	756.12
5	195.83	391.67	587.50	783.34
6	202.88	405.77	608.65	811.54
7	210.19	420.38	630.56	840.75
8	217.75	435.51	653.26	871.02
9	225.59	451.19	676.78	902.37
10	233.72	467.43	701.15	934.86
11	242.13	484.26	726.39	968.52
12	250.85	501.69	752.54	1003.38
13	259.88	519.75	779.63	1039.50
14	269.23	538.46	807.69	1076.93
15	278.92	557.85	836.77	1115.70
16	288.97	577.93	866.90	1155.86
17	299.37	598.74	898.10	1197.47
18	310.14	620.29	930.43	1240.58
19	321.31	642.62	963.93	1285.24
20	332.88	665.75	998.63	1331.51

21	344.86	689.72	1034.58	1379.44
22	357.28	714.55	1071.83	1429.10
23	370.14	740.28	1110.41	1480.55
24	383.46	766.93	1150.39	1533.85
25	397.27	794.54	1191.80	1589.07
26	411.57	823.14	1234.71	1646.28
27	426.39	852.77	1279.16	1705.54
28	441.74	883.47	1325.21	1766.94
29	457.64	915.28	1372.91	1830.55
30	474.11	948.23	1422.34	1896.45
Total	1412.66	2825.32	6776.55	9035.40

Key:



Monitoring event (accounting for the number of days recommended for each monitoring event – e.g. 0.5, 1, 1.5 or 2 days)

Appendix VII

Assumptions and Calculations

Method and Assumptions

Mycelia by Verna is the software the Council uses to assess and monitor BNG sites. Within the monitoring module of Mycelia is a calculator for Councils to work out their potential monitoring costs for BNG sites. The calculator allows the user to input the cost of each staff member involved with the monitoring process. The calculator includes the percentage overheads for staff (30%), rate of inflation (set at 5%) and any additional costs to the LPA included in monitoring across the full 30 years of monitoring the site. This might include costs related to site visits, software subscriptions, training for employees, etc. It also includes 10% of the total monitoring charge for the cost of assessing management plans at assessment stage and then updates to this plan at intervals across the 30 years.

KCC Ecological Advice Service (KCC EAS) has produced a table of suggested thresholds for monitoring. It is based on the use small sites metric and then the number of BNG units proposed per site. There are four threshold categories. For each category, KCC EAS has provided a suggested monitoring schedule, setting out which years a report should be submitted for each threshold category. Based on this, KCC EAS have provided the cost of their time for each threshold category which has been index linked.

To be able to set an appropriate fee, the calculator in Mycelia has been used to generate the cost for a Planning Technical Officer based within the Planning Service at Swale as they will be responsible for monitoring the s106 agreements that secure the monitoring of BNG sites and updating Mycelia (or any subsequent equivalent software). By using the Mycelia calculator to generate this cost, it also allows for the other aspects outlined above (assessing Management plans, software subscriptions etc) to be included when setting an overall fee.

The cost of the KCC EAS' time has then been added to the cost of the Planning Technical Officer's time and other associated costs as described above for each threshold category.

In reviewing the monitoring fees of other Local Planning Authorities, there is also provision included within the monitoring fees for any potential enforcement and subsequent legal involvement. A cost for these activities has also been incorporated into the suggested monitoring fees, based on the day rate of relevant officers and taking account of inflation. Note, the legal fee for drawing up and entering into the s106 is separate to any legal fees incorporated within the monitoring fees.

The costs per employee in terms of the Planning Technical Officer and Planning Investigations Officer has been based on an average of the current posts within the relevant teams. The legal officer day rate is based on the HM Courts & Tribunal Service, day rates for a Grade A practitioner in Kent. The time required per monitoring year and per non-monitoring year has been based on what other Local Planning Authorities have

used to generate their monitoring fees as this is likely to be standard. We will, however, keep this under review.

Calculations

Threshold Category	Calculation
All development that is not Major development, qualifies for Small Sites Metric and results in Significant Biodiversity Gain	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $\pounds 1,412.66 + \pounds 3,313 = \pounds 4,725.66$ $+ \pounds 233.72 \text{ (Contingency/SV)} = \pounds 4,959.38$ $+ \pounds 227.95 \text{ (Enf. Day Rate x 1 day)} = \pounds 5,187.33$ $+ \pounds 302.40 \text{ (Legal Day Rate x 1 day)} = \pounds 5,489.73$
Major Developments up to 10 Biodiversity Units	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $\pounds 2,825.32 + \pounds 3,313 = \pounds 6,138.32$ $+ \pounds 934.86 \text{ (Contingency + SV)} = \pounds 7,073.18$ $+ \pounds 341.93 \text{ (Enf. Day Rate x 1.5 day)} = \pounds 7,415.11$ $+ \pounds 453.60 \text{ (Legal Day Rate x 1.5 day)} = \pounds 7,868.71$
Major Developments between 11 and 20 Biodiversity Units	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $\pounds 6,776.55 + \pounds 3,890 = \pounds 10,666.55$ $+ \pounds 1,869.72 \text{ (Contingencyx2 + SVx2)} = \pounds 12,536.27$ $+ \pounds 455.90 \text{ (Enf. Day Rate x 2 day)} = \pounds 12,992.17$ $+ \pounds 604.80 \text{ (Legal Day Rate x 2 day)} = \pounds 13,596.97$
Major Developments over 21 Biodiversity Units	Ecologist + Planning Tech Officer (+all other costs set out within Mycelia) $\pounds 9,035.40 + \pounds 3,313 = \pounds 12,348.40$ $+ \pounds 3,739.44 \text{ (Contingencyx4 + SVx4)} = \pounds 16,087.84$ $+ \pounds 569.88 \text{ (Enf. Day Rate x 2.5 day)} = \pounds 16,657.72$ $+ \pounds 756.00 \text{ (Legal Day Rate x 2.5 day)} = \pounds 17,413.72$

Appendix VIII

Draft Biodiversity Net Gain (BNG) Monitoring Fee Agreement: Sites using Small Sites Metric and achieving Significant BNG On-Site



Biodiversity Net Gain (BNG) Monitoring Fee Agreement: Sites using Small Sites Metric and achieving Significant BNG On-site

Planning Application Reference Number: _____

Applicant: _____

Address of Planning Application: _____

Description of development: _____

_____ (the "Development")

Online/telephone payment ref (if known): _____

In compliance with the Environment Act 2021, the proposed development includes the provision of a minimum of 10% biodiversity net gain. In accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010 No. 948 as (amended), Swale Borough Council (the "Council") seeks to recover the costs associated with monitoring the provision and establishment of BNG for a period of 30 years by securing a monitoring fee.

As the Applicant, the extent of my liability has been assessed by the Council to be £
..... (the "Monitoring Fee") and I am accordingly agreeable to paying this
Monitoring Fee as a contribution towards the cost of monitoring the BNG provision
secured as part of my proposed Development.

I have accordingly now paid the Monitoring Fee and hereby acknowledge and agree that:

1. The Monitoring Fee has been paid to the Council as a contribution towards the cost of the Council undertaking monitoring activity with regard to provision and establishment of BNG that is secured as part of the development proposal for a period of 30 years in accordance with the Environment Act 2021;
2. I have been informed of the opportunity to complete a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to pay the Monitoring Fee when development commences but have chosen to make this direct payment as an expeditious alternative to relying upon a unilateral undertaking;
3. No refund of the Monitoring Fee will be made unless any planning permission granted by the Council is subsequently quashed by the High Court following a legal challenge;
4. In respect of any refund (including where my application is withdrawn) I further acknowledge that:
 - 4.1. I will make the request for a refund from the Council's Section 106 Monitoring Officer in writing;
 - 4.2. the total amount refunded will be the Monitoring Fee less an administration fee of £70 (including VAT);
 - 4.3. no interest accrued on the Monitoring Fee will be refunded;
 - 4.4. in the event of a legal challenge to the grant of planning permission and that planning permission is quashed, no refund will be made until the outcome of

such challenge is known (without further challenge) and/or, the application has been re-determined in accordance with the judicial pronouncement (but the Council reserves the right to claim any revised Monitoring Fee that may be required as a result of the lapse of time and the decision notice will not be issued unless and until that revised payment has been made).

Signature of applicant: _____

Date: _____

Full name of applicant: _____

Signed on behalf of Swale Borough Council

Emma Wiggins – Director of Regeneration & Neighbourhoods

This receipt signifies the agreement on behalf of Swale Borough Council to the terms in which the Monitoring is made by the Applicant as set out in this form and in accordance with Section 111 Local Government Act 1972 Section 12 and Section 93 Local Government Act 2003 and Section 1 Localism Act 2011.

Please send an electronic copy of signed document to section106@swale.gov.uk

Or a hard copy of this document to the following address:-

Customer Focus and Business Support Manager, Planning Services, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT