

Appendix A

Proposed response to the questions set out in the consultation paper “Stronger performance of local planning authorities supported through an increase in planning fees”

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

Nottinghamshire County Council welcomes the proposed 25% and 35% increase in planning fees. Fees have not increased since 2018 and therefore this uplift is considered to be timely. We are also supportive that this measure is to be brought in swiftly, i.e., this summer. It is welcomed that the increases will go some way to closing the deficit gap between fee income and processing cost so that developers (particularly of major developments) mostly pay for the system, not taxpayers. Additionally, as a minerals and waste planning authority we are required to advertise the majority of our applications (including all minerals and waste applications due to them all being classed as major development) in local newspapers. For many applications, such as Section 73 applications, there is a significant mismatch between the fee received and the cost of processing the application which has an impact on our resources.

We would like to seek clarity that all minerals and waste development will be classed as “major development” (as set out in the Development Management Procedure Order) and that these types of development, no matter what scale, would receive the 35% uplift. However, it is recognised that if the 35% uplift applies to major applications, including all minerals and waste, then this will impact even the smallest proposals e.g., new buildings, kiosks, or site infrastructure, albeit that these applications only attract relatively small fees so the uplift would be minimal.

We would also like clarification as to whether other applications such as non-material amendments, Lawful Development Certificates, discharge of conditions, change of use of the land will be increased as there is no specific reference to these in the consultation paper.

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

No comments as the County Council do not deal with householder applications.

Question 3. Do you agree that fees for all other planning applications should be increased by 25%? If not, please include in the comments box the particular application types where you believe the proposed increase is too high or too low. Your comments should be accompanied with evidence/costs if possible.

Fees for s73 variation applications are too low and a 25% increase on the current fee level would be inadequate. See further comments in response to question 4 below.

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?

No current fee:

Review of Old Minerals Permissions (ROMPS) do not incur any fee at all. This is a historic anomaly due to this falling separately under the Environment Act 1995. The work involves technical environmental assessment (often EIA) and consultation and the finalising of new planning conditions. Effectively the level of work is similar to assessing a full planning application and the fees for such reviews should be reflective of this.

Inadequate fees:

s73 variations - the consultation states a new fee structure is being considered for the variation of planning permissions, including for the new power coming through the Levelling up and Regeneration Bill and that this will be subject to a future consultation. This is welcomed but this could result in delays with no guarantee it will happen.

As a minerals and waste planning authority overseeing many large scale and long-term developments such as quarries, we deal with a significant number of s73 applications seeking changes to conditions including physical changes, changes to restrictive conditions, time limits for completion etc. The scope of these applications can vary, and some can be complicated and time consuming (including time/life extensions) and some can also be EIA development.

Some sites will have had their original permission granted years ago and since then there may have been a chain of multiple s73 permissions. As well as dealing with the changes being proposed there is then a need to review and update the planning conditions which can be a significant task in its own right.

We do look forward to the future consultation on this and perhaps we can suggest that the fee for s73s is again split into major development and minor/other development categories. Further clarity is also needed on the new s73B.

Monitoring fees - were included in the last 2018 increase in fees where fees were all raised by 20% across the board. We note that there is no express mention for monitoring fees for mining and landfill sites in the consultation. We would like to see monitoring fees included in the current proposed uplift.

Also, the limitations to just mining and landfill sites is now outdated, too narrow and so does not cover monitoring visits for the whole range of waste management sites we now have to deal with although landscaping/restoration tends to be minerals and landfill led and the Environment Agency is the main regulator for waste.

Fee for discharging conditions - The ability to group a number of submissions and submit them with a single £116 fee makes no sense with regards to the work required to discharge each condition. There should be a separate fee for each condition, irrespective of when it is submitted for discharge.

Alternatively, we would like to see the 25% uplift and then perhaps a limit of the number of conditions or a limit on the different topics being discharged in one submission. The submission of a group of conditions on the same topic is efficient for us in discharging/processing them, in terms of consultations we undertake etc.

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?

As some public sector infrastructure applications now have to be determined within 10 weeks, such as new schools, a higher fee for such applications may be appropriate. However, for Regulation 3 applications this may have wider financial implications for the County Council budget.

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

Yes, because of the longer-term stability that this would provide rather than having ad hoc reviews every few years, the last one being five years ago. We would prefer to see any inflationary increase taking place at the start of each new financial year (along with the provision of an updated schedule of fees).

We are concerned that the consultation paper mentions that any inflationary increase would require new legislation and therefore the need for parliamentary time and does not form part of the immediate package coming in to affect this summer. A lack of parliamentary time could well mean this is not legislated for.

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. Planning application fees sit in the County Council's Development Management Team's budget (so effectively the fees are already ringfenced) and it makes sense for this to remain the case.

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, retrospective applications are not viewed favourably by many members of the public and elected Members. Our elected members have raised concerns about retrospective applications for some time. The Chair of Planning and Rights of Way Committee wrote to our Leader of the Council (also the Member of Parliament for Mansfield) who raised this matter at parliamentary level. This measure would be welcomed if the threat of a doubling of fees leads to less of these applications being submitted, with them instead being made before the development commenced.

This measure may also help to financially compensate for any enforcement work undertaken to investigate unauthorised development.

Question 9. Do you consider that the ability for a ‘free-go’ for repeat applications should be:

- (a) removed
- (b) reduced for re-applications within 12 months
- (c) retained
- (d) none of the above
- (e) don’t know

Please give your reasons.

Removed or reduced. If the level of fees for applications are considered to be appropriate with regards to the size of the fee in relation to the scale of the development, then it does not make sense for applications to be resubmitted without any fee given the work involved for the LPA. Repeat applications still require to be advertised and processed in the normal way.

One possible suggestion is that a full fee should be required for the resubmission of a refused or withdrawn application, with a reduced fee (such as 50%) for resubmitted applications that have been granted. The same timeframe (12 months) to apply.

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?

No comments.

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

Minerals and waste planners are particularly difficult to recruit. The Planning Officers Society is presently doing some work on this issue as most university planning courses having no minerals and waste planning content.

Also, the imminent requirements of the Environment Act regarding Biodiversity Net Gain and Local Nature Recovery Strategies is likely to highlight a lack of ecological expertise available to LPAs.

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?

Maybe more could be done at Government level to support and promote the importance of the role of the planning system in terms of meeting the nation’s economic, social, and environmental objectives. This may help with recruitment and retention of professional planners.

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

As above, raising the profile of planning as a profession and undertake appropriate marketing of university courses and planning jobs.

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?

We have no issues with the current system and therefore consider that there is no need for any change.

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?

No. Additional time over and above the statutory timeframes is often essential to deliver planning permissions which are of high quality and robust. So long as developers are agreeable to the time extension, then applications which require extensions should not be penalised in terms of Government performance. Certainly, from Nottinghamshire County Council's point of view, there is no suggestion that the use of time extensions is frustrating the delivery of new development.

Question 16. Do you agree that performance should be assessed separately for

(a) Major applications - Yes / no / don't know

(b) Non-Major applications (excluding householder applications) - Yes / no / don't know

(c) Householder applications - Yes / no / don't know

(d) Discharge of conditions - Yes / no / don't know

(e) County matters applications - Yes / no / don't know.

No major objections to this and perhaps some separate recognition is needed for the category of EIA proposals due to the specific legal requirements around them. It would be useful if the Government could once again make these statistics more easily available, as was the case up to around 2019.

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

We would not wish to see the introduction of quantitative metrics such as reliance on time extensions, committee versus delegated decisions being used to define the authority as underperforming. There are always reasons why these take place including the receipt of poor-quality applications with insufficient information, and the Council's scheme of delegation.

From an administrative viewpoint this may require a significant increase in work in reporting these aspects through the CPS1 and 2 returns. Problems could arise obtaining the relevant data, e.g., measuring the average time taken from receipt of applications to validation etc.

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

No comments.

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

Some authorities already do this, and this measurement was regularly used as part of the Best Value Performance Indicators undertaken in the past. However, we found that results about satisfaction levels often depended on the outcome of the planning application, i.e., those in receipt of a refusal were usually the least satisfied.

Introducing this is likely to create more work for already busy and under resourced planning teams. Further clarification is needed on the definition of "customer". We have taken this to include applicants, agents, consultees etc but we would welcome further clarification on the definition of "customer".

Clarity also needed as to whether this would involve sending a customer feedback form with every decision. We would have no control over whether they responded unless legislated for.

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

Again, it depends on who the 'customer' is.

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

More resources to local planning authorities through increased planning fees for instance.

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 comments