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**Development Control Committee – 17<sup>th</sup> November 2021**

**Report of the Director of Regeneration and Enterprise**

**Planning Services Fees 2022**

**Purpose**

1. To consider the proposals within the report with regard to the setting of the Council's Building Regulation Fee Scales to take effect from 1st January 2022, non-statutory Development Management Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with Council Policy. Following adoption of the Community Infrastructure Levy (CIL) Charging Schedule during 2015/16, regulations require any CIL charges to be index linked to the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. The report also includes fees for the Local Development Order (LDO) and charges for Pre-Application advice to customers.

**Recommendations**

2. It is recommended that Development Control Committee: -
  - Endorse the inflationary increase of 2% of the existing Building Control Fee Schedule as outlined in Appendix B.
  - Note the continued use of Consumer Price Index in Planning Obligations costings as outlined in Appendix C, and in accordance with the adopted Supplementary Planning Document (SPD) "Planning Obligations".
  - Note the use for CIL charges following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors.
  - To approve proposed fees for the Local Development Order (LDO) as outlined in Appendix D
  - To approve new proposed/amended fees for Pre-Application charges as outlined in Appendix E

- Endorse the fee schedule for Development Management Non-Statutory Charges as outlined in Appendix F.

## **Background**

3. In line with council policy all non-statutory fees and charges are updated annually.

4. **Building Control**

Building Control exists to ensure the health and safety of users of buildings, to promote energy efficiency and water conservation, and to ensure reasonable access and facilities for all.

Under the provisions of the Building Act 1984, it is the duty of local authorities to enforce the regulations through determining applications and site inspections.

Since 1985 legislation has been in place to enable the service to be provided by the private sector in competition with local authorities. Local authority fee scales, therefore, need to be competitive with those of the private sector.

The Building (Local Authority Charges) Regulations 2010 came into force on 1 April 2010 and, following a transitional period, Dudley MBC Building Control introduced fees under this legislation on 1 October 2010.

The key principle of the Regulations remains the need to fix charges, by way of a scheme, to fully recover the costs associated with the relevant Building Control functions. The Regulations place a greater emphasis on the need to relate these charges to the costs of carrying out the building control function on a building project and highlight the principle of 'User Pays'. The regime is more flexible, and these flexibilities are intended to make the scheme fairer and proportionate to the actual costs incurred.

Under the 2010 Regulations, Local Authorities are required to set their charges by relating the "hourly rate" of their Building Control staff to the time spent carrying out the chargeable functions associated with a building project. The hourly rate is a single rate based on the average cost of providing the chargeable elements of the building control service and has been developed in line with guidance produced by CIPFA and the LABC (Local Authority Building Control) model scheme. This allows for standard charges to be applied for various categories of works or for bespoke quotations to be provided to clients. Bespoke quotations are provided for the larger, more complex projects and where works consist of more than one standard category.

Following reviews of the existing fee scheme it is proposed to increase the fees in line with Council Policy of approximately 2% to cover inflationary pressures. This increase is the maximum amount to retain a competitive fee structure.

The existing fee levels are shown in Appendix A. The revised Charging Scheme, including the proposed fee scale, is shown in Appendix B and, in accordance with The



Building (Local Authority Charges) Regulations 2010, will be published at least seven days before the implementation date.

### Planning Obligations

The use of planning obligations to secure financial developer contributions towards the delivery of local infrastructure is a key and well-established element of the planning system and is required on certain planning applications depending on the scale and nature of development.

There is a need to index link planning obligations as a failure to do so would result over time in insufficient contributions being secured and the use of inflationary indices for planning obligations is an established principle which is set out in the Planning Obligations SPD (approved in September 2011) and is supported by the Department of Community and Local Government (DCLG) publication entitled '*Planning Obligations: Practice Guidance*' (2006).

The index used is Consumer Price Index (CPI), and the current rate is 1.7%. (The rate was 0.5% in 2015/16). The 2017/2019 financial year costs are set out in the amended Supplementary Planning Document, which is included as Appendix C to this report.

### Community Infrastructure Levy (CIL)

CIL is a levy, adopted in 2015/16, that allows Local Authorities to charge on new developments. The money can be used to support development by funding infrastructure that the Council, local community, and neighbourhoods want.

There is a need to index link CIL contributions to keep the levy responsive to market conditions; as a failure to do so would result, over time, in insufficient contributions being secured. The requirement to apply an index of inflation is set out within regulation 40 of the CIL Regulations 2010 (as amended). This regulation requires CIL contributions to be index linked using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors.

### Local Development Order (LDOs)

The Council adopted a Local Development Order (LDO) for Household Extensions in 2017. If homeowners choose to take advantage of the LDO there is a process for gaining a letter of determination which has a set fee of half the fee currently charged for a household application. There is also a fee to make a minor amendment to the development following the issue of the letter of determination to cover the administration costs of the process.

Continue to charge existing fees for the LDO as outlined in Appendix D.

## Pre-Application

The pre-application process is where advice is provided on informal development proposals, which are submitted to the planning service. Councils can charge for this service and whilst it is not a statutory function this is now common practice in most councils. It is proposed that we will continue to charge, for some pre-application advice but amend the fee schedule to include additional application types (new residential and telecoms) and remove the fee for household extensions.

The fees have been calculated by reviewing the charging schedules for the other West Midland Combined Authority areas and providing a comparable charging framework.

HER fees were subject to a separate report of 16<sup>th</sup> September 2019, where it was agreed to introduce a charge in line with neighbouring authorities. These fees are still comparable, so no increase is proposed.

It is also proposed to introduce a charge for meetings associated with pre-application submissions with the planning case officer. This will be at the discretion of the planning officer, as required/necessary, and could be virtual, in person or on site.

The new fee schedule is outlined in Appendix E and includes an exceptions list and will not be introduced until 1<sup>st</sup> April 2022. This will allow time to publicise the proposed changes.

## Trees

The submission of formal applications for works to protected trees is free as determined nationally. This will remain unchanged, but we have charged for pre-application advice which is provided by the Tree service should it be sought. This is split between less than 10 trees and between 11+ trees. This distinction is made as a recognition between the times it takes to provide such advice. It is proposed to increase this fee (as outlined in Appendix E) to reflect the level of professional advice offered as part of this service. The charge also includes a site visit.

The authority will also continue to charge for copies of Tree Preservation Orders, this fee has increased by 2%.

## Historic Environment

As with trees the submission of applications for Listed Building consent or Conservation Area consent is free as determined nationally. This will again remain unchanged, but we will continue to charge for pre-application advice which is provided by the Historic Environment Officer should it be sought.

## Development Management Non-Statutory Fees

Development Management carry out several non-statutory functions including providing copies of decision notices and supply of Tree Preservation Orders, to members of the



public. Whilst non-essential it is generally considered that they add value to the service by enhancing the statutory function provided.

When setting fees for the non-statutory services the increase is reflective of the supporting administration and technical costs and in line with inflationary increases. See Appendix F for non-statutory Development Management fees.

## **Finance**

5. The proposal is considered to accord to the provisions of the Building (Local Authority Charges) Regulations 2010 and has been designed to maximise income to the Council and meet increased budget income targets, without, as required, generating excess surplus.

The underlying requirement of the new Regulations is that the fees charged are appropriate for the works undertaken in exercising chargeable Building Control functions. It is always difficult to accurately predict the building control income as this is subject to building activity and the overall economic situation. The current economic climate makes this prediction even more uncertain. However, the new regulations should ensure that income derived by the Authority from performing chargeable functions and providing chargeable advice will equate to the costs incurred in performing chargeable functions and providing chargeable advice.

The Regulations require that an annual review of the charges is undertaken to ensure that this overriding objective is met.

The Development Management fees included within this report are non-statutory and any charge is to cover administrative and technical costs of providing the service only.

All monies received are receipted and banked in line with Council policy.

## **Law**

6. Charges are made under the Building (Local Authority Charges) Regulations 2010, the controlling legislation being the Building Act 1984.

The CIL Regulations 2010 (as amended) set out the requirements for the indexation of CIL charges.

## **Risk Management**

7. There are no material risks to the Council resulting from the report.

## **Equality Impact**

8. This report complies fully with the Council's Policy on equal opportunities
9. The Building (Local Authority Charges) Regulation 2010 specifically exempt from the requirement to charge a fee in connection with work solely for the purpose of securing



greater health, safety, welfare, or convenience of people with disabilities where the works are in connection with their permanent residence or to an existing building to which members of the public are admitted.

### **Human Resources/Organisational Development**

10. There are no direct Human Resources or Organisational Development Implications.

### **Commercial/Procurement**

11. All fees and charges are appropriate to the works undertaken and allow services to remain competitive within the marketplace.

### **Council Priorities**

12. Having appropriate Planning and Building Control Fee's in place for both residential and commercial development supports the council's priority of *regenerating the borough* as well as helping to create a cleaner and greener place.

Helen BMartin

### **Helen Martin Director of Regeneration and Enterprise**

Contact Officer: Paul Mountford  
Telephone: 01384 814176  
Email: Paul.Mountford@dudley.gov.uk

Contact officer: Jane Lamine  
Telephone 01384 815706  
Email: Jane.lamine@dudley.gov.uk

### **List of Background Papers**

The Building (Local Authority Charges) Regulations 2010:  
<http://www.legislation.gov.uk/ukxi/2010/404/contents/made>

Current Dudley MBC Building Control Charges:  
<http://www.dudley.gov.uk/resident/planning/building-control/making-an-application/>

CIPFA Local Authority Building Control Accounting Guidance  
The Community Infrastructure Levy (CIL) Regulations 2010 (as amended):  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>



**Appendix A. Existing Building Control Fees for 2021**

**SCHEDULE 1**

**CHARGES FOR THE ERECTION OF, OR THE CONVERSION TO,  
NEW DWELLINGS OR FLATS WHERE INDIVIDUAL FLOOR  
AREA IS LESS THAN 300M<sup>2</sup>**

Number of Dwellings	Full Plans				Building Notice Charge	
	Plan Charge		Inspection Charge		Exc VAT £	Inc VAT £
	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £		
1	200.00	240.00	395.83	475.00	708.33	850.00
2	200.00	240.00	605.00	726.00	956.67	1148.00
3	200.00	240.00	888.33	1066.00	1291.67	1550.00
4	233.33	280.00	1130.00	1356.00	1625.00	1950.00
5	233.33	280.00	1330.00	1596.00	1870.00	2244.00
6	258.33	310.00	1543.33	1852.00	2145.83	2575.00
7	258.33	310.00	1733.33	2080.00	2375.83	2850.00
8	308.33	370.00	1895.00	2274.00	2629.17	3155.00
9	308.33	370.00	2138.33	2566.00	2920.00	3504.00
10	308.33	370.00	2341.67	2810.00	2161.94	3794.00

**For applications in excess of 10 dwellings or flats, an individual fee will be calculated.**

**Note: An additional charge calculated by reference to Schedule 4 will be payable if the notifiable electrical work is not carried out by a Part P registered electrician or by a person qualified to complete a BS 7671 installation certificate.**

**SCHEDULE 2**  
**CHARGES FOR CERTAIN WORKS IN CONNECTION WITH,**  
**OR TO, AN EXISTING DWELLING**

TYPE OF WORK	FULL PLAN APPLICATION				BUILDING NOTICE CHARGE		REGULARISATION CHARGE
	PLAN CHARGE		INSPECTION CHARGE		Exc VAT £	Inc VAT £	Exempt from VAT £
	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £			
i) Erection or extension of a non-exempt detached garage or car-port up to 100 m <sup>2</sup>	111.67	134.00	132.50	159.00	282.50	339.00	400.00
ii) Erection or extension of a non-exempt attached garage or car port up to 100 m <sup>2</sup>	132.50	159.00	155.83	187.00	330.00	396.00	477.00
iii) An extension of floor area	145.83	175.00	178.33	214.00	377.50	453.00	470.00

less than 10 m <sup>2</sup>							
iv) An extension of floor area 10 m <sup>2</sup> - 40 m <sup>2</sup>	189.17	227.00	283.33	340.00	488.33	586.00	618.00
v) An extension of floor area 40 m <sup>2</sup> -100 m <sup>2</sup>	200.00	240.00	363.33	436.00	591.67	710.00	754.00
vi) Loft conversion of up to a maximum floor area of 50 m <sup>2</sup>	215.83	259.00	268.33	322.00	508.33	610.00	630.00
vii) Conversion of an attached garage, or part, to a habitable use	110.83	133.00	170.00	204.00	310.83	373.00	390.00
viii) Window replacement up to 20	56.67	68.00	74.17	89.00	135.00	162.00	170.00

windows, thermal renovation up to £5000, space heating and hot water systems not installed under a self-certification scheme							
ix) Window replacement over 20 windows, thermal renovation over £5000	66.67	80.00	86.67	104.00	157.50	189.00	199.00
x) Other works in connection with an existing dwelling, up to a value of £2,000	134.17	161.00	86.67	104.00	242.50	291.00	363.00

£2,001 to £5,000	137.50	165.00	121.67	146.00	297.50	357.00	483.00
£5,001 to £25,000	159.17	191.00	216.67	260.00	484.17	581.00	584.00
£25,001 to £50,000	160.83	193.00	268.33	322.00	560.83	673.00	688.00
£50,001 to £75,000	188.33	226.00	395.00	474.00	643.33	772.00	785.00
£75,001 to £100,000	216.67	260.00	516.67	620.00	816.67	980.00	990.00

**FOR BUILDING WORKS VALUED AT MORE THAN £100,000, OR WHERE THE WORK CONSISTS OF MORE THAN ONE OF THE ABOVE CATEGORIES, YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.**

**Note: An additional charge calculated by reference to Schedule 4 will be payable if the notifiable electrical work is not carried out by a Part P registered electrician or by a person qualified to complete a BS 7671 installation certificate.**



### SCHEDULE 3

#### NON-DOMESTIC APPLICATIONS

VALUE OF WORKS	PLAN CHARGE		INSPECTION CHARGE		REGULARISATION CHARGE £ Exempt from VAT
	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £	
0 to £5,000	208.33	250.00	Included in Plan Fee	Included in Plan Fee	331.00
£5,001 to £25,000	148.33	178.00	251.67	302.00	560.00
£25,001 to £50,000	322.50	387.00	322.50	387.00	944.00
£50,001 to £75,000	327.50	393.00	485.83	583.00	1100.00
£75,001 to £100,000	346.67	416.00	645.83	775.00	1405.00

**NOTE:**

**FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.**

## SCHEDULE 4

### PART P: ELECTRICAL SAFETY

The scale of charges relates to works carried out under the provisions of Part P to The Building Regulations 2010, being the design, installation, inspection and testing of relevant works related to electrical safety in domestic properties.

1. Relevant electrical works carried out by a competent electrician registered with an appropriate self-certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

**No Fee**

2. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician registered with an appropriate self-certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

Registration noted on Building Regulation File

**No Fee**

3. Relevant electrical works carried out by a competent electrician not registered with an appropriate self-certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Application to be made using a Building Notice with a full description of the works to be given. Appropriate certification to be provided by the electrician. The Authority will register the application but not issue a completion certificate but a letter confirming the registration and receipt of appropriate test certification.

**Fee £ 54.00 + VAT**

4. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician not registered with an appropriate self-certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Certification to be entered on the Building Regulation File



No additional fees required and completion certificate to be issued in normal manner.

**With no certification for the electrical works on file then completion certificate will not be issued following completion inspection of the building works.**

5. Relevant electrical works carried out by a non-qualified person.

Applications are to be made using a Building Notice with a full description of the works given.

**Registration of application            £ 54.00 +VAT**

No additional fee to be paid if independent certification provided from a competent electrician to validate compliance of the works.

Acceptance certificate will be issued by the Authority.

If inspection is required by the Authority to validate the works then additional charges as Appendix B will be levied.

On satisfactory completion inspection acceptance certificate will be issued by the Authority.

6. Electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are subject of an application for Building Regulation approval. Works carried out by a non-qualified person.

Registration noted on Building Regulation file.

No additional fee to be paid.

No further fee to be paid if independent certification provided from a competent electrician to validate compliance of the electrical works.

Completion certificate will be issued by the Authority in the normal manner.

If inspection is required by the Authority to validate the electrical works then additional charges as appendix B will be levied.

Completion certificate will be issued by the Authority in the normal manner.

## APPENDIX A

### Definition of Competent Person

An electrician registered with a recognised trade body such as NICEIC, ECA and NAPIT and can test the work and issue a design, installation, and test certificate under the provisions of BS7671.

## APPENDIX B

### Minor Works

Total £148.00 + VAT

### Electrical Installation Certification (1-4 Circuits)

Total £235.00 + VAT

### Electrical Installing Certificate (5-10 Circuits)

Total £316.00 + VAT

### Electrical Installation Certificate (11-16 Circuits)

Total £425.00 + VAT

## **APPENDIX B**

### **Proposed Building Control Charging Scheme 2022**

#### **SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES AND ASSOCIATED MATTERS FOR DUDLEY METROPOLITAN BOROUGH COUNCIL**

**To be read in conjunction with The Building (Local Authority Charges) Regulations 2010(As amended).**

**Date this scheme came into effect: 1<sup>ST</sup> January 2022.**

#### **SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES**

### **Definitions**

The following definitions apply to this charging scheme and should be read in conjunction with the other clauses and tables which constitute the charging scheme:

#### **“Building”**

Means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

#### **“Building Notice”**

Means a notice given in accordance with regulation 12(2(a)) and 13 of the Building Regulations 2010 (as amended).

#### **“Building work” means:**

- (a) the erection or extension of a building.
- (b) the provision or extension of a controlled service or fitting in or in connection with a building.
- (c) the material alteration of a building, or a controlled service or fitting.
- (d) work required by building regulation 6 (requirements relating to material change of use).
- (e) the insertion of insulating material into the cavity wall of a building.
- (f) work involving the underpinning of a building.
- (g) work required by Building Regulation 23 (requirements relating to thermal elements).
- (h) work required by Building Regulation 22 (requirements relating to a change of energy status).
- (i) work required by Building Regulation 28 (consequential improvements to energy performance).

**“Chargeable function”** means a function relating to the following:

- (a) The passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).



- (b) The inspection of building work for which plans have been deposited with the council in accordance with the Building Regulations 2010 (as amended) and with section 16 of the Building Act 1984 (as amended).
- (c) The consideration of a Building Notice which has been given to the council in accordance with the Building Regulations 2010 (as amended).
- (d) The consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2010 (as amended).
- (e) The consideration of a regularisation application submitted to the council under regulation 18 of the Building Regulations 2010 (as amended).

“**Cost**” does not include any professional fees paid to an architect, quantity surveyor or any other person.

“**Dwelling**” includes a dwelling-house and a flat.

“**dwelling-house**” does not include a flat or a building containing a flat.

“**Flat**” means a separate and self-contained premise constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

“**Floor area of a building or extension**” is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

“**Relevant person**” means:

- (a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out.
- (b) in relation to a regularisation charge, the owner of the building; and
- (c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of “chargeable advice”.

## Principle of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (As amended) (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.



- **A building notice charge**, payable when the building notice is given to the authority.
- **A reversion charge**, payable for building work in relation to a building:-
  1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or
  2. In respect of which plans for further building work have been deposited with the Authority in accordance with Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- **A regularisation charge**, payable at the time of the application to the Authority in accordance with Regulation 18 of the Building Regulations.
- **Chargeable advice**, local authorities can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. before an application or notice is received for a particular case). This is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (As amended) (i.e., the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent application or notice received for the work in question.
- The above charges are payable by the relevant person (see above for definition).
- Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicants and an authority are agreeable, an inspection charge can be fully or partly paid in advance with the plans charge.
- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council Officers' average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:-
  1. The existing use of a building or the proposed use of the building after completion of the building work.
  2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations:
  3. The floor area of the building or extension.
  4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used.

5. The estimated duration of the building work and the anticipated number of inspections to be carried out.
6. The estimated cost of the building work.
7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(6) or 20 of the Building Regulations (i.e. Related to competent person/self-certification schemes).
8. Whether in respect of the building work a notification will be made in accordance with regulation 41 of the Building Regulations (i.e. Where design details approved by Robust Details Ltd have been used).
9. Whether an application or Building Notice is in respect of two or more buildings or building works all of which are substantially the same as each other.
10. Whether an application or Building Notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works have been inspected by the same local authority.
11. Whether chargeable advice has been given on the project which is likely to result in less time being taken by a local authority to process the Building Regulation Application.
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

### **Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions.**

- Where the charge relates to the erection of a dwelling, the charge includes for the provision of a detached or attached domestic garage or carport providing that it is constructed at the same time as the dwelling.
- Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

### **Exemption from charges**

The Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely;-

- a. For the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b. For the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.



The Council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities, designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of;-

- a. the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- b. the provision of extension of a room which is or will be used solely; -
  - (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
  - (ii) for the storage of medical equipment for the use of a disabled person, or
  - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The Council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely;-

- a. for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- b. for the provision of facilities designed to secure the greater health, safety, welfare of disabled persons.

Note: “disabled person” means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied, but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children’s Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.

### **Information required to determine charges**

If the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of Regulation 9 of the Building (Local Authority Charges) Regulations 2010.

The standard information required for all applications is detailed on the Authority’s Building Regulation Application Forms. This includes the existing and proposed use of the building and a description of the building work.



Additional information may be required in relation to: -

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out
- The use of “competent persons” or Robust Details Ltd.
- Any accreditation held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high risk construction techniques are to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the “estimate” is required to be such a reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax that may be chargeable).

### **Establishing the charge**

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010 (As amended). Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one storey and floor areas are cumulative.

If the building work that you are undertaking is not listed as a standard charge, it will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulations 2010 (As amended). If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers’ time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

The building regulations charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determine charge.

## **Examples of individually determined building projects**

- A reversion charge, i.e. where an Approved Inspector has been involved with a project but cannot progress it to a satisfactory state of completion.
- A Regularisation Charge where the relevant work does not have a standard Regularisation Charge already allocated to that type of work.
- When the building work is in relation to more than one building, with the exception of sites of multiple dwellings or flats.
- When building work consists of alterations to any building where the estimated cost exceeds £100,000.
- When the work consists of a domestic garage with a floor area over 100m<sup>2</sup>.
- When the work consists of the erection of or conversion of an existing building to provide in excess of 10 individual dwellings.
- When the work consists of the erection or conversion of a building into dwellings where the floor area of each dwelling exceeds 300m<sup>2</sup>.
- Any other work where the estimated cost of work exceeds £100,000.
- Where more than one standard charge applies to the building work, the authority will establish the charge by individually determining it. Note: the individually determined charge for the combined works will not be less than the highest published charge for any of the individual categories of works from the published fee table.

## **Other matter relating to calculation of charges**

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of £55.00 per hour has been used.
- Any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge.
- Charges are not payable for the first hour when calculating an advice charge.

## **Reductions**

Reduced charges can be made in the following circumstances: -

- a. The authority will reduce the building regulation charge by the cost of any pre-consultation advice that has been given for a project, if it has been paid for by the same architect/client.



- b. Where in accordance with Regulation 7(5)(i) of the charges regulations, one application or Building Notice is in respect of two or more buildings or building works all of which are substantially the same as each other a 10% reduction in the standard charge will be made.
- c. Where in accordance with Regulation 7(5)(j) of the charges regulations an application or Building Notice is in respect of work which is substantially the same as building work in respect of which plans have previously been deposited and approved or building work in respect of which plans have previously been deposited and approved and inspected by this authority a 10% reduction in the plan charge will be made.

### **Refunds and supplementary charges**

In the circumstances when the basis on which the charge has been set or determined has changed, the authority may refund or request a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculations of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.

### **Non-Payment of a Charge**

Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010 identify that plans are not treated as being deposited for the purpose of Section 16 of the Building Act or Building Notices are not considered as valid unless the Council has received the correct fee. Relevant time scales do not start until the agreed payment has been made. The debt recovery team of the Council will pursue any non-payment of a charge.

### **Complaints about Charges**

Complaints regarding the level of charges should initially be referred to the relevant officer who you are dealing with. The Council has a comprehensive complaints handling procedure. If you are not satisfied with the initial response to your complaint you may pursue the matter through the Council's Complaints procedure. Details can be found on the Councils' website [www.dudley.gov.uk](http://www.dudley.gov.uk)

### **Transitional Provisions**

The Council's scheme for the recovery of charges, dated April 2010 continues to apply in relation to building work, for which plans were first deposited, or a Building Notice was given, or a regularisation application was made between April 2010 and 30<sup>th</sup> September 2010. The new scheme is operable for applications and Building Notices received on and after 1<sup>st</sup> October 2010.



## STANDARD CHARGES

These standard charges have been set by Dudley Metropolitan Borough Council on the basis that the building work does not consist of, or include, innovative or high risk construction techniques and the duration of the building work from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is to be carried out by a person or company who is competent to carry out the design work and building work that they are undertaking. If they are not, the work may incur supplementary charges.

The fees assume that any electrical works undertaken are done so by a suitably qualified person or organisation accredited with a relevant 'Competent Persons Scheme'. If not, then an additional fee will be payable.

If you have paid for chargeable advice in the form of pre-application consultations for the project a reduction will be made in the standard charge that is now payable.

### Building Notice Charge

The use of the "Building Notice" procedure does involve the Building Control Officer spending more time on site visits and assessing works as they progress. It is for this reason that a project using the Building Notice procedure will incur a higher charge above those that are required for a project using the "Full Plans" procedure.

### Reversion Charges

These charges will be individually determined.

### Regularisation Charges

The charge is listed in the following tables. Where no charge is listed, an individual charge will be determined, based on the works in question

## SCHEDULE 1

### CHARGES FOR THE ERECTION OF, OR THE CONVERSION TO, NEW DWELLINGS OR FLATS WHERE INDIVIDUAL FLOOR AREA IS LESS THAN 300M<sup>2</sup>

Number of Dwellings	Full Plans				Building Notice Charge	
	Plan Charge		Inspection Charge			
	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £
1	204.17	245.00	404.17	485.00	722.50	867.00
2	204.17	245.00	618.33	742.00	975.00	1170.00
3	204.17	245.00	907.50	1089.00	1317.50	1581.00
4	238.33	286.00	1150.00	1380.00	1660.00	1992.00
5	238.33	286.00	1354.17	1625.00	1900.00	2280.00
6	263.33	316.00	1580.00	1896.00	2190.00	2628.00
7	263.33	316.00	1779.17	2135.00	2426.67	2912.00
8	312.50	375.00	1933.33	2320.00	2686.67	3224.00
9	312.50	375.00	2175.00	2610.00	2985.00	3582.00
10	312.50	375.00	2391.67	2870.00	3225.00	3870.00

**For applications in excess of 10 dwellings or flats, an individual fee will be calculated.**

**Note: An additional charge calculated by reference to Schedule 4 will be payable if the notifiable electrical work is not carried out by a Part P registered electrician or by a person qualified to complete a BS 7671 installation certificate.**

## SCHEDULE 2

### CHARGES FOR CERTAIN WORKS IN CONNECTION WITH OR TO AN EXISTING DWELLING

TYPE OF WORK	FULL PLAN APPLICATION				BUILDING NOTICE (1)		REGULARISATION CERTIFICATE
	PLAN FEE		INSPECTION FEE		Exc VAT £	Inc VAT £	Exempt from VAT £
	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £			
i) Erection or extension of a non-exempt detached garage or carport up to 100 m <sup>2</sup>	114.17	137.00	135.00	162.00	288.33	346.00	408.00
ii) Erection or extension of a non-exempt attached garage or carport up to 100 m <sup>2</sup>	135.00	162.00	159.17	191.00	336.67	404.00	487.00
iii) An extension of floor area less than 10 m <sup>2</sup>	149.17	179.00	181.67	218.00	385.00	462.00	479.00
iv) An extension of floor area 10 m <sup>2</sup> - 40 m <sup>2</sup>	193.33	232.00	289.17	347.00	498.33	598.00	630.00
v) An extension of floor area 40 m <sup>2</sup> - 100 m <sup>2</sup>	204.17	245.00	370.83	445.00	604.17	725.00	770.00
vi) Loft conversion of up to a maximum floor area of 50 m <sup>2</sup>	220.83	265.00	273.33	328.00	519.17	623.00	645.00
vii) Conversion of an attached garage, or part, to a residential use	115.00	138.00	173.33	208.00	316.67	380.00	400.00

viii) Window replacement up to 20 windows, thermal renovation up to £5000, space heating and hot water system not installed under a self-certification scheme	57.50	69.00	76.67	92.00	138.33	166.00	175.00
ix) Window replacement of 20 windows or over, thermal renovation over £5000	68.33	82.00	88.33	106.00	160.83	193.00	205.00
x) Other works in connection with an existing dwelling, up to a value of £2,000	137.50	165.00	88.33	106.00	247.50	297.00	370.00
£2,001 to £5,000	140.83	169.00	124.17	149.00	303.33	364.00	493.00
£5,001 to £25,000	162.50	195.00	220.83	265.00	494.17	593.00	596.00
£25,001 to £50,000	164.17	197.00	274.17	329.00	572.50	687.00	702.00
£50,001 to £75,000	191.67	230.00	403.33	484.00	656.67	788.00	800.00
£75,001 to £100,000	221.67	266.00	527.50	633.00	833.33	1000.00	1020.00
Site inspection of existing foundations etc. in connection with future works. Note: should a			69.17	83.00			

subsequent application be received for the substantive works, this fee will be credited against the appropriate inspection fee (or building notice fee) for the scheme							
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**Where the proposed work involves more than one category, the applicable fee will be determined individually. Please contact Building Control for a quotation. Note: An additional charge calculated by reference to Schedule 4 will be payable if the notifiable electrical work is not carried out by a Part P registered electrician or by a person qualified to complete a BS 7671 installation certificate.**

## SCHEDULE 3

### NON-DOMESTIC APPLICATIONS

VALUE OF WORKS	PLAN FEE		INSPECTION FEE		REGULARISATION CERTIFICATE £
	Exc VAT £	Inc VAT £	Exc VAT £	Inc VAT £	
0 to £5,000	212.50	255.00	Included in Plan Fee	Included in Plan Fee	338.00
£5,001 to £25,000	151.67	182.00	258.33	310.00	570.00
£25,001 to £50,000	329.17	395.00	329.17	395.00	963.00
£50,001 to £75,000	333.33	400.00	495.00	594.00	1120.00
£75,001 to £100,000	354.17	425.00	658.33	790.00	1430.00

#### NOTE:

**FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.**

#### **(1) BUILDING NOTICE AND PUBLIC SEWERS**

**Where a Building Notice Application is deposited and it is subsequently found to be affected by a Public Sewer as shown on the Maps of Sewers prepared by Severn Trent Water Limited (and therefore Regulation H4 of the Building Regulations applies), the building notice will be converted into a Full Plans Application, as required by Regulation 12(5).**

**As no plans will have been prepared for assessment, and legislation requires that a decision is made on a Full Plans Application, the Application will be rejected but an application for a Build Over Agreement will need to be made to Severn Trent and copies of their decision submitted to Dudley MBC Building Control. Assuming this agreement is provided, then the Building Regulation Application in these circumstances will still be treated as if a Building Notice had been deposited.**

**In this instance the fee payable will be the Building Notice Fee**

## SCHEDULE 4

### PART P: ELECTRICAL SAFETY

The scale of charges relates to works carried out under the provisions of Part P to The Building Regulations 2010, being the design, installation, inspection and testing of relevant works related to electrical safety in domestic properties.

1. Relevant electrical works carried out by a competent electrician registered with an appropriate self-certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

#### **No Fee**

2. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician registered with an appropriate self-certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

Registration and certificate noted on Building Regulation File

#### **No Fee**

3. Relevant electrical works carried out by a competent electrician not registered with an appropriate self-certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Application to be made using a Building Notice with a full description of the works to be given. Appropriate certification to be provided by the electrician. The Authority will register the application but not issue a completion certificate but a letter confirming the registration and receipt of appropriate test certification.

#### **Fee £ 55.00 + VAT**

4. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician not registered with an appropriate self-certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Certification to be entered on the Building Regulation File

No additional fees required and completion certificate to be issued in normal manner.

**With no certification for the electrical works on file then completion certificate will not be issued following completion inspection of the building works.**

5. Relevant electrical works carried out by a non-qualified person.

Applications are to be made using a Building Notice with a full description of the works given.

**Registration of application            £ 55.00 +VAT**

No additional fee to be paid if independent certification provided from a competent electrician to validate compliance of the works.

Acceptance certificate will be issued by the Authority.

If inspection is required by the Authority to validate the works then additional charges as Appendix B will be levied.

On satisfactory completion inspection acceptance certificate will be issued by the Authority.

6. Electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are subject of an application for Building Regulation approval. Works carried out by a non-qualified person.

Registration noted on Building Regulation file.

No additional fee to be paid.

No further fee to be paid if independent certification provided from a competent electrician to validate compliance of the electrical works.

Completion certificate will be issued by the Authority in the normal manner.

If inspection is required by the Authority to validate the electrical works then additional charges as appendix B will be levied.

Completion certificate will be issued by the Authority in the normal manner.

## **SCHEDULE 4, APPENDIX A**

### **Definition of Competent Person**

An electrician registered with a recognised trade body such as NICEIC, ECA and NAPIT and is able to test the work and issue a design, installation and test certificate under the provisions of BS7671.

## **SCHEDULE 4, APPENDIX B**

### **Minor Works**

Total £152.00 + VAT

### **Electrical Installation Certification (1-4 Circuits)**

Total £240.00 + VAT

### **Electrical Installing Certificate (5-10 Circuits)**

Total £322.00 + VAT

### **Electrical Installation Certificate (11-16 Circuits)**

Total £435.00 + VAT

## APPENDIX C

### Current Costings and Planning Obligations\*

Type of Obligation	Current Costings applicable to planning applications submitted after 1 <sup>st</sup> January 2022
<b>Affordable Housing</b>	25% on-site obligation on all sites proposing 15 dwellings or more
<b>Education</b>	Calculated on a site by site basis: £11,616 per nursery/primary school place, £17,503.65 per secondary school place and £18,983 per post 16
<b>Highway Infrastructure Works</b>	Calculated on a site by site basis – usually non-financial
<b>Air Quality Improvements</b>	£35.92 per additional traffic-based trip
<b>Nature Conservation</b>	Calculated on a site by site basis – usually non-financial
<b>Open Space, Sport and Recreation</b>	On sites 80 dwellings or more where onsite provision cannot be accommodated: £1,147.71 per flat and £2,064.24 per house
<b>Environmental Safety and Health</b>	Calculated on a site by site basis
<b>Historic Environment</b>	Calculated on a site by site basis

\* Current Costings Table to be updated annually on 1<sup>st</sup> January in line with CPI, subject to Council approval.

## APPENDIX D

### Local Development Order (LDO) Fees 2021

<b>LDO Request</b>	<b>2020</b>	<b>2021</b>	<b>Increase</b>
Application and Letter of Determination	103.00	103.00	No increase
Minor Amendment to Approved LDO Application	48.00	48.00	No increase

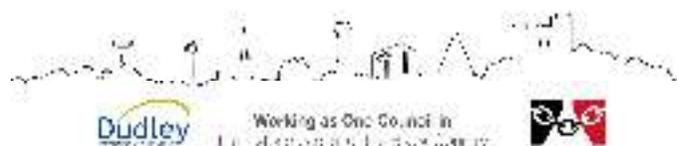
## APPENDIX E

### Pre-Applications Fees 2021

Application Types  * As defined by Central government	Householder	Advertisements		Change of Use	Listed Buildings and Conservation Areas	Trees		
<b>Fee</b>	£51.50	£33	£115.50	£115.50	£60	£30	£60	Negotiable
<b>Details</b>	N/A	Business advertisements	Other advertisements (i.e. hoardings, totem signs etc.)	N/A	N/A	Less than 10 trees	Between 10 and 20 trees	More than 20 trees

*There will be an exemption for applications submitted by/or in partnership with Dudley MBC*

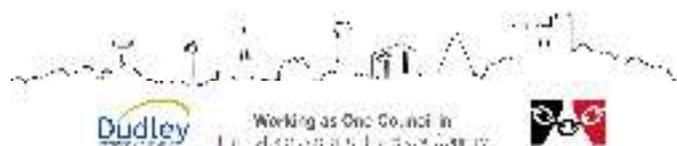
Application Type – As defined by Central Government	Proposed Fee	Change from previous charging schedule	Comments
Householder	£0	-£51.50	Free for residents (one go per development) A fee of £51.50 will be charged for repeat enquiries for the same proposal.
Change of use	£115.50	No change	
Advertisements- Signage Hoardings	£33 £115.50	No change	
Listed Building/Conservation Area	£60	No change	



<i>Trees-</i> 10 or less	£100	+£70	<i>This fee includes a site visit by the planning services arbculturalist</i>
11+	£200	+£140	
<i>Telecoms</i>	£84	+£84	
<i>New Residential Development –</i>			<i>This includes change of use to residential as well as new builds and includes all types of new residential units including flats.</i>
<i>In principle only advise</i>	£100	+£100	
1-3 units	£100	+£100	
4-9 units	£200	+£200	
10-49 units	£500	+£500	
50-99 units	£950	+£950	
100-299 units	£1500	+£1500	
300+ units	£3000	+£3000	
<i>Meeting with the case officer –</i>			<i>These meetings will be at the discretion of the case office on an as required/necessary basis. They are not compulsory.</i>
<i>Virtual</i>	£50 per hour	+£50 per hour	
<i>In person (Council offices)</i>	£100 per hour	+£100 per hour	
<i>On site</i>	£200 per hour	+£200 per hour	

*There will be exceptions for fees with regards to the following:*

- *Applications submitted by or in partnership with Dudley MBC*
- *Developments in relation to charities (for the purpose of the charity function)*
- *Disabled occupiers (no repeat householder fee)*
- *The scheme has been subject to grant funding*



## **APPENDIX F**

### **Non-Statutory Fees and Charges Review–Development Management from 1<sup>st</sup> January 2022**

Fee Description	Increase	2021 (Prices Inclusive of VAT)	2022 (Prices Inclusive of VAT)
Photocopy/printing of Planning or Building Control application documentation (Falling within Councils retention period of 15 years) Copies of documentation falling within the retention period are available free of charge from the council's website. We cannot guarantee availability of documents falling outside of the retention period.	2%	£20.90 per document	£21.30 per document
Photocopy/printing of Planning or Building Control application documentation (Falling within or outside of Councils retention period of 15 years)	2%	£34.00 per document	£34.70 per document
General photocopy/printing of documentation for business customers	No increase	£1.10per A4 Sheet £1.60 per A3 Sheet A1/AO drawing Black and White £12.50 per copy A1/AO drawing colour price upon request	£1.10per A4 Sheet £1.60 per A3 Sheet A1/AO drawing Black and White £12.50 per copy A1/AO drawing colour price upon request
Copy of Tree Preservation Order	2%	£34.00 per order	£34.70 per order
Formal response to confirm Discharge of Conditions on an application site (applications within 10 years of decision date). Householder	2%	£39.50 per application	£40.30 per application

Other Developments		£135.15 per application	£137.85 per application
High Hedge Complaint	2%	£516.00	£526.30
Copy of a Planning Enforcement Notice	2%	£34.00 per order	£34.70 per notice
HER Searches (charges for the first-hour research)	2%	£98.00 per search	£100 per search

