

<https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees>

## Planning fees - consultation closes 25 April 23.

This section asks for views on the issues relating to the proposed fee increase, including:

- increase planning fees by 35% for major applications and 25% for all other applications
- additional fees for bespoke or 'fast track' services
- an annual inflation-related adjustment of planning fees
- ring-fence additional fees income
- double fees for retrospective applications
- remove 'free-go' for repeat applications
- introduce a prior approval fee for the permitted development right allowing the Crown to develop sites within the perimeter of a closed defence site

Question 1: Do you agree that fees for planning applications should be increased by 35% for major applications?

Yes

This is the minimum increase supported. Major applications have wider public benefits and interests and the fees for these applications should reflect the significant input required by an LA and LPA and cover those costs in their entirety to support robust and efficient decision making.

Question 2. Do you agree that the fee for householder planning applications should be increased by 25%?

Yes - this is a proportionate increase.

Question 3: Do you agree that fees for all other planning applications should be increased by 25%?

Yes

Question 4: Are there any other application types or planning services which are not currently charged for but should require a fee or for which the current fee level or structure is inadequate? Please explain.

Yes.

Fees should be payable for:

- Listed Building consents and Listed Building Lawful Development Certificates.
- Re-submission applications including those pursuant to appeals / call in, unless previously withdrawn.
- All approval of reserved matters even if re-submitted.
- Applications to demolish in a Conservation Area.
- Works to TPO trees and Trees in a Conservation Area.

- Re-submissions of advert consents.
- Revised applications unless previously withdrawn.
- Only provide concessions for works that relate to the needs of disabled applicants / users.

Fees for planning related applications should be proportionate to support householders and small businesses. LPAs also need to be well resourced and invest in training and infrastructure to provide a skilled and efficient service, supporting continuous innovation. It is reasonable for fees to be payable for planning services in nearly all cases, so that these services are principally funded by the beneficiaries of planning gain rather than the taxpayer (para 16 of consultation). Non-fee paying planning services generate significant work for LPAs and include the input of many specialist services such as Conservation and Arboriculture, to support the delivery of the service. Some applications are withdrawn as the issues that need to be resolved may take some time, such as key ecology studies. The ability to withdraw and re-submit without a fee within 6 months, for example, may encourage these issues to be addressed rather than await a refusal and appeal.

Question 5. Please can you provide examples of bespoke or 'fast track' services which have worked well or you think could be introduced for an additional fee. Are there any schemes that have been particularly effective?

For major applications, applicants are keen to use Planning Performance Agreements to have a bespoke service ensuring additional support from the LPA through the pre-application and planning application process and increased dialogue to resolve issues as and when needed. A bespoke service is not always faster. It can encourage greater commitment by all parties to deliver good quality schemes in consultation with local communities in a positive and proactive way.

Question 6: Do you agree with the proposal for all planning fees to be adjusted annually in line with inflation?

Yes.

Question 7: Do you consider that the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department?

Yes, but with the caveat that some services that support LPAs may be within a Council but outside a planning department. Provision should be made for funding to be used to support the wider planning function such as in house consultees, so that all services that are key to an efficient planning service can be adequately resourced.

Question 8: Do you agree that the fee for retrospective applications should be doubled, i.e. increased by 100%, for all applications except for householder applications?

Yes.

Question 9: Do you consider that the ability for a 'free-go' for repeat applications should be either:

- removed
- reduced for re-applications within 12 months
- retained
- none of the above
- don't know

A free go is supported only for withdrawn applications re-submitted within 6 months. This would encourage applicants to enter into pre-application discussions and provide robust submissions up front.

Also, for the reasons given to question 4 and noted below:

LPAs need to be well resourced and invest in training and infrastructure to provide a skilled and efficient service, supporting continuous innovation. It is reasonable for fees to be payable for planning services in nearly all cases, so that these services are principally funded by the beneficiaries of planning gain rather than the taxpayer (para 16 of consultation). Non-fee paying planning services generate significant work for LPAs and include the input of many specialist services such as Conservation and Arboriculture, to support the delivery of the service. Some applications are withdrawn as the issues that need to be resolved may take some time, such as key ecology studies. The ability to withdraw and re-submit without a fee within 6 months, for example, may encourage these issues to be addressed rather than await a refusal and appeal.

Question 10: Do you agree that a fee of £96 (or £120 if the proposed fee increase comes forward) should be charged for any prior approval application for development by the Crown on a closed defence site?

Yes

### **Local planning authority capacity and capability**

This section seeks your views on the planning capacity and capability within local authorities, including the challenges in recruitment and retention, and how these can be addressed.

Question 11: What do you consider to be the greatest skills and expertise gaps within local planning authorities?

Skills gaps are more likely to occur for the most experienced staff and at leadership levels, and for those disciplines that support the wider planning service, such as Environmental Health, Environmental Sustainability and Energy, Ecology / Biodiversity, Viability and Urban Design. This has implications for the timeliness of decisions if key consultees are unable to keep up with the volume of work. There are also impacts for complex enforcement cases, major applications and bringing forward new local plans, if there is a lack of experienced staff that have the capacity, knowledge and support for this type of work. Planning services are not always supported by the most efficient and up to date IT solutions, though this is often related to issues beyond skills and expertise.

Question 12: In addition to increasing planning fees, in what other ways could the Government support greater capacity and capability within local planning departments and pathways into the profession? Please provide examples of existing good practice or initiatives if possible.

- Career grade posts help with recruitment and retention, with a commitment to career development at a variety of levels. Encourages entry level planners that we can support long term through their professional qualifications and training.
- Apprenticeships.
- Public Practice - particularly useful for professions that support the planning process such as urban design.
- Supporting requests for work experience, internships and 'year out' students. This is an opportunity to share the values and rewards of the planning profession, the organisation and local government.
- Liaison with colleagues across other LAs and LPAs to share ideas and best practice.

- Fostering a positive approach to planning, setting out the breadth of issues that are involved, the rewards for individuals in planning roles in public service and the importance of those values and objectives for society as a whole.
- Member training to help them understand their role, remit and the knowledge and expertise of their officers and the wider planning system, working together towards common goals.

Question 13: How do you suggest we encourage people from under-represented groups, including women and ethnic minority groups, to become planning professionals?

- The messaging about planning issues in the media can be negative and off putting, compared to the values and rewards of the profession which are wide ranging and significant. There is an opportunity for improved messaging that promotes these wider issues in mainstream media, such as those relating to society's wellbeing, sustainability and climate change, supporting our local economy and providing for new infrastructure to support our communities. Planning is about more than housing.
- Planners do not need a specific planning degree. Degrees in other disciplines can be equally beneficial. Degree and post graduate study can be part time. Promote the profession based on the wide range of experience and skill sets that are relevant to the different roles planners may have and the different work they may do.
- Messaging that links what children and young adults are interested in, to the planning profession is powerful. EG:
  - Gaming that involves building new environments - if you like doing this, planning might be a good career for you.
  - Liaising with schools and colleges - they will already be covering issues related to planning but will rarely have the awareness of planning as a profession.
  - Consulting schools and colleges specifically on local plan consultations as those decisions will have a direct impact on them.
  - Careers talks about planning and sharing 'a day in the life of' stories to improve the knowledge of the profession and the variety of roles it covers.
- Ensuring that all messaging includes representation of under-represented groups so that people see people like them doing a role they might be interested in.

## Local planning authority performance

This section seeks your views on proposals to:

Reduce the Planning Guarantee from 26 weeks to 16 weeks for non-major applications improve the performance of local authority planning authorities by changing the way that performance is assessed for the speed of decision-making introducing a range of new performance metrics as part of a broader performance framework

Question 14: Do you agree that the Planning Guarantee should better mirror the statutory determination period for a planning application and be set at 16 weeks for non-major applications and retained at 26 weeks for major applications?

Yes

Would prefer to retain the opportunity, without censure, when parties agree, to have extensions of time to resolve issues that would otherwise lead to a refusal and appeal and / or re-submission. This can be a more positive and timely way to resolve issues.

Question 15: Do you agree that the performance of local planning authorities for speed of decision-making should be assessed on the percentage of applications that are determined

within the statutory determination period, i.e. excluding Extension of Times and Planning Performance Agreements?

Yes

The speed of decisions is important, but not at the expense of good decision making. The assessment could be a useful tool, to identify LPAs who use them most frequently and are out of step with others. This could highlight an opportunity to challenge performance. Ideally, these assessments would not be at the expense of those parties that would like to amend applications or submit further information to resolve issues and avoid appeals.

Applicants often prefer to have an extension of time or PPA to allow time for straightforward issues to be resolved during the course of an application rather than having a refusal and a need to re-submit. Not all issues are able to be resolved through pre-application discussions, particularly those relating to consultees. Extensions of times and PPAs encourage positive dialogue to resolve these issues and reduce the need to appeal and can be an efficient tool in the planning application process.

Question 16: Do you agree that performance should be assessed separately for (yes/no/don't know):

- Major applications
- Non-Major applications (excluding householder applications)
- Householder applications
- Discharge of conditions
- County matters applications

Response: Yes to all.

Question 17: Do you consider that any of the proposed quantitative metrics should not be included?

Yes

Metric Planning Enforcement E - 1, 2 and 3.

The proposed metrics are not considered to be the best reflection of a quality planning enforcement service or sufficiently precise and unambiguous. Planning enforcement is a complex part of the planning service. Not all complaints about alleged breaches are actual breaches of planning control and there may be more urgent actual breaches of planning control that need to be dealt with more quickly.

Investigations can take time and involve many different partners and parties. Whilst speed is a factor, a speedy investigation may not address all the complex planning and legal issues involved and may not find key evidence that is relevant to the consideration of whether it is expedient to take enforcement action. A quality enforcement investigation and later action is one where decisions are robust and can be defended at appeal and in the courts as necessary. If the consideration of whether it is expedient to take action relates to a prosecution or similar legal action that decision is made by the Council's legal team in the public interest, so not necessarily a factor that reflects directly on the planning service. Council legal teams are often involved in considerations for the expediency of taking other enforcement action.

Enforcement cases change over time as works on site change and investigations progress, so whilst all cases should be efficiently progressed, each case can follow a different route and timetable depending on the nature and complexity of the issues.

Some LPAs categorise their work to address these issues in their enforcement plans, so that priority is given to the most urgent cases, such as unauthorised works to Listed Buildings or unauthorised works to protected trees.

Qualitative metrics for enforcement could focus on the time taken to commence an investigation, the appeals dismissed, and the number of breaches of planning control rectified.

Question 18: Are there any quantitative metrics that have not been included that should be?

Yes

Qualitative metrics for enforcement could focus on the time taken to commence an investigation, the appeals dismissed, and the number of breaches of planning control rectified.

Question 19: Do you support the introduction of a qualitative metric that measures customer experience?

Yes

Question 20: What do you consider would be the best metric(s) for measuring customer experience?

Customer feedback is the best measure, if sought from the wide variety of customers involved in the planning process.

Question 21: Are there any other ways in which the performance of local planning authorities or level of community engagement could be improved?

- Ensuring planning fees cover the costs of the planning service.
- Facilitating investment in IT and improved IT solutions for community engagement, consultations and for access to both historic and current planning records.

## **Public Sector Equality Duty**

Question 22: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

No