

## **Appendix A**

### **Draft Fareham Borough Council response to the planning consultation on 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?**

The Council is supportive of proposals to increase the fees for major planning applications by 35%. If evidence shows that increases above 35% are required to achieve full cost recovery, the Council would also be supportive of a fee increase in excess of 35%.

In putting forward support for a fee increase of at least 35%, the Council acknowledges that the planning application fee makes up a very small proportion of the development cost (less than 1%). Furthermore, increased certainty at the planning application stage has the potential to reduce development costs going forward.

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

The Council is supportive of proposals to increase the fees for major planning applications by 25%. If evidence shows that increases above 25% are required to achieve full cost recovery, the Council would also be supportive of a fee increase in excess of 25%.

In putting forward support for a fee increase of at least 25%, the Council acknowledges that the planning application fee makes up a very small proportion of the development cost (less than 1%). Planning applications are submitted by parties looking to undertake development and it is therefore appropriate that those parties meet the cost of deciding the application.

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

The Council is supportive of proposals to increase the fees for all other planning applications by 25%. If evidence shows that increases above 25% are required to achieve full cost recovery, the Council would also be supportive of a fee increase in excess of 25%.

#### **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?**

At present listed building consent applications and works to trees covered by tree preservation orders do not attract a fee. Both are specialist areas of planning and take up a considerable amount of specialist officer time. The quality of the

applications submitted for both types of work can also be variable requiring increased input from these specialist officers. It would be appropriate to introduce a fee for both types of application.

**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?**

The Council works on the basis that all the customers of Development Management should experience a high-quality service. It has not introduced 'fast track' services to date as this potentially introduces a two-tier system where customers receive differing levels of system.

The Council has taken a bespoke approach to its pre-application system whereby customers can request the extent of advice they would like (ranging from initial advice on a proposal, through to detailed advice on every aspect of a proposal). The pre-application fees charged relate directly to the level of advice sought.

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

The Council is supportive of proposals to adjust planning fees in line with inflation. Linking fees to inflation will assist in setting the Development Management Service budget on an annual basis and will assist in limiting the size of the gap between income received and the cost of delivering the service. The Council would support an indexation mechanism calculated on the basis of the 12 month Consumer Price Index rate.

**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?**

The Council considers it would be appropriate to ringfence the additional income arising from the proposed fee increase for spending within the Authority's planning department to support the capacity and capability of the Service.

**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?**

Whilst the Council supports the proposal in principle, it doubts whether an increased application fee will discourage people from undertaking development without first obtaining planning permission. It is also often challenging to obtain retrospective applications with the current fee levels so increasing the fee could make obtaining retrospective applications more difficult.

If the objective is to reduce the amount of unauthorised development which takes place, this should be addressed by providing local planning authorities with much greater and more effective 'enforcement' powers.

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

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

‘Free goes’ are available within 12 months following the grant of a planning permission, the refusal of an application or the withdrawal of a planning application. All these scenarios can involve the Local Planning Authority in extensive amounts of work, particularly with major applications.

For major and non-major applications, the Council feels on balance that the ability to have a ‘free-go’ should be removed entirely. If the Government decides that a reduced fee would be more appropriate, the Council suggests this should still represent a significant proportion (suggest 75%) of the full fee.

Householder applications are typically far more straightforward but there is still work which needs to be undertaken by the Council in dealing with these applications. The Government also acknowledges that the fee increase being proposed would not achieve full cost recovery. Rather than a free go the Council recommends that for householders, a second application within 12 months should pay 50% of the full planning application fee.

**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?**

The Council is supportive of this proposal.

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

Urban design and landscape design, knowledge of construction processes and development finance/ viability are amongst the greatest skills and expertise gaps in local planning authorities.

**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?**

Making additional funding available for graduate planner positions, career grade opportunities or even apprenticeships would assist in bringing the necessary skill sets into the profession.

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

The Council has found that through the expansion of hybrid and flexible working it has enabled much greater opportunities for a wider range of people to join the planning profession, as well as helping to retain those it currently employs.

In addition to the measures set out in response to Question 12, consideration should be given to how the planning profession is promoted nationally and making people aware of the multitude of different roles within the profession.

Opportunities for roles within the planning profession are often advertised within the established 'planning press'; the scope for advertising in different places (websites, publications and 'physical' places) which would bring opportunities to attention of currently under-represented groups should be explored.

**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?**

The Council is supportive of this proposal on the basis that the requirement to refund the planning application fee would not apply if an extension of time has been agreed with the applicant (as at present).

**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?**

The Council does not agree that the performance of local authorities for speed of decision making should be assessed on the percentage of applications that are determined within the current statutory determination periods. There are a number of reasons why this Authority takes this view which are set out below.

Fareham Borough Council seeks to work with all applicants to make sure that wherever possible, applications are amended to be in accordance with National Planning Policy and Guidance and Development Plan policies.

The Council does not attempt to frustrate applicants by introducing overly bureaucratic validation requirements. It will negotiate wherever possible rather than issuing an instant refusal. It does not encourage applicants to withdraw applications to avoid decisions being taken out of time.

The number of issues which Local Planning Authorities must consider when deciding planning applications has increased substantially over the years. These matters often require specialist input which in itself takes time. The whole of the Borough of Fareham for example is in very close proximity to Habitat Sites which results in all

applications for new overnight accommodation required to mitigate the impacts from recreational disturbance and nitrates.

On major applications there is often a need to seek the views of statutory consultees. There can be delays in receiving comments from statutory consultees and a need to engage with them more than once throughout the determination of an application. The speed at which responses are provided by statutory consultees is not within the control of local authorities.

Notwithstanding all the changes that have occurred, the statutory determination periods allowed for deciding many planning applications have remained unchanged for decades.

Some applicants do seek pre-application advice in advance of submitting planning applications and this helps to reduce the time taken to decide the planning application when it is submitted. For the large number of schemes where no pre-application advice is sought, determination within statutory periods will prove exceptionally challenging if not impossible, especially where legal agreements need to be entered into.

The danger of measuring the speed of decision making against existing statutory determination periods is that it risks driving the wrong kind of behaviour. Rather than working with applicants to make schemes acceptable (extending determination periods by agreement when necessary) local authorities may be forced to refuse planning applications to meet performance targets. This in turn will result in more planning appeals, further delays to development and increased costs to both Councils and developers.

The current planning system allows applicants to lodge a non-determination appeal if a decision is not made within the statutory determination period. This safeguard for applicants exists if they consider a local authority is not dealing with their application quickly enough.

If the Government feels that the performance of local authorities for speed of decision making should be assessed on the percentage of applications that are determined within the statutory determination, this Council would ask that the statutory periods are reviewed. The statutory periods would need to realistically reflect the amount of time needed to determine different types of applications having regard for the need to carefully assess issues like the impact upon habitat sites from recreational disturbance and nitrates.

Whilst the vast majority of householder applications can realistically be decided within 8 weeks, many non-major applications which involve legal agreements and mitigation for habitat site impacts cannot.

The definition of major applications is also very broad which means that some major proposals (for e.g., a large industrial building within an employment area) raise very few planning issues whilst a scheme of several hundred houses on a greenfield site raises a raft of issues- the determination period for both types of application is however exactly the same.

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

- (a) Major applications**
- (b) Non-Major applications (excluding householder applications)**
- (c) Householder applications**
- (d) Discharge of conditions**
- (e) County matters applications**

The Council is supportive of the proposals for performance being measured separately for the above areas.

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

The Council does not have any objections to the proposed quantitative measures. The Council asks that very careful thought should be given to the relationship between the average speed of decision making and extensions of time, to ensure that performance measures do not stymie constructive dialogue between applicants and the Council.

This Council uses extensions of time to ensure that issues on planning applications are resolved and where possible planning applications are approved first time. Extending the time taken to decide planning applications makes the best use of both the applicants' and Councils' resources.

Whilst the Council sees the value in measuring the performance of planning enforcement it is unclear what some of the metrics will reveal about the service. Any case for example where an enforcement notice has been served and an appeal lodged will be 'live' for more than 6 months. Similarly, where any formal notice has been served (Breach of Condition/ Section 215 Notice) and compliance hasn't been achieved requiring prosecution, the case will be more than 6 months old.

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

Ideally any performance measure needs to look at the full 'end to end' time being the time taken for the pre-application process, determination of the formal application(s) and the discharge of all planning conditions.

One of the major causes of delays in deciding planning applications is due to the quality of the submitted application. Whilst applications contain sufficient information to be validated, once the detailed submissions have been assessed by the statutory consultees large areas of additional information is often sought. In the case of major applications this often relates to matters such as the quality of transport assessments or ecological assessments. Often the applicant has not identified the mitigation they propose to use in respect of the impact upon habitat sites- applicants

make it clear that they intend to resolve this issue 'during the consideration' of the planning application.

Consideration should be given to a metric which captures when the applicant is required to provide further information or make amendments to their application in order to make their proposals acceptable.

The proposed metrics focus entirely on quantitative measures rather than any qualitative measures. In light of the Government's very clear objectives to build beautiful, it is unclear why the focus remains entirely on measuring the process rather than the results.

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

The Council supports the proposal for a qualitative measure. The way in which the customer experience is measured will need careful consideration.

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

For applicants/ agents this could relate to the speed of decision making, whether they were happy with access to the relevant case officers or other key local authority consultees and the overall experience on an individual planning application.

For the broader community, metrics could relate to the ease of accessing information, viewing relevant planning material, making comments and the ease with which clarification could be obtained on aspects of the planning application when sought.

This Council uses '10/10' surveys to measure customer experience. These start by randomly selecting a number of decisions on planning applications during a time period. The planning applicant or planning agent are then contacted by a member of the Development Management team and asked questions around the speed of decision making, what was important to them during the decision making process, what went well and what improvements if any could be made. The applicant/ agent is invited to give a score out of 10 based upon all of the preceding issues. If the score awarded is less than 10, the applicant/ agent is asked what would need to be improved to achieve a score of 10 out of 10.

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

It would be appropriate for the metrics to be formally reported into the relevant part of the local authority, where the results of the metrics would be set out and any required actions the authority needs to take identified and subsequently published. This would ensure transparency in how local authorities respond and address customer feedback received about the Development Management service.



**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