

## CCN Consultation Response

**Technical consultation:**  
**Stronger performance of local planning authorities  
through an increase in planning fees**

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### About the County Councils Network

1. The County Councils Network (CCN) represents 37 English local authorities that serve counties. The 20 county councils and 17 unitary authorities that make up CCN are the largest part of the local government family. They represent all four corners of England, from Cumbria to Cornwall, Durham to Kent, North Yorkshire to Suffolk, Derbyshire to Essex.
2. Our members bear differing planning responsibilities under existing planning regulations. Crucially, county councils lead on the provision of infrastructure, transport, flood risk, local nature recovery and climate change, and on economic development that supports housing and other developments in district local plans. CCN's county unitary members are responsible for both development planning and infrastructure delivery.
3. The essential services our members provide touch on the everyday lives of residents and businesses across 86% of England's landmass and 47% of its population. The areas represented by our members constitute 38% of local government expenditure; 44% of total public expenditure (£201bn); and generate just under half of all tax revenues (£255bn). The economies of our areas contribute 38% of Gross Value Added (GVA) and 44% of employment.

### Key points

4. CCN welcomes the opportunity to respond to this consultation. It is widely reported that planning authorities are at crisis point, with the morale of public sector planners at an all time low, and planning authorities struggling with recruitment bringing capacity issues. Years of budget cuts have caused planning departments resources to be carved away, many operating with an extremely pared back service, particularly in relation to planning policy and specialist areas such as conservation, ecology and urban design.
5. At the same time, there has been constant change and churn to the planning system, with a multitude of deadlines relating to the implementation of local plans, along with multiple monitoring exercises such as the housing delivery test that authorities must keep on top of. CCN members support a plan-led system, but local planning authorities must be fully supported with adequate and proportionate resources that allows them to deliver the level of service expected of them.
6. Our key points in response to the consultation are:
  - CCN welcomes this consultation, and agrees that any user of the planning system should experience a quality and timely service. However, we note that the consultation recognises that the increase in fees proposed will not bridge the existing gap between income and the cost of processing applications.

- We are concerned about whether the increase will allow authorities to deliver the high-quality service that Government seeks when considering the requirements and cost implications of additional performance measures.
  - Much like the Local Government Association has recommended, CCN would like to see planning authorities given the powers to set fees locally, reflecting local circumstances.
  - We understand that there needs to be a carrot and sticks approach that encourages 'better performance' of planning authorities if fees are to be increased, but believe that the approach outlined in terms of fees increases, does not justify the extent of the performance measures that are expected of LPAs set out in this consultation.
7. We encourage the department to read this consultation response in conjunction with the individual responses from our member councils. Our response to the consultation questions can be found below.

### **Response to consultation questions.**

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

As we set out in the introduction, we believe that local planning authorities (LPAs) should be able to set their own fees locally, allowing fees to reflect local circumstances and cover expenses. However, in the absence of this becoming a reality, CCN agrees that, as a minimum, fees for major planning applications should be increased by at least 35%. It is clear that an increase of this nature will not fully cover the shortfall between income and expenditure, but it will go some way to bridging the gap, and this is to be welcomed. We are also concerned as to whether the increase will allow authorities to deliver the high-quality service that Government seeks, particularly when factoring in the cost implications of additional requirements and performance measures.

As outlined in the consultation, several initiatives are underway to improve efficiency of the planning service, such as digitisation of certain elements. These will take time to bed in, and for the benefits to be fully realised, but we would urge Government to revisit the issue of planning fees for major applications once these efficiency measures have been implemented.

Given that the increased fee level represents less than 1% of overall development costs, we believe there is scope to increase fees for major applications whilst still keeping them at a low proportion of overall development costs. We would welcome Government publishing its assumptions for the cost of determining a planning application, and government should work with local authorities to explore the scope for increasing fees in further detail.

CCN's upper tier members are minerals and waste authorities, and it is noted that planning fees for mineral and waste development falls far short of processing costs, given the existing fee structure and the complexity of planning issues raised. Even with the proposed 35% fee increase, most of the processing costs will be met from the public purse rather than the developer. In setting the revised fee level, it would be helpful to clarify that all mineral and waste applications would fall within the major application type (fee structure).

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

We agree with an increase for householder planning applications by 25%. Again, as acknowledged in the consultation document, a householder application can often cost double the fee for an authority to process.

We understand that householder fees should be proportionate and not penalise households who are seeking to make improvements to their homes, particularly in a cost-of-living crisis. However, it is again clear that the proposed increase will almost certainly not cover the costs of processing such an application in many cases.

**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.**

CCN believes that certain applications through the Prior Approval process, such as those seeking the change of use from office to residential should be able to attract a higher fee owing to the amount of information that needs to be processed for these applications. Whilst the current fee structure is set up to take into account the number of dwellings that will be created as a result of the conversion, we believe the rate per dwelling could be higher.

When considering that for major applications the application fee accounts for a very small proportion of overall development costs, and the fee for major applications is over 3 times the cost of a prior approval application, there is a case to be made for the increase of fees for this type of prior approval.

**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?**

Yes, CCN members would urge for the following areas where a fee should be introduced or revised to be considered:

- **A fee for EIA Screening and Scoping** (or any future assessment process) – currently a free but resource intensive service and one that is often used in lieu of chargeable pre-application advice and to gauge the planning authority's view of a proposal;
- A new fee category sought for **highway /transport schemes** - currently falls within the fee category for other operations with a maximum fee of £2028. The complex planning issues raised and the specialist skills required to assess these proposals well exceed the planning fee;
- **Major applications which are subject to EIA** should attract a larger fee than non EIA development to reflect the complexity and processing considerations of such applications;
- **A revised fee for Habitat Regulations Screening** - currently screening pursuant to the Habitat Regs for development covered by permitted development attracts a nominal fee of £30. This fee does not cover the costs of dealing with what is likely to be a complex consideration.

- **A revised fee rate for waste applications / other mineral operations** - The current rate for development not involving a building of £234 per 0.1 ha does not reflect the complexity of the type of application and the issues that need to be considered in determining an application. The fee rate, particularly for smaller sites, should be closer aligned with erection of plant or machinery or a building at £462 per 0.1ha. Consideration could also be given to splitting the fee rate into two bands (i.e. an increase rate per ha for sites under a certain size).
- **Section 73 application for major development at minerals and waste sites.** It is noted in the consultation document that changes to fees for variations are not covered (para 22) and will be subject to separate consultation linked to the passage of the Levelling Up and Regeneration Bill. Changes to planning fees to applications to vary consented development are welcomed. Section 73 applications are regularly used by developers to seek changes to permitted mineral and waste management developments including changes to operating practices, waste types and quantities. These applications can be EIA development and can involve the variation of multiple conditions and revisions to associated legal agreements. They currently attract a fee of just £234. These section 73 applications can be particularly time consuming and, in some instances, due to the complexity of the planning history can be as complex and time consuming as a fresh application. At present the fee is fixed at £234 which does not come near to covering the cost of determining even a minor change under section 73 let alone a major scheme with multiple changes. It barely covers the administrative cost of validation and advertising. In developing options for future consultation, it is suggested that 2 or 3 levels for section 73 applications and a scale of escalating fees is proposed depending on the complexity of the request.
- **Biodiversity Net Gain monitoring** - it would be beneficial to clarify how this new work area would be financed.
- The Consultation does not refer to fees for **chargeable monitoring, Certificates to Establish Lawfulness and for Mineral Review applications (ROMP)**. These should be included in any fee revision.

In addition, Enforcement is a key area of an LPA's remit that takes considerable time and resource to carry out. We believe that the Government should explore options for reimbursing LPA's enforcement activity.

**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?**

Please see individual responses from CCN's unitary authority member councils.

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

We agree that there should be an increase of fees in line with inflation, but as we set out earlier in this response, it will not cover the gap between income and deficits. As we outline in Question 1, we believe the fees for major applications should be re-evaluated once changes have bedded in. We also believe that councils should be able to set their own fees.

**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?**

We agree that spending should be ringfenced to the planning service. This will allow LPAs to invest and improve the service, leading to better economic, social and environmental outcomes.

**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?**

We agree with this approach.

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

(a) removed

**Please give your reasons.**

We believe that the ability for a 'free go' for repeat applications should be removed. There is considerable administration and officer time for processing repeat applications, warranting a full fee to be paid.

**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?**

Please see responses from individual CCN member councils.

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

This will vary from council to council but overall, we believe that many planning departments have been forced to cut back their teams to operate a bare minimum service owing to budget cuts and cost pressures facing planning departments, and councils more generally. As reported in Planning Resource, between 2009/10 and 2020/21, local authority net spending on planning dropped by 59% - the highest of any service. The RTPI reported that that net expenditure by planning authorities dropped from £844m in 2009/10 to £480m in 2020/21.<sup>1</sup>

In terms of how this has affected services, many authorities have cut back their services to minimum levels, allowing them to carry out their core functions without being put into special measures by central government. This means fewer officers in development management teams, in addition to often skeleton planning policy services. At a time of increased pressure on LPA's to get a local plan in place, and with continued uncertainty around national planning policy, it is a difficult time for small teams of policy officers to

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<sup>1</sup> <https://www.planningresource.co.uk/article/1806992/council-planning-department-finances-protected-further-cuts>

grapple with this change. There is widespread reporting of low morale within planning teams, and something urgently needs to be done to address this.

This also means that LPA's often lack specialist expertise such as urban designers, ecologists and viability experts which means they are not always equipped to deal with applications. This can lead to expensive consultancy fees where they seek advice on matters outside the LPA. One solution would be a shared service among a group of councils where individual LPAs can tap into the expert knowledge when needed. Essex County Council works with it's LPAs to offer something along these lines, and it would be worth exploring whether this is something that could be rolled out nationally.

We would also urge Government to consider the resources available to county councils who provide considerable support to LPAs, often in kind. County councils play a vital role in the statutory and non-statutory planning system and CCN has been calling for a much stronger role for county councils in the planning system. However, even without a formal role, county councils provide advice in their capacity as highway, infrastructure, transport and education authorities, and county councils should be properly resourced to do this.

**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?**

Often, the private sector offers a more attractive working environment in terms of remuneration, training and opportunities for growth and promotion. Government could do more work with initiatives such as the RTPI's apprenticeship programme to encourage more entry-level planners into the profession.

In addition, Government may wish to consider how experienced professionals could be incentivised to enter the public sector in roles within LPAs. Programmes such as Public Practice have proved to be successful in doing this, and government should support the role out of a nationwide programme showcasing the benefits of working within the public sector.

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

Organisations already exist that seek to represent these groups – such as Women in Planning, Urbanistas and BAME in Property. Government could work with these groups, planning authorities and universities on outreach programmes that highlights the benefit of a career in planning.

**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/no/don't know. Please give your reasons.**

We would not wish the 26-week period for major applications (including the public service majors) to be further reduced. This follows an assumption that planning authorities are most often at fault for the delays in processing an application, which in our members experience is not the case.

Our members experience shows that typically delays are due to the poor quality of submitted applications, the time needed to consult and negotiate on issues raised by the

community and consultees, for the applicant to redesign or prepare additional information to address matters raised through the planning process, and then subsequent re-consultations on application documents, technical reports and amendments made to an application.

If limits are put in place on time this could affect the quality of decision making, with authorities driven to seek to refuse applications that could otherwise be subject to negotiation increasing the likelihood of the development achieving a permission.

**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/no/don't know. Please give your reasons.**

No – we do not agree with this. As set out above, whilst the proposed increase in fees is welcome, we are concerned about whether the increase will allow authorities to deliver the high-quality service that Government seeks when considering the additional requirements and cost implications of additional performance measures.

Whilst performance is an important part of the planning service, the assessment method needs to be proportionate, reasonable and not lead to unintended consequences. The method of assessment should look at both time taken and extension of time in combination in determining the critical performance % measure. To look just at time taken without consideration of reason for or existence of an extension of time would be unhelpful when there are often very good reasons for seeking extensions of time.

In our members experience there are good reasons to agree an extension of time, which is a useful and well used tool to deliver high quality development in the swiftest possible time. They allow the time, with the applicant's agreement to consider and respond to matters raised by the community and others during the planning process, leading to better quality development rather than a perfunctory decision to meet a deadline.

The proposal is unlikely to improve the quality or speed of decisions without tighter controls on validation and removing scope for the planning authority to entertain amendments to an application or additional supporting information during the application process. The proposed type of performance indicator is likely to have the opposite effect to its intended purpose.

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

**(a) Major applications - No**

**(b) Non-Major applications (excluding householder applications) - No**

**(c) Householder applications - No**

**(d) Discharge of conditions - No**

**(e) County matters applications - No**

We would question how useful it would be to measure performance separately for different types of application. Planning authorities will be dealing with a varying workload outside of their control which may impact on determination deadlines despite their best efforts.

It will also add additional burdens on their administration, when resources would be best spent elsewhere. We therefore do not support the assessment of performance for different application types.

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

**Yes/no/don't know. Please give your reasons and, if appropriate, state the metric letter(s) and number(s) that you believe should not be included.**

As set out in the introduction, we believe that the performance measures set out in this consultation are not proportionate when compared to the additional funding that is proposed as part of this consultation. We believe further consultation must be undertaken with the sector before metrics such as these are implemented.

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

**Yes / no / don't know. Please indicate what additional quantitative metrics you consider should be included.**

It would be beneficial to add a metric that looked at the quality of planning applications received upon submission. This would help to ascertain why extensions of time are being requested and may help to shift the assumption that the planning authority is to blame for extensions of time.

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

Introducing a metric of this nature would be highly subjective, and would not provide a valuable metric to evaluate 'performance' or quality of service. It is highly likely that customers would rate the planning service negatively if they do not secure the outcome they want. We therefore do not support this approach as it would not provide a useful, objective metric.

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

As set out above, we believe that setting metrics for measuring customer experience would not be useful or objective.

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

Please see responses from individual CCN member councils.

**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?**

Please see responses from individual CCN member councils.