

Number: **WG24167**



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Consultation – summary of responses – Annex

Review of planning application fees

Date of issue: **July 2015**

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Wynne Jones	
Organisation	Planning Consultant	
Address	Min yr Afon Abercych Boncath Pembrokeshire SA37 0EX	
E-mail address	minyrafon@btinternet.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It could also lead to poor quality decisions in their haste to determine an application.				

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The general public should not be charged for making an enquiry to establish whether a planning condition has been discharged as in so doing they assist planning officers in monitoring the quality of development {as constructed}.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>Yes, but refer to response to Q4a above.</p>	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If planning approval notices are to be "living documents" the information should be readily available. The general public should not be charged a fee for simply requesting confirmation on whether a condition has been discharged. It will discourage the public from assisting planning officers in monitoring the quality of development.</p>				

Consultation reference: WG23067

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Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: On scale of development.	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

Q9b If you have answered no, please explain why.

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q10b If you have answered no, please explain why.

Comments:

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: power generated.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Consultation reference: WG23067

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <div></div>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: <p>Important in my view that the general public are encouraged to assist planning officers in monitoring the quality of development {as constructed}. The public should not therefore be penalised and required to pay a fee simply for making an enquiry relating to the discharge of planning condition. The fee should be restricted to applicants who have submitted proposals to the planning authority.</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email

Consultation reference: WG23067

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	ROBERT A ROBINSON FRICS AILCM	
Organisation	NORTH & MID WALES ASSOCIATION OF LOCAL COUNCILS	
Address	TRIANGLE HOUSE UNION STREET WELSHPOOL SY21 7PG	
E-mail address	town.clerk@welshpooltowncouncil.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Association does not object to such increase as there has not been one for some years.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: Not applicable.	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is time that planning officers gave advice which is constant and which they support when it is given. There is often the problem of different officers giving different advice on the same application.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>Not applicable.</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The time periods are too long now, 10 weeks should be quite enough to meet a local authorities needs. Time delays to those carrying out development cost money which the local authority and government needs to recognise.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>10 weeks.</p>	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, this is not unreasonable.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: Not applicable.	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: Yes, this gives an onus on local authorities to act within reasonable periods.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, this gives clarity.				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>There should be no fees for the introduction of section 106 agreements, the local authority is deriving benefit from such agreements. Developments in many areas have not taken place due to the local authority taking too much out of the value via such agreements and this needs to be recognised.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>Not applicable.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, they do the work to a greater extent.</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:
Yes, this is more efficient.

Q9b If you have answered no, please explain why.

Comments:
Not applicable.

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, this is not unreasonable and will help the smaller applicants.

Q10b If you have answered no, please explain why.

Comments:
Not applicable.

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, the wind farm applications in particular should pay a fee which reflects the amount of work to deal with such applications.

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, the wind farm applications in particular should pay a fee which reflects the amount of work to deal with such applications.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>This is a specialist area but from the Associations point of view such fees should only reflect the work to be carried out by the local authority and not penal.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Planning fees should be constant over the UK, not just Wales. There should be one fee which is paid by the applicant which covers both sides of the border.</p>				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
Comments: As set out above.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No.				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: The fee system for planning applications should be fair and reasonable. The fees for such applicaitons should be paid to local authorities in all cases, after all they do the work. The Association represents approx 30 larger town and community councils in Mid and North Wales. This consultation was discussed at a meeting of the Association on 24th October 2014. The Association is prepared to attend at Committee Meeting considering the consultation if it were felt to be of advantage.	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Consultation reference: WG23067

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Judith Jones	
Organisation	Merthyr Tydfil County Borough Council	
Address	Merthyr Tydfil County Borough Council Town Planning Division Unit 5 Triangle Business Park, Pentrebach, Merthyr Tydfil CF48 4TQ	
E-mail address	Judith.Jones@merthyr.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposed 15% increase in fees would only be acceptable if it subject to an indexed linked increase every year thereafter.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: Given that there has not been a fee increase in Wales since 2009, a more appropriate fee increase would be 25%. The 15% would still result in Welsh fees being less than those in England and the increase does not take account of the	

Consultation reference: WG23067

Local Authorities application related costs, such as publicity expenses (press notices), which can significantly exceed an application fee.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This proposal flies in the face of 'Positive Planning'. Performance should not be measured by the speed of determining applications alone. The quality of decisions should also be integral in assessing a Local Authority's performance. The introduction of a refund procedure will encourage Local Authorities to determine applications without negotiations, and encourage applicants to withhold information. This could potentially increase the number of applications refused and slow down the application process. It would not promote good design or provide efficient customer service.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>The existing application process is adequate and fit for purpose. Introducing a refund procedure would breakdown the relationship between planning officers and agents/applicants, which would contradict the aims of "positive planning".</p> <p>If WG intend punishing LPA's in this way, then penalties should also apply to developers who submit invalid applications, with repeat fees chargeable for every subsequent invalid submission.</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG23067

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

We do not agree with the refund of application fees (regardless of time periods).

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposed fee levels are acceptable where these relate to householder applications only. Additional categories (subject to selection criteria), charged at a higher rate, should be added for more complex and major developments. The £83.00 discharge of conditions fee should relate to all other development outside these categories.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>We do not agree with the proposed refund of fees.</p>	

Consultation reference: WG23067

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Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, but the fee should be £50 for householder development applications and £83.00 for all other development applications, which are the amounts currently charged by most Local Authorities.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>The fee should be calculated based on the time taken to draft an agreement and the complexity of the agreement (i.e. the number of contributions relevant to the nature of development proposed).</p>	

Q8	Do you agree that the fee to accompany a	Yes		No
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Consultation reference: WG23067

	ground (a) appeal should only be payable to the LPA?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q9b	If you have answered no, please explain why.
Comments: It is unclear what is meant by 'specified area'. What is the size of a specified area? Would this be a longterm or temporary measure?	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
<p>Comments:</p> <p>This process would increase financial pressure on Local Authorities, due to a reduction in application fees received and the costs associated with the processing of applications (i.e. publicity/consultation fees).</p> <p>The minor amendments procedure recently introduced would be adequate in dealing with such applications.</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
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Consultation reference: WG23067

Comments:

The combination of factors for calculating wind turbine fees should include:

- number of wind turbines;
- site area;
- size, and;
- height.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?		
Comments:			
<p>Only one application should be submitted. One Local Authority should process and determine the application, and the other Local Authority should be consulted on the application. The fee should be proportionately divided between the determining Local Authority and the consulted Local Authority.</p>			

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

How has the proposed 15% application fee increase been calculated?

What consideration has been given to the fact that the cost of a press notice is often greater than the application fee?

I do not want my name/or address published with my response (please tick) ☐

How to Respond

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Email

Please complete the consultation form and send it to :

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[Please include 'Planning Fees Consultation – WG23067' in the subject line]

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Planning Division
Welsh Assembly Government
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Cardiff
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Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Tim Stephens	
Organisation	Caerphilly County Borough Council	
Address	Pontllanfraith House Pontllanfraith NP12 2YW	
E-mail address	stepht@caerphilly.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
An increase in fees is welcomed, but it needs to be made on the basis of a proper assessment of the cost of the development control and a decision as to whether that should be funded wholly by applicants, or partly by the local planning authority. The feasibility of funding the service through fees will vary across Wales, depending very much on the economic base of each LPA. Whatever the outcome of that assessment, fees then need to be increased annually, rather than on the current ad hoc basis.

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

N/A			
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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

It will make things even more difficult for poorly performing LPAs, and it will encourage a culture where decisions - possibly poor approvals, but more likely refusals - are made in order to avoid refunds. Wales is a small country with only 25 LPAs, which will probably reduce soon; it should be easy to identify poorly performing authorities, but it should also be easier to provide advice about best practice and support, possibly via PAIS, to secure their improvement.

Q2b	If you do not agree, what other options are available?
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Comments:

See answer to Q2a

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As stated above, there is a fundamental objection to refunds. However, if WG is minded to introduce them, these periods would appear reasonable.

Q3b	If you do not agree, what do you consider to be an appropriate time?
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Consultation reference: WG23067

Comments:
See Q3a

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The fee should be based on the number of conditions, i.e. if the discharge of 10 conditions is being sought on a non-houholder consent, the fee should be £830. Condition discharge often generates as much work as determining a planning application, involving the consultation of other professionals, discussion and meetings. The development industry, understandably, often prefers to deal with matters such as drainage, once permission is granted, but they should be charged at a realistic level for that service.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:
See Q4a

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:
No - see answer to Q2a

Consultation reference: WG23067

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Section 106 obligations vary in complexity and length. There should be a consultation with the legal profession about the best way of charging for that work.				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: There should be a consultation with the legal profession about the best way of charging for that work.	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No

Consultation reference: WG23067

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Broadband needs to be encouraged, but a special case could be made for many other sectors of the economy.				

Q9b	If you have answered no, please explain why.
Comments: see Q9a	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments: The trend should be towards ensuring that the developer contributes towards	

Consultation reference: WG23067

the provision of the service, not the opposite. The non-material and minor amendments regime introduced in September 2014 allows sufficient flexibility for developers, at a reduced cost.

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Each type of renewable energy project needs to be considered and clarification provided as to whether they fall easily into the existing fee classes. Where they are clearly within an existing class consideration then needs to be given to whether the fee generated is reasonable for the amount of work associated with dealing with the planning application for that development. If the class is unclear, or the fee generated by the existing class is unrealistic, new classes should be created.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>See Q11a</p>				

Q11c	What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?
-------------	---

Consultation reference: WG23067

Comments:
Need for an EIA
Even if there is no need, the scale of information submitted and the need to assess it including landscape, habitat, noise, flicker, and traffic impacts.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q12b	If you have answered yes, how should this matter be addressed?
------	--

Comments:
The proportion of the site area within each LPA would appear to be the easiest way to resolve the matter, even though that may throw up many anomalies.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Consultation reference: WG23067

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	David Michael	
Organisation	Neath Port Talbot County Borough Council	
Address	Civic Centre Port Talbot SA13 1PJ	
E-mail address	d.michael@npt.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments:	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes <input type="checkbox"/>	Yes (subject to further comment) <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p>Comments:</p> <p>Neath Port Talbot County Borough Council response - Proposal to set Fees for Section 106 Obligations</p> <ol style="list-style-type: none"> Having spoken with Head of Service colleagues in other Local Authorities I think there is a lack of awareness this consultation contains a proposal to govern fees for Section 106 Obligations. The title of the consultation would not alert interested parties to its content. The recovery of costs from land owners for Section 106 Obligations is not presently a “fee” and persons who would otherwise respond to this consultation would assume that it relates only to planning fees as currently constituted. I failed to find the research on which this proposal is based on the Welsh Government website and got access to it only after the link had been given to me. The research raises more questions than it answers and it is not clear whether those conducting the research spoke to Local Authority Lawyers when preparing the report. The inherent difficulty in setting a standard fee for Section 106 Obligations is that they are so diverse. They will range in scope from a simple covenant which applies, for example, to one dwelling house to complex documentation governing the development of a whole housing site with education, leisure facilities etc. or a retail business park. Bearing in mind the diversity, it is not surprising that the documents will vary considerably in size and the amount of time expended on them. I have reviewed 23 completed Section 106 Obligations where time recording has been captured on our case management system. They vary from simple Section 106 Obligations which have taken less than three hours of legal officers time to major agreements which have taken between twenty and thirty hours of officers time to complete. The variation means that, if you create a crude average, then land owners/developers with complex obligations will be charged less than the cost and those with simple obligations will be charged more. It is probably a bit too crude to say that large developers would then be subsidised by smaller developers but it is not far off the truth of the matter. A simple total of the hours spent will also fail to measure the proper cost. Simple obligations may be dealt with by legal assistants but more complicated obligations will be dealt with senior qualified staff. The hourly rate will therefore differ. 				

Consultation reference: WG23067

7. Also, in some cases local authorities may put work out to private sector planning specialists if the complexity of the case requires it or if there is not capacity to deal with the matter in-house. In those cases developers are required to pay the costs which presumably might not be covered by the proposed standard fee.

8. The research document which seems to be the background to this proposal relates only to housing developments and not to any other type of development. It suggests that negotiations on Section 106 Obligations should be front loaded as much as possible ie that they should take place before the application goes to the LPA for decision. If the agreement was negotiated before the matter went to the LPA and the bulk of the work done then, it is not clear when the fee would be payable or what it would cover.

9. The research seems to be predicated on the developer/land owner preparing the draft agreement. This only happens locally where a Unilateral Undertaking is produced by the developer. This happens in less than a fifth of cases. In all other cases the drafting is undertaken by the Local Authority Legal Department. In many years the number of Unilateral Undertakings will be even lower. The fee must cover drafting agreements.

10. In reality a lot of the time taken in drafting and negotiations over drafting Section 106 Obligations will arise from attempts to reduce the effectiveness of those obligations by Solicitors acting for developers/land owners. I do not blame them for this since they are only doing a job on behalf of their clients. It is not unexpected therefore that negotiations over provisions which would cost developers/land owners hundreds of thousands or millions of pounds will take time.

11. In closing I would say that Local Authorities are now financially dependent on recovering the proper cost of the provision of services from those who financially benefit. If fees are set at a level which does not reflect the cost then Local Authorities will not be able to employ staff to deal with Section 106 Obligations.

12. In summary I would say that the proposal is unworkable, does not match the realities of these transactions, might place unnecessary burdens on small developers and would potentially damage the capacity of Local Authorities to deal with these matters properly. Having reviewed the research I would strongly suggest that those who prepared it should revisit it after consultation with Local Authority Heads of Legal Services and that the proposal for standard fees not be actioned.

Q7b

If you have answered yes, how should this fee be calculated? If not, what are your reasons?

Consultation reference: WG23067

Comments:

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9b	If you have answered no, please explain why.
------------	--

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

<p>Comments:</p>

Q10b	If you have answered no, please explain why.
<p>Comments:</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG23067

Q11c	What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?
Comments:	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

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Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
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Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430



RTPI 2014

100 years of professional planning
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Royal Town Planning Institute
Cymru (RTPI Cymru)
PO Box 2465
Cardiff
CF23 0DS
Tel +44 (0)29 2047 3923
email walespolicy@rtpi.org.uk
Website: www.rtpi.org.uk/rtpi_cymru

24th December 2014

e-mail response sent to: planconsultations-b@wales.gsi.gov.uk

Dear Sir/Madam,

Response to: Review of Planning Application Fees

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Thank you for the opportunity to comment on the review of planning application fees.

The following response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

We are also conscious that this consultation is one of a series of consultations that the Welsh Government has published relating to supporting secondary legislation and approaches in the Planning (Wales) Bill. Our response to all of these consultations along with our response to the Planning (Wales) Bill can be found on our website at: <http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/policy-in-wales/>.

If you require further assistance, have any queries or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk.

Yours sincerely,

Dr Roisin Willmott MRTPI
Director
RTPI Cymru

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Roisin Willmott	
Organisation	RTPI Cymru	
Address	PO Box 2465 Cardiff CF23 0DS	
E-mail address	walespolicy@rtpi.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		X	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The RTPI supports a well-resourced planning system. We understand that the increase is a combination of an increase to reflect inflation and also to provide more resources to ensure improved service delivery and to reflect that planning fees have not increased since 2009.</p> <p>However, for the future we would support the principle of more regular, smaller and transparently justified changes to fees.</p> <p>In our view any increase in fees, greater than inflation, can only be justified if it is used to support delivery of improvements to the planning system.</p> <p>The consultation states that total inflation since 2009 (when fees were last changed) has been 7%, there is no clear statement to show how the figure of 15% is derived or what index of inflation has been used. It is difficult for respondents to make informed comments on the 15% increase without this figure being justified. If the 7% inflation figure is accepted this leaves an 8% increase in fees. How this has been established as an appropriate level for improving delivery is not clear. Has this been discussed with Local Planning Authorities (LPAs) to</p>				

establish that this is enough to improve their services?

We are not convinced that the proposals will provide service improvements to justify the 15% increase. The reason we remain unconvinced of this is due to the lack of clear proposals to improve delivery - the consultation states that the increase is based on an "understanding that there is a commitment by LPAs to review their service delivery" (para 2.11 pg4). This statement is vague; the consultation offers no guarantee that the increase in funding will be used to improve service delivery. The RTPI understands there is no scope to ring fence budgets to deliver specific service improvements and LPAs will have discretion how they use any increase in fees. The Welsh Government (WG) should introduce a requirement to ring fence this income for the deliver of the Development Management Service.

The consultation indicates that LPAs achieve on average 66% cost recovery, a 15% increase in fees will therefore still result in less than 100% cost recovery. It would also be informative to be given the % cost recovery of the overall system (e.g. total costs against total income). This could be more meaningful than 'average cost recovery' by LPA given the diversity in costs and income between authorities. The consultation identifies a 60% difference in cost recovery between LPAs, this points to a more fundamental issue, that an increase in fees will not be able to address.

We do support moves to LPAs achieving 100% cost recovery from development management services, the consultation does not indicate if the aim of the overall changes is to achieve full cost recovery. With the increased planning fees, proposals for fees for other activities such as conditional discharge, LPAs charging for pre-application advice and more efficient service provision in LPAs progress may be made towards 100% cost recovery and the RTPI would support moving to this situation.

The 15% increase brings fee levels to an amount similar to England, but slightly lower. There is no clear reason why fees could not simply be brought to at least the same levels as those in England.

We have made some brief comments on the fee schedule below:

- No fee is given in the schedule for approval of reserved matters.
- It is not clear why outline fees are repeated for agricultural buildings.

Q1b If not, what do you consider to be a more appropriate change, if any?

Comments:

RTPI Cymru believes that consideration should be given to all options available and changes to planning fees should not be considered in isolation. It is our view that any increase in fees together with other measures in this consultation and elsewhere should, at least in theory achieve 100% cost recovery. The consultation and Regulatory Impact Assessment (RIA) do not in our view evidence that this is the case.

We note that there are other options apart from an increase in fees. These include a reduction in the time available for the commencement of development from five to three years with prevention of the use of section 73 to vary the time limit for commencement. This measure could be implemented simply through commencement of section 51 of the Planning and

Compulsory Purchase Act 2004. This would lead to an increase in fee income. It is not clear within the consultation or Regulatory Impact Assessment whether options such as this have been considered.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	X

Comments:

We would favour an approach which engenders a positive culture. Refunding fees from a service which may already be struggling for resources would not result in improved performance, but could in fact result in an opposite outcome.

Instead RTPI Cymru believes that the existing complaints procedure encourages discipline to the planning system. Where there is maladministration, which could include significant unjustified delay to determination, a complaint can be made to the LPA and following this to the Public Services Ombudsman Wales.

There are a number of issues which we feel important to raise, if this proposal is pursued:

We note that the consultation acknowledges the scope for this provision to be abused, because it may incentivise delay until the refund deadline to obtain a refund. This could be as simple as delaying the signing of a section 106 agreement, the LPA would have limited ability to refuse in this situation as they would have resolved to approve the application subject to the agreement. Conversely it will be a strong incentive to issue a decision whatever the circumstances for the LPA when the deadline is looming. This proposal may result in a new source of conflict within the system. We have not been able to identify any safeguards that could be put in place to prevent this.

We also consider the refunding of the planning fee unacceptable for a LPA which may have reasonable reasons for delayed determination.

RTPI Cymru believes that it is inequitable that an LPA will be made liable to refund a planning fee where it is prevented from making a decision on a planning application by a direction from the WG. The WG Transport Directorate currently issue 'holding' directions that planning permission is held as pending until such time as their concerns are addressed. The WG Planning Division also issue directions preventing a decision on an application where they are considering taking actions such as the calling-in of an application. The WG should provide the refund to the developer in this instance. We note that this is part of the recommendations of the Arup et al (2012), <http://wales.gov.uk/docs/desh/research/121107anewapproachen.pdf> which is used to justify the imposition of this measure on LPAs in the consultation, in the report (page 73, paragraph 2) under 'incentives and penalties' - which states "The WG should also consider provision and enforcement of penalties and incentives for timely deliberation in regard to applications called in so that it too is similarly performance-bound in the same way as others".

The applications that are more likely to exceed the deadlines are potentially the more complex, larger-scale major development proposals, which attract the largest fees. There seems no acknowledgement of this within the consultation and the RIA fails to acknowledge

this as well. The RIA contains the assumption (at para 5.21) that based on refunding 10% of applications that the 'average fee' will be refunded e.g. £4,640 p.a. is the likely annual refund. This is not reflected in the development control returns to WG which show that determination periods for major applications are longer. If one major development scheme with a large fee goes over the deadline a LPA will be refunding far in excess of £4,640.

Q2b If you do not agree, what other options are available?

Comments:

As noted in the consultation and RIA not introducing this amendment is an option. As already stated we would prefer to see a focus on a positive approach and using a mix of good practice promotion through PAIS and peer review and a positive use and evaluation of the annual reports.

A 'harder line' approach would be through the 'special measures' provisions, which has been identified in the consultation.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

No comment

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		X	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

RTPI Cymru agree that resources should be made available to consider submissions to discharge planning conditions.

We believe that this can either be found through the initial fee itself or through the charging of a fee when information related to a condition is submitted as proposed in the consultation.

We consider that the proposals are vague in relation to conditions on cross boundary applications and we would request more detail is provided on this specific point.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

We note that large scale infrastructure projects with multiple and complex conditions are likely to have significantly higher costs for discharge than put forward in this consultation and would suggest that is reviewed. Some additional categories could also be included e.g. major development and not just householder and other.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

Whilst we support the concept of a target time period, we do not necessarily support the refund of the fee. Instead we would prefer to see a positive culture approach, particularly given that there are factors which the LPA does not have control over.

LPAs are often reliant on third parties such as statutory consultees to discharge a condition they may have limited control over discharge within 16 weeks; they also have problems where information is submitted directly to the consultee and not the LPA. Some guidance on the discharge process should perhaps be produced, so that all parties know what expectations are on them.

The time limit will potentially prevent the scope for negotiation and addressing of issues within the submission for the discharge of a condition and make the process more inflexible. A pre-application stage for the discharge of condition may even be created.

Any incentive for consultation and engagement on conditional discharge will be reduced, to ensure that matters are dealt with in time.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No

☐

X

☐

Comments:

The consultation notes that this is linked to proposed changes to the decision notice within the Planning (Wales) Bill. Please refer to [section 7.2 of our response](#) to the proposal and we endorse this.

Prior to the Bill there does not seem a clear reason to include this provision within the fees schedule, LPAs have powers to charge for this already as a discretionary function.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>

Comments:

The handling of s106 agreements vary both by the type of agreement (see below) and by the complexity of the agreement. Anecdotal experience indicates that there is acceptance that the legal departments of LPAs charge for their involvement in handling planning obligations. S106 agreements are only required by LPAs to make development acceptable, it is therefore difficult to envisage that the preparation of them could be held as discretionary on the part of the LPA.

This proposal is supported to ensure an appropriate basis for charging is provided. However, where there is a charge for a service, an acceptable level of service needs to be provided.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:

Section 106 agreements vary in complexity; agreements can take the form of a Unilateral undertaking, Bilateral agreement or Multi-lateral agreement.

We believe that charging should reflect the different types of agreement. Any flat rate for the preparation of an agreement should reflect the varying complexity of agreements and should be based on actual costs to LPAs of preparing these agreements.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		X	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No further comment

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>

Comments:

We have found it difficult to comment on this proposal due to the wording of the proposals. It appears to propose inclusion of 'broadband cabinets' as elements of street furniture such as

litter bins, parking meters etc.

Given the public interest identified and in the interests of consistency, we would offer no particular objection to the proposal. However we would like to know more detail of what a 'specified area' refers to. We would suggest that this refers to a single street address.

Q9b If you have answered no, please explain why.

Comments:
No further comment

Q10a Should the applicant be entitled to a free go following approval of a reserved matters application?

Yes

Yes
(subject to
further
comment)

No

☐☐

X

Comments:
No further comment

Q10b If you have answered no, please explain why.

Comments:

We found the reasoning for this proposal difficult to follow and have outlined our interpretation of the reasoning behind it below:

We accept that the current system of fees does incentivise the use of section 73 applications to 'amend' a planning application. This is due to the lower fee levels that a section 73 application incurs when compared with the fee for the submission of a planning or reserved matters application. While accepting this point it is considered that this proposal which appears limited to reserved matters is not necessarily warranted for the following reasons.

While it is agreed that the use of section 73 to amend a reserved matters application maybe made superficially attractive by the fee; it is not clear that it offers an appropriate approach to amend a reserved matters application. Section 73(1) states it applies to: "applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted". It is therefore an application for planning permission (not an application for approval of reserved matters detail). The effect of section 73 is the creation of a new planning permission, it does not seem possible to put forward an application on the basis that it will somehow create a new reserved matters approval, as noted in the consultation it would require all application detail to be submitted and would have to amend the original outline. Due to this it is considered more than likely that a new reserved matters application would be made in preference. We remain to be convinced that there is a major issue in this respect.

We can see no clear reason why this proposal is constrained to the issue of amendments through s73 to reserved matters only. The arguments for extending the 'free go' provisions to allow a free submission of reserved matters following approval seem to equally apply to the approval of a planning permission and it is not clear why this proposal has been limited to reserved matters only.

The proposed wording to provide the 'free go' are not provided as part of the consultation and we are not able to comment on them. We would appreciate the opportunity to comment on these in draft form for example we would want to ensure the procedures ensure that the 'free go' only applies to reserved matters of the same character, effectively the same development and same fee.

As a general comment this proposal is to extend the 'free go' provisions. This appears to run contrary to the research commissioned by the WG from Arup and Fortismere Associates (section 6.5) <http://wales.gov.uk/docs/desh/research/131129evaluating-planning-process-for-housing-en.pdf> this research states that: "The common current practice of an applicant or agent withdrawing an application facing refusal serves only to frustrate the system and result in additional administrative burden associated with a resubmission for which there might not be an application fee payable." It is not clear why proposals are coming forward to extend this provision in light of this research.

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>
Comments: The RTPI supports the measure of splitting this from Plant and Machinery for the reasons outlined in the consultation.				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>
Comments: Wind turbines tend to have wide ranging landscape and visual impacts that LPAs commonly consider require wider publicity than would be the case if they kept to the statutory minimum. They can also require the commissioning of specialist consultants to review supporting information. This may justify a specific fee that reflects the actual costs of determining these applications. While noting this it is a concern that this type of proposal is seen as a special case when the same arguments could be put forward for a wide range of other types of energy development.				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>Fees that are reflective of the significance of the impact of development.</p> <p>It is difficult to come up with an approach other than some combination of application area, height to nacelle / blade tip, number of turbines and installed capacity as outlined in the consultation. The fee then reflecting these as surrogates for the significance of impact. This is likely to be imperfect. The reference to Mega Watt should perhaps be changed to 'installed capacity'.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>
<p>Comments:</p> <p>Where cross border applications occur the fact that costs are shared but income is not seems unreasonable. It is therefore agreed that the income for cross boundary applications should be split, but while accepting this principle we do have significant concerns whether this is a worthwhile exercise as outlined in the following question.</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>The proposals seem reasonable with the requirements split depending on the development in each LPA's area. This will introduce complexity and in our view clear practical guidance from the WG will be required, for example: if there is a cross boundary material change of use the fee, it is assumed, would be proportionate % of £380 to the site area in each LPAs boundary; operational development which physically crossed the boundary would it is assumed not follow this approach and would be for the particular bits of operational development in each area. Where there is material change of use and operational development it is assumed that it depends on which fee takes precedence, followed by proportionate division between LPAs. For a residential development the number of units in each area would seem reasonable for full applications or reserved matters, for outline the proportion of the application area could be used.</p> <p>We suggest that the schedule of fees should include an indication of how cross border applications for each development type are to be considered.</p> <p>Adding this complexity gives scope for more errors and greater dispute in calculating fees and potentially scope for delay while matters are settled between LPAs. Also for an application to be valid it must be accompanied by the appropriate fee, this opens the opportunity for litigation based on the interpretation of the fees taken by an LPA.</p> <p>The current system has the benefit of being simple, easy to interpret and relatively free from</p>	

dispute - although we would accept unfair if each application is considered on its own. While acknowledging this there is no indication how often cross boundary applications are submitted and if some LPAs are generally always gaining fees while others are generally losing out - it may just even itself out. It is quite possible that these applications aren't that common and where they do occur, it maybe that in most instances the vast majority of development is in one LPA area and under both the old and new system they would get the fees anyway. It has to be questionable if it is worth bothering introducing these provisions?

There is no statement on how cross border applications between England and Wales will be dealt with as there will be a conflict in the legal provisions that apply.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>

Comments:

The RTPI is concerned that the RIA has been described as being published in draft and partial form. The main part of the RIA is a cost - benefit analysis (CBA) of two options - doing nothing and the proposals in the consultation document. CBA seems a reasonable approach to analysing the proposals which relate to fees and resources in the planning system.

While we appreciate this is draft and partial RIA; we cannot accept as appropriate what appears to be a narrative and descriptive approach taken to CBA, which is generally seen as a quantitative appraisal technique. There is no reference to standard government procedures, for example has the policy appraisal used methods in HM Treasury's Green Book? Does it conform to the advice within this? There is little consideration of the impact of the changes on the overall planning system or assessment of the varying impact on the diverse range of LPAs in Wales. The assessment appears as anecdote and uses the occasional statistic.

We have made some specific comments below.

Increase Fees

- The RIA in paragraph 3.13 states "planning application fee income will continue to only cover 60% of the cost of associated with processing and determining applications". While paragraph 2.2 of the consultation document states the "average cost recovery across Wales is 66%". There is a reference to 60% difference in cost recovery between LPAs which shows a disparity in planning functions which should be reflected in the RIA.
- We believe that there is no such thing as the average LPA. The RIA should look at what is going to happen to each LPA not a notional average one and consider the impact on the resources in the system as a whole.

Refund

- Paragraph 5.21 (of the RIA) in our view is flawed. We believe that, due to their nature, the more complex applications which require more consideration and attract higher fees are likely to go over the period for determination.
- RTPI Cymru challenges the costs of planning delay as referenced in 5.27 of the RIA,

which quotes figures from UK reports. It is not clear whether either of these figures reflect the cost of processing applications for development or whether they reflect the true costs of any delays. What the figures do not reflect is the benefit that the planning system delivers. there is little robust or systematic evidence for the proposition that the planning system acts as a barrier to economic growth. Rather, the 'costs of planning' have largely been a matter of assertion by a small but vocal number of critics.

The RTPI has recently commissioned research into the value of planning. Remarkably, given the debates around planning reform across the UK, it represents the only recent and wide-ranging review of research regarding the economic value of planning. A comprehensive rather than selective assessment of the economic value of planning is now essential. We welcome suggestions for further work on this agenda, including proposals for partnerships and collaborations.

Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

No further comments

I do not want my name/or address published with my response (please tick) ☐

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf County Borough Council	
Address	Rhondda Cynon Taf County Borough Council Planning Department, Sardis House, CF37 1DU, Pontypridd.	
E-mail address	simon.gale@rctcbc.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Having such a significant penalty based solely on the speed of determination appears to contradict the Performance Framework approach and Annual Performance Report that Welsh Government are proposing, in seeking to judge the performance of an authority in a much rounder sense.</p> <p>For a council to lose a large fee from its budget simply because it took longer than expected to determine one large application, when all it's other performance is good is wholly disproportionate particularly when the delay might not have been the fault of the authority. Whilst there are mechanisms in the proposal to agree an extension (with the applicant) of the time period before a refund is necessary it is still likely to drive unintended behaviours such as authorities forced to refuse applications to avoid refunding the fee, or developers prolonging negotiations to get their fee back.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>Welsh Government should reconsider how the proposed Performance Frameworks and Annual Performance Reports can be used to monitor the quality of planning services rather than impose significant financial penalties based on the speed of determining individual planning applications.</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Do not agree with any time period</p>				

Consultation reference: WG23067

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

Do not agree with any time period

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The £83 charge is disproportionate to the work involved. Under the proposal the same fee of £83 would be applied to a request to approve the materials on a new shopfront development as a request to discharge all 40 complex conditions on a major development.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

There could be a smaller fee applied but that fee should be for the discharge of each condition rather than each request. If there is concern that some authorities may add more conditions than necessary to increase revenue, then this could be monitored by Welsh Government as part of the National Performance Framework

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Consultation reference: WG23067

Comments:
Yes: subject to agreed extensions of time and a refusal to discharge the condition constituting compliance

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The current arrangements where Council Legal departments charge a fee for the actual work they have undertaken is fairer. It is often the applicant's solicitors that cause delay in the processing of a Section 106 agreement				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	

Consultation reference: WG23067

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
<p>Comments:</p> <p>If the applicant has changed their mind after an approval then it is reasonable for them to pay for the consideration of an amended scheme.</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p>	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Q12b	If you have answered yes, how should this matter be addressed?
------	--

Comments:

By using the proportion of the red line within each authority for outline applications or using the proportion of the number of dwellings/floorspace/number of wind turbines for full and reserved matters applications.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

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Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
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Consultation reference: WG23067

Comments:

The proposed 15% increase in planning fees is welcome just to keep up with the rising costs of dealing with planning applications. There has not been an increase in fees in Wales for a number of years and this proposal reflects increases that have already been implemented in England. However, it should be recognised that the increase will still not cover the full cost of determining planning applications.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Keith Jones	
Organisation	Institution of Civil Engineers Wales Cymru	
Address	Cambrian Buildings Mount Stuart Square Cardiff Bay CF10 5FL	
E-mail address	keith.jones@ice.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: For householder applications 0% For other applications 30%	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: No separate fee should be charged for these services. The cost of provision should be covered by the initial application fee.	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: 	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No separate fee should be charged for these services. The cost of provision should be covered by the initial application fee.				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

It would be useful and would add transparency if all LPAs used a standard formula in calculating their legal fees for this work.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
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Comments:

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

In return for this it should be a requirement that the advertisements are also to

Consultation reference: WG23067

be removed after a specified period of time.

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: The number of turbines, the height of turbines, their maximum generating capacity, the site area and any formulae used by other regulatory authorities for the calculation of these fee levels elsewhere should all be considered and / or taken into account in arriving at an appropriate formula.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>The fee should be divided up into the proportion of the site area within each constituent authority.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email

Consultation reference: WG23067

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	[REDACTED]	
Organisation	National Parks Wales	
Address	[REDACTED]	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The Welsh National Park Authorities consider that the proposed 15% increase is acceptable, considering that there has not been an increase since 2009. The proposed increase will be in line with planning fees in England. Fees should be more targeted and equitable. The WG should consider a more regular review of fees on an annual basis to avoid large increases in fees.

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: It is considered that a higher increase could be supported that more accurately reflects the actual cost to the Local Planning Authority of considering different	

Consultation reference: WG23067

types of planning applications. In addition, having regard to the fact that this will be the first increase in the fees since 2009, it is considered that the majority of the increase is in line with inflation and as such, does not truly reflect an increase in fees.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes - Significant improvement has been made in the performance of the 3 Welsh National Parks over the past 3 years. Provided that there will be clear guidance on the criteria of providing a refund as more often than not it is due to the actions of the agent/applicant that delays occur, preventing LPA from making a timely decision.</p> <p>Unless there is clear and unambiguous guidance however on this matter it will become an issue of dispute between LPA's and developers.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>16 and 24 weeks appears to be a reasonable timeframe. Such a timeframe should not include decisions subject to 106 agreements where a committee resolution or delegated decision has already been reached.</p>				

Consultation reference: WG23067

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Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

--

Q4a

Do you agree with the proposed fee levels to accompany the discharge of planning conditions?

Yes

Yes
(subject to
further
comment)

No



Comments:

Yes - since charges have been introduced in England, many agents get confused as to why charges are not applicable in Wales. Discharging a condition normally requires an officer to re-visit the application site and the fees would somewhat help to recover some of the costs.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

--

Q5

Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

Yes - 16 weeks is a reasonable and workable timeframe unless there are mitigating circumstances which cause a delay beyond this time.

Consultation reference: WG23067

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Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Dealing with such a request can be time consuming for LPA. The fees proposed are acceptable</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No - Section 106 planning obligations vary in complexity and the LPA should be responsible for setting their own fees, based on complexity and time spent by officers in drafting and completing obligations.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to	No

Consultation reference: WG23067

			further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes - paying a fee to the Planning Inspectorate is unfair to the appellant</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Each proposal should have its own fee to reflect officer time and the diverse nature of locations.</p>				

Q9b	If you have answered no, please explain why.
<p>Comments:</p> <p>National Park areas are diverse and each site needs to be assessed individually.</p>	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If a decision of reserved matters has been made the applicant has had sufficient opportunity to consider the development. Further re-consideration should attract a fee via the section 73 route as suggested.</p>				

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
<p>Comments:</p> <p>Applicants can apply for a Section 73 determination if further changes are proposed</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes - Many applications received by the three National Parks are for renewable energy developments. These developments vary in scale and a separate fee schedule, would ensure consistency and reasonable cost recovery.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>As suggested in paragraph 3.44 Consider fees based on an area required around</p>	

Consultation reference: WG23067

individual wind turbines for uninterrupted airflow - currently turbines on large wind farms are spaced about seven rotor diameter blades apart. Calculate fee on a circle of this diameter around each turbine. This area would vary with size/output of turbine - larger turbines require greater separation therefore fees would correspondingly go up. Alternatively fees based on rotor diameter and area swept by blades could be considered. Again larger diameter turbines would attract more fees which would correspond to greater work input by LPA's.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Authorities should split the fee with the decision making authority having a higher percentage of the fee.				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No Comments				

Consultation reference: WG23067

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Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

--

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

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planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	George Ashworth	
Organisation	Monmouthshire County Council	
Address	The Rhadyr USK NP15 1GA	
E-mail address	planning@monmouthshire.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This would need to be reviewed and increased on an annual basis until LPAs are closer to cost recovery.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>There could be cases where applicants have deliberately delayed the submission of necessary information requested by the LPA as a ploy to ensure a fee is repaid. This would make a standard period for refund difficult to enforce.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>Remove the 6 month limit on the appeal against non-determination</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>See above.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>See Response to Q.2b as an alternative to this sanction.</p>	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The charge of £25 for a householder application and £83 for all others seem proportionate.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: No - delays can be attributed to the quality of submission and the need for a response from a consultee. This would only lead to more applications being refused on the basis of lack of adequate information.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The fee will vary according to the complexity of the agreement. The Council's Legal Department should be allowed to set its fee according to the time taken on each agreement.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Consultation reference: WG23067

Our LPA has not sought applications for such advertisements as we consider them to be primarily for the purpose of promoting Superfast Broadband rather than the business providing the roll out.

Q9b If you have answered no, please explain why.

Comments:

Q10a

Should the applicant be entitled to a free go following approval of a reserved matters application?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

There may be significant variation in the layout of a revised reserved matters application which would need comprehensive consideration by the LPA, potentially taking up significant time and resources.

Q10b

If you have answered no, please explain why.

Comments:

See above.

Q11a

Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?

Yes

Yes
(subject to
further
comment)

No

☒
☐
☐

Consultation reference: WG23067

Comments:

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: Scale, including site area, the number of turbines and their height.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>Each authority should charge according to the development proposed in each area, based on current fee scales.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Angela Loftus	
Organisation	Denbighshire County Council	
Address	Caledfryn, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ	
E-mail address	angela.loftus@denbighshire.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Although the 15% increase in fee is unlikely to ensure cost recovery for providing a planning service, the increased revenue will come at a much needed time for stretched LPAs.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: N/A	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The refund mechanism could result in perverse behaviour from the applicant and LPA which would remove the processing of the planning application away from relevant planning considerations related to the development proposal. On the issue of perverse behaviour, the document simply states 'we place equal weight on both parties' which fails to clarify what the process would be to assess whether a refund should be given when both parties disagree, and which body would be responsible for the arbitration. To independently assess whether a refund is warranted in contentious cases, it seems likely that an appeal mechanism could be created which would add more delays and cost for all involved including the public to fund the Inspectorate to take on this additional work.

From a Council's budget perspective, introducing a refund mechanism would lead to a level of risk and difficulty for Council's to rely on planning fees to underpin its revenue budget which is accentuated by how fundamental planning fees are in balancing the books for LPAs.

In addition, the refund mechanism assumes primarily that most delayed determinations are solely down to the LPA when in many cases the applicant has not provided requested information that is necessary in order to determine the application, or statutory consultees have not yet responded to the consultation.

The consultation document does not clarify what the status of the planning application would be once the refund has been issued? Is the application then treated as being withdrawn or is the LPA still expected to determine the application, even though the fee has been lost and the reason for the delay may lie with the applicant and not the LPA? What happens if the application is then appealed and dismissed due to lack of supporting information? Is the fee re-instated? The refund mechanism would lead to significant administrative and procedural issues.

DCC always strives to determine applications within the statutory timescales where the necessary information has been provided with the application and where relevant consultation responses have been received. The arbitrary time limits of 16 and 24 weeks respectively would result in LPAs determining applications purely to avoid a refund request, which could result in substandard development being granted or schemes being refused which could have otherwise been made acceptable if the timescales allowed for further negotiations.

There is also the risk that applicants would request a refund where it is apparent

Consultation reference: WG23067

that proposals are likely to be refused, rather than for the performance of the LPA.

It is also noted that Planning Performance Agreements are to be encouraged for complex cases. However, agreeing the terms of a PPA are bespoke to the proposal and would always require a significant degree of resource from legal and finance officers, which further increases the burden on the local planning authority.

Finally, the Bill in general proposes centralising the determination of an array of planning applications in certain circumstances, yet the consultation document does not note whether WG would be subject to refunds when performance targets are not met. It is considered that WG should be subject to identical performance targets as LPAs and this is outlined in the relevant consultation paper response from DCC.

Q2b

If you do not agree, what other options are available?

Comments:

The increase in fees and early momentum from the economic recovery should be given time to filter through into the planning process and give LPAs a much needed rise in revenue which should subsequently improve performance before such a proposal is considered. In addition, the changes proposed to the non-determination appeal route should provide applicants with a valid route to pursue issues of delayed planning decisions, and costs could be sought in such an appeal.

Q3a

Do you agree with the proposed time period of 16 and 24 weeks?

Yes

Yes
(subject to
further
comment)

No

☐☐☒

Comments:

DCC do not agree with the refund mechanism in principle.

The speed of determining a planning application does not equate to good customer service, and the introduction of a refund deadline may result in many LPAs taking a more hardline approach and determining applications without any negotiation or compromise, which neither provides good service to the applicant or facilitates development.

Consultation reference: WG23067

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Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>It is not considered that a refund mechanism would improve LPA performance and that such a proposal is not based on an accurate analysis of what delays the determination of most planning applications.</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agreed, although the £25 fee for householder condition seems low in comparison to the time spent discharging and administering such conditions.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>This would be dependent on analysis of evidence submitted by LPAs.</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>As per answer to the principle of refunds at Q2a and 2b, this mechanism would fail to improve LPA performance or improve the quality of applications and accompanying information submitted by applicants.</p>	

Consultation reference: WG23067

For major and EIA development, a number of pre-commencement conditions are often applied (e.g. Construction Method Statements, Traffic Management Plans, Habitat Management Plans, Drainage Strategies etc.). The detail to discharge these conditions is often contained in large and complex documents and requires consultation with statutory consultees which can often lead to protracted negotiations to satisfy concerns of consultees. Whilst DCC object in principle to a refund mechanism, should the Bill define refund deadlines, the timescales should reflect the fact that approval of condition for major and EIA development can be complex and time consuming, and the local planning authority can often be a go between between the applicant and other consultees (e.g. Highways authorities and NRW who request further additional detail)

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

LPAs spend a great deal of time on this non-fee related work.

3.13 states the discharge would only consist of written confirmation that no further information is required to be submitted rather than requiring the local planning authority to investigate whether or not the development has been built to plan. However, DCC are concerned that this approach may expose the LPA to a certain degree of risk as we would be formally confirming the condition has been complied without undertaking a site visit.

Instead, the onus should be placed on the applicant to demonstrate the condition has been complied with as part of the application to discharge a condition (e.g. by providing photographs or other evidence to demonstrate the development has been built in accordance with the consent).

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the	Yes	Yes	No
-----	--	-----	-----	----

Consultation reference: WG23067

	drafting of a Section 106 planning obligation?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>DCC already have such an approach in place as does a number of LPAs. A universal fee based on cost recovery would be welcome.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agreed.</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This mechanism would give preferential treatment to BT, as the sole owner of the telecommunications asset, over other broadband providers.</p> <p>The provision of broadband services is a competitive market, and the retail sale of broadband services is a completely separate business to the management and maintenance of the utility assets.</p>				

Consultation reference: WG23067

Q9b If you have answered no, please explain why.

Comments:

Please see comments in 9a above. BT are the statutory undertaker in terms of maintaining the utility asset, however the sale of broadband is a competitive market and this approach would give preferential treatment to BT over other providers.

The approach would therefore only seek to serve the private commercial interests of BT Broadband and would not be in the public interest.

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Where reserved matters have been approved, the scheme is therefore acceptable in planning terms. If the proposed changes are minor, there is always the option of a Non Material Amendment to the approved reserved matters to be applied for, and there is no obvious benefit to allowing the applicant a free go following a grant of a reserved matters application.</p>				

Q10b If you have answered no, please explain why.

Comments:

Please see above.

Q11a	Do you agree that applications for renewable energy development should have a separate	Yes	Yes	No
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Consultation reference: WG23067

	fee schedule to Section 5, Plant and Machinery?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes strongly agree. The plant and machinery fee schedule does not reflect the time and resource required to determine wind turbine planning applications.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>DCC strongly support this proposal. As a county with a TAN8 Strategy Search Area and an abundant wind resource, we therefore receive a significant number of wind turbine planning applications.</p> <p>The size and scale of wind turbine proposals are increasing in size and generating capacity (the most common turbine type at the moment has a rated capacity of > 225kW turbines. We no longer receive applications for micro turbines). However the fee does not reflect the time and resource required to determine applications, which are increasing in complexity due to the size of the turbines and cumulative effects and the Council has need to procure external consultancy services to assist the determination of applications, and the cost of consultants often exceeds the application fee especially for individual turbine applications.</p> <p>The fee for windfarm developments are considered to be reasonable as site area includes all land required to facilitate the development including construction compounds, ecological mitigation areas, borrow pits etc.</p> <p>However the fee for individual turbines, which are more numerous in volume and likely to be submitted to almost any LPA in Wales, often have a site area of no more than 0.1ha or 0.2ha in size, as the red line boundary is kept the absolute minimum (i.e small circle around the base of the turbine and 5m wide access track).</p> <p>The fees referred to in 3.44 are not reflective of costs incurred by Councils to determine individual turbine applications, and the fee per 0.1ha needs to be</p>				

Consultation reference: WG23067

increased significantly for all turbines with a rated capacity > 50kW. (at least double the £330 per 0.1ha).

Q11c

What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?

Comments:

- Number of turbines,
- Rated capacity (but not the predicted output which could easily be manipulated and most LPAs do not have the time or technical understanding to challenge how the predicted annual output has been calculated)

- If area is to be used, the fee per 0.1 ha needs to be increased significantly for turbines with a rated capacity of greater than 50kW - e.g. at least £700 per 0.1ha and the red line boundary should include the swept area of the turbine, the access track, ancillary infrastructure (cabinets / substations etc) and construction compounds / temporary working areas).

The per ha fee could then be scaled down as the area increases, as the current fee schedule already results in windfarm applications generating a reasonable fee due to their necessary size area.

Q12a

Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?

Yes

Yes
(subject to
further
comment)

No



Comments:
Agreed.

Q12b

If you have answered yes, how should this matter be addressed?

Comments:

Consultation reference: WG23067

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Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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Consultation reference: WG23067

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Planning Division
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Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Andrew Ferguson	
Organisation		
Address	115 Keppoch Street, Roath, Cardiff	
E-mail address	ajferguson80@hotmail.com	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The accompanying Regulatory Impact Assessment states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. Against this backdrop, local authority settlements have decreased by 8% since 2009 and planning application fee income will continue to only cover 60% of the costs associated with processing and determining applications.

With this in mind, and with future funding cuts likely in the foreseeable future for Local Authorities, it is questionable whether this 15% increase will actually result in an improved service as opposed to maintaining the current status quo.

A higher percentage increase should be seriously considered if the Welsh Government are serious about increasing resources in LPAs and improving decisions as per the consultation document.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>If the WG are committed towards resourcing Local Authorities to improve performance, then the increase in fees needs to reflect this. As stated above, the % increase should be higher otherwise there is little/ no difference in real terms since 2009 (and applications have increased in complexity since this time).</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The document states that "Performance of the LPA is a priority for the Welsh Government, especially where the LPA has not delivered a service to its customers."</p> <p>However, achieving sustainable development should be the key priority (as a statutory duty) and refunds will not invariably achieve this aim. Too much emphasis is placed on the speed of the decision, but quicker decisions won't necessarily mean sustainable decisions or better decisions. LPAs are encouraged to consider new ways of working/ thinking but the WG are not adopting the same principles themselves but revert to punishments to exact change.</p> <p>With fear of having to give substantial refunds, LPAs may be minded to refuse applications which will result in appeal/ resubmission, and the overall result will be it taking longer to achieve permission.</p> <p>In addition, during the assessment of the application, the LPA will incur costs and it is likely they will have undertaken significant work to get to a point where they can make a recommendation on a scheme. Delays generally mean time and negotiation and are required for genuine reasons.</p> <p>Applicants have the right of appeal against non-determination at any point after the statutory period and this is considered an appropriate mechanism if</p>				

Consultation reference: WG23067

decisions are being delayed. Providing cost recovery for written rep. appeals as is being considered would provide appropriate recourse for unreasonable delays.

Q2b

If you do not agree, what other options are available?

Comments:

If improving the LPA performance is a key priority, then WG should be looking at ways to genuinely improve performance rather than a simple exercise of punishing poorly performing authorities as this will not necessarily produce the expected results. Quicker decisions may result in more refusals.

Amendments that could make the scheme acceptable may not be progressed which will lead to refusal, resubmissions or appeals and take longer to get a positive outcome as well as costing everyone in the process more time and money.

It would be more beneficial for WG to help LPAs that are 'underperforming' in terms of temporary secondments to help review procedures and advise on improvements/ lessons learnt elsewhere in Wales. This would help facilitate lasting change in LPA's.

Q3a

Do you agree with the proposed time period of 16 and 24 weeks?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

As outlined above, the City and County of Swansea do not agree with the penalty system proposed. The core principle should be Sustainable Development, not quick decisions/ development.

If the refund proposals are taken forward, then they should ONLY be applicable where pre-application advice has been given on an application.

This would enable the LPA to advise on the acceptability of a scheme and suggest amendments/ further information and would enable the LPA to make an earlier decision if this information is not forthcoming as part of the application submission.

Consultation reference: WG23067

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Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>Again, I don't believe this approach will have the desired effect. There shouldn't be specific time requirements - applicant can appeal non-determination and apply for costs if the LPA is acting unreasonably in making a decision.</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Consideration of information takes both time and resources to discharge, and can require both internal and external consultation. This approach would encourage developers to submit information upfront which enables all information to be considered at the same time.</p> <p>The submission of information at different times (potentially over a 5 year period) can take significant time to review the necessary requirements of a condition and an approach supporting front-loading of the system is to be welcomed.</p> <p>However, I would recommend that a maximum number of conditions is included within one fee (for example 5 separate conditions) to ensure that the cost of discharging conditions is recovered by the Authority and prevent developers from batching conditions unnecessarily.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>It would appear that the fee of £83 is based on the fee for the Non Material Amendment and was calculated as half of the fee for a S73 application (which is</p>	

Consultation reference: WG23067

set to increase). This fee should also be increased by the same percentage to ensure it covers the actual costs of processing by the LPA.

Q5

Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

Once again, this approach does not result in an improved service and depends on the level of information submitted in the first place and 3rd parties in terms of responses from statutory consultees. Often conditions are requested by 3rd parties and without a response within the relevant time period, the LPA is unable to discharge the relevant condition. The applicant has a right of appeal if desired and cost recovery from written representation appeals would appear to resolve this issue rather than a refund as there is no consideration for why the condition could not be discharged within this time frame.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No



Comments:

Requests (especially historic requests) can take time to confirm and Officer time should be recompensed. This should become easier over time if the 'live' decision notice is progressed.

Q7a

Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?

Yes

Yes
(subject to
further
comment)

No

Consultation reference: WG23067

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: The complexity of S106 agreements can vary significantly depending on the nature of a scheme and can involve significant officer time in negotiating the precise wording of the agreement, trigger points, reviews etc. It therefore may be more beneficial to set a minimum fee and have a set fee per hour with a requirement for any additional fees to be evidence based. Fees should also be set for reviewing unilateral undertakings submitted with further provision (a set hourly rate) for additional work over and above the initial review.</p>				

Q7b	<p>If you have answered yes, how should this fee be calculated? If not, what are your reasons?</p>
<p>Comments: The fee should be evidence based, set after consultation with various legal departments in Councils to ascertain the time and cost required to prepare an agreement and the different issues encountered in the process.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Serving an Enforcement Notice is a last resort following discussion and negotiation. Applicant's are advised that they have a right to submit a planning application and notices are only served if this advice is not heeded. The LPA would be equipped to deal with this administration and the retention of any fee would offset the cost of the LPA that is required when fees have to be returned.</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:
Subject to the actual definition of a specified area - cabinets should be within close geographical proximity within a set distance of one another, not just within a certain ward/ town etc.

Q9b If you have answered no, please explain why.

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
If a Local Authority has concerns with a scheme then they will seek amendments during the application process. If an applicant wishes to take forward the RM application to determination, then they should not be able to have a free go. They have the option of progressing it or withdrawing it if they wish.

Any further submission should require a new fee. The Local Authority would incur more costs if the developer has a free go and this approach would allow the developer greater flexibility in drawing up their plans from the outset.

The improvements to the planning system aim to promote frontloading the system whereas this approach would allow greater flexibility and little extra cost to the applicant/ developer as well as adding greater confusion to the whole process to members of the public and greater cost on the LPA. This is not conducive to improving resources within LPAs.

Q10b If you have answered no, please explain why.

Comments:
See above.

Consultation reference: WG23067

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Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Energy generation development fees should be split between wind energy (on-shore and off-shore) and other energy generation schemes.</p> <p>It is also recommended that the WG pursue the introduction of fees for LPAs dealing with NSIP projects as under the current regime, Local Planning Authorities receive no fee despite applications/ inquiries taking up considerable officer time at all levels. This reduces time to process fee paying applications. Similarly, a fee should be payable to the LPA for work undertaken on Developments of National Significance in their area.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Wind farm applications can be complex applications but the site area alone doesn't produce a fee that covers the significant work involved in dealing with these applications.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>The Local Planning Authority would concur that a combination of site area and</p>	

Consultation reference: WG23067

maximum power output should be included as the fee should therefore reflect the level of complexity of the proposed scheme. This would appear to offer the simplest and most effective solution.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Local Planning Authority would concur with the approach that each LPA should receive a fee based on the development proposed within their area. This would enable the LPA to decide how to process the application and split the fee if necessary.</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>See above.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The RIA states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. During this time planning fee levels have remained static, and so of the 15% increase in planning application fees, inflation is considered to form 7%.</p> <p>The document states that it is expected that such an increase will allow</p>				

Consultation reference: WG23067

authorities to ensure their resources are appropriately allocated within their service - with this in mind, it would be advisable to review fees on a bi-annual basis in the future to ensure LPAs continue to have sufficient resources rather than decreased real-term resources over a 5 year period (such as the case since 2009).

Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

Finally, I would strongly recommend that there should be a separate fee for a S73 application to amend a condition relating to a scheme for major development. Currently the cost of an application is £166, but as the S73 application is a new application, the notification requirements remain the same as for a major application and invariably the cost of advertising the application in the press results in the application costing the LPA significantly more than it received in fee income, before the application is even considered.

Similarly, WG should lobby for a change to the English fee structure to require fees to be payable to LPAs for NSIP projects in their area given the time and resources required to consider these applications as well as the fees payable to PINS for these applications.

Given that Developments of National Significance will require significant LPA involvement and work, a fee should be payable to the LPA for this work. It is suggested that this is included/ considered as part of this consultation exercise.

Finally, any updated/ consolidated regulations should be supplemented by an updated fee circular for clarity.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Consultation reference: WG23067

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Richard Lewis	
Organisation	Torfaen County Borough Council	
Address	Planning & Public Protection Tŷ Blaen Torfaen, Panteg Way New Inn Pontypool NP4 0LS	
E-mail address	richard.lewis@torfaen.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This increase does not appear to be in line with increased costs and constraints on resources since the last increase and with the current drive for better performance.

The increase is to help LPAs to achieve WG's vision for improved performance and should, therefore, be ringfenced.

Q1b	If not, what do you consider to be a more appropriate change, if any?
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Consultation reference: WG23067

Comments:

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

This sends entirely the wrong message and introduces another target and more bureaucracy. This is a negative step as focus would be very much on avoiding refunds rather than making a 'good' decision. The emphasis should be on front loading the process. The constant monitoring to ensure extension of time agreements are obtained does nothing to streamline the process. This will be significantly more bureaucratic as LPAs introduce failsafe systems to avoid refunds particularly given the heavy constraints on budgets.

The aim and focus should be to make the right decision as quickly as possible, not to avoid having to pay a refund by refusing or approving a poor proposal on week 15 or 23. There needs to be a recognition that delays are not always the fault of the LPA.

This proposal doesn't tie up with the new 8 week performance indicator which recognises a 'resolution' as the 'determination date'.

Q2b	If you do not agree, what other options are available?		
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Comments:

Applicants already have the option to appeal against non-determination. LPAs should review their existing systems to ensure they meet performance criteria and are able to justify when applications are delayed.

The 'frontloading' process in its widest sense is key to improving the application process.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes	No
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Consultation reference: WG23067

			(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>The 16 weeks for householder appears reasonable but 24 weeks for anything from 10 houses to 1000 houses seems totally disproportionate. There has generally been the feeling that there should be a more tiered definition of major development.</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Agree with £25 for householders. However, fee for other types of applications should be more proportional. The current £83 would be payable for discharge of a single condition or for multiple requests for conditions discharge submitted at the same time.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>Suggest £83 for each non-householder condition to be discharged.</p>	

Consultation reference: WG23067

the emphasis should be more on avoiding the need for conditions in the first place by ensuring the information is submitted before determination. If the information is submitted up front there will be an opportunity for residents to comment on it. If submitted under conditions discharge, residents rarely have the opportunity to comment.

Q5

Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

No - decisions could be made in the absence of responses from key consultees which is outside the control of an LPA. Again this is the wrong focus for LPAs.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

LPAs presently make a service charge for providing such information on determined planning applications.

Introducing a formal process for confirmation of discharge of a condition is misleading and confusing for the public. The submission of information and subsequent approval is not usually a 'discharge' of condition as conditions also require implementation of the approved details.

In addition what would be the status of the LPA response given that there is already a formal provision to check full discharge of a condition through the submission of Lawful Development Certificates. What if an LPA gave incorrect information that is acted upon?

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

At present a fee is taken for legal drafting. Some LPAs are also taking a charge for monitoring 106's which is just as important

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
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Comments:

per clause. most LPAs have a charging regime already.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The double fee provides a disincentive to carry out development without the necessary PP. Fees for retrospective applications generally should be higher than for proposed development to provide this disincentive.

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Consultation reference: WG23067

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Q9b	If you have answered no, please explain why.
<p>Comments:</p> <p>There is insufficient explanation in the consultation paper to justify singling out only broadband rollout for a fee reduction. Difficult to understand how this would 'facilitate' broadband rollout.</p>	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q10b	If you have answered no, please explain why.
<p>Comments:</p> <p>changes can already be dealt with via sec 73 and, if minor, through the minor amendments procedure.</p> <p>Larger changes require re-assessment, consultation and publicity similar to amendments on full applications and should be subject to a fee to help cover LPA costs as is the case for full applications.</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments:	
number, size, height and output.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?

Consultation reference: WG23067

Comments:
fee apportioned for the part of the development within each area subject to agreement for re apportionment where smaller area generates significantly more work eg. where the smaller area contains the access or main pollutants etc.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>Disagree with 'stick' approach. Most LPAs have the best intentions but this needs to be supported by having good systems and resources in place. The focus should be on what causes delay and what is considered to be acceptable delay and unacceptable delay.</p> <p>Has WG carried out any case studies to find out the reason why some applications are delayed and how this could be avoided? My Authority carried out its own review several years ago similar to Neath Port Talbot and adopted a very different approach to improving service and performance from the customers perspective. However, that approach appears to be at odds with WG's focus on targets and penalties.</p>	

I do not want my name/or address published with my response (please tick) ☐

Consultation reference: WG23067

How to Respond

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Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
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Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
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Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	John Cooke	
Organisation	Mobile Operators Association	
Address	10 St Bride Street, London EC4A 4AD	
E-mail address	johncooke@ukmoa.org	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

In the current economic climate, we believe that any fee increase is regrettable, and can have a significant cumulative impact on multi-site applicants such as telecoms providers. However, if any fee increase is to be introduced then this should be used to fund fully benchmarked improvements to the service.

We understand that Prior Approval telecom fees would remain different from Full Planning fees, as is the case now, but would be subject to the same percentage increase as for Full Planning fees.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: N/A	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We agree that introducing a refund could improve LPA performance, subject to appropriate governance and monitoring by WG to ensure improvements happen against benchmarks and/or SLAs. There should be suitable penalties or sanctions where performance is not improved.				

Q2b	If you do not agree, what other options are available?
Comments: N/A	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We agree with the proposed time period of 16 and 24 weeks.				

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: N/A	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: If a fee for such a service is to be introduced, then we agree with the proposed fee levels to accompany the discharge of planning conditions.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: N/A	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: We disagree with the proposed time period of 16 weeks. We think that a time period of 8 weeks would be more appropriate for complex cases, and 4 weeks for more simple cases.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation	Yes	Yes	No
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Consultation reference: WG23067

	that conditions have been discharged?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
If a fee for such a service is to be introduced, we agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
We agree with the proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:
We believe that the fee should be based on strict cost recovery basis that is open and transparent to all parties at the outset of the Section 106 process.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:
We believe that deemed application fee should be the same as the standard fee, rather than double.

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
No comment.

Q9b If you have answered no, please explain why.

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
No comment

Q10b If you have answered no, please explain why.

Comments:

Consultation reference: WG23067

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Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?			
Comments: No comment				

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

			comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
We agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income.

Q12b	If you have answered yes, how should this matter be addressed?		
-------------	--	--	--

Comments:
In practice, this scenario is extremely unlikely to affect telecoms applications, as their demise or application area is so small (in comparison to housing/industrial development etc) that they are rarely if ever going to straddle the boundary of two LPAs, although the possibility exists in theory at least.

However, in principle, we think it is correct that where an application is cross-boundary, then both LPAs should get some fee income. We think that the easiest solution would be for the developer to submit the application to both LPAs. The fee should be the standard fee (i.e. with no % uplift) split pro-rata based on site area in each LPA. However, there is a major issue in these circumstances, namely which LPA would determine the application(s) - both LPAs, or the LPA with the higher percentage of application site? What no developer would want would be two separate decisions from two different LPAs, particularly if the decisions were different.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Consultation reference: WG23067

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>We also believe that where an application has been subject to pre-application consultation, and where pre-application fees have been charged, then planning application fees should be linked, so that a reduced planning fee should apply. If pre-application consultation on a proposed development has been undertaken, it should logically be the case that the LPA will already be familiar with the proposed development, so that dealing with the application should entail less work than if there had been no pre-application consultation. We have made a similar point in response to the separate consultation on Frontloading the Development Management System.</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

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Post
<p>Please complete the consultation form and send it to:</p> <p>Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or</p>

Consultation reference: WG23067

telephone: Owen Struthers on 029 2082 6430



Federation of Small Businesses
Ffederasiwn y Busnesau Bach
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WALES OFFICE	SWYDDFA CYMRU
1 Cleeve House	1 Tŷ Cleeve
Lambourne Crescent	Cilgant Lambourne
Llanishen	Llanishen
Cardiff	Caerdydd
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Website/Safle We: www.fsb.org.uk

14 January 2014

Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

To whom it may concern

RE: Review of Planning Application Fees

FSB Wales welcomes the opportunity to present its views to the Welsh Government on the review of planning application fees. FSB Wales is the authoritative voice of businesses in Wales. With 10,000 members, a Welsh Policy Unit, two regional committees and twelve branch committees; FSB Wales is in constant contact with business at a grassroots level. It undertakes regular online surveys of its members as well as a biennial membership survey on a wide range of issues and concerns facing small business.

FSB Wales does not believe that an increase in fees of 15% is acceptable as proposed in the consultation. The consultation document states that *"it is evident that cost recovery and the customer service provided are affected by the planning fee level"*, without providing any evidence to substantiate this claim, particularly in relation to customer service. FSB Wales feels that, while there are undoubtedly considerable financial pressures facing local planning authorities, simply shifting the burden of fees on to applicants is not acceptable.

Furthermore, the consultation document continues *"the proposed increase in planning fees would be on the understanding that there is a commitment by LPAs to review their service delivery"*. FSB Wales feels that this is a weak commitment to change and does not provide the guarantee that small firms will need in order to willing to accept a large rise in planning application fees. Should the fee rise be introduced, FSB Wales would like to see the Welsh Government ensure that services are improved. This could be done by tying performance more closely to the ability to raise higher fees.

Registered Office: National Federation of Self Employed and Small Businesses Ltd.,
Sir Frank Whittle Way, Blackpool Business Park, Blackpool, FY4 2FE
Tel: 01253 336000 Fax: 01253 348046 Email: ho@fsb.org.uk Web: www.fsb.org.uk

I hope you find the comments of FSB Wales of interest.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Janet Jones', with a long horizontal flourish underneath.

Janet Jones
Wales Policy Chair
Federation of Small Businesses Wales

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Jonathan Pritchard	
Organisation	Stride Treglown	
Address	Treglown Court, Dowlais Road, Ocean Park, Cardiff CF24 5LQ	
E-mail address	jonathanpritchard@stridetreglown.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The increase in fee levels would remain slightly below those in England.

However, any increase needs to be accompanied by an improved service.

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This may have an impact on larger schemes where fee levels are higher.</p> <p>However, LPA's should not use this as a reason to refuse an application rather than discuss with the applicant and agree a way forward/extension.</p> <p>LPA performance is unlikely to improve if the reason for the delay is lack of resourcing.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p>	

Consultation reference: WG23067

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Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Assuming the service improves.</p> <p>If fees are introduced consideration should be given to allow split decisions on such applications to avoid the need to submit separate applications requiring separate fees.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>No. 12 week period should be used as per England.</p>	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:
Calculated based on the number of obligations.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should	Yes	Yes	No
------------	---	-----	-----	----

Consultation reference: WG23067

	be treated as a single site for the purposes of charging a fee?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9b	If you have answered no, please explain why.
------------	--

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
provides greater flexibility to developers.

Q10b	If you have answered no, please explain why.
-------------	--

Comments:

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments:	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email

Consultation reference: WG23067

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Environment & Chemistry

Your ref.	
Your letter	
Our ref.	PLANCONS2015/W03/NBKR
Contact	Neil Richardson
Phone	01793 893382
Fax	01793 894532
Email	neil.richardson@rwe.com

14 January 2015

Response to Consultation on Planning (Welsh Govt. ref WG23067)

Dear Sir/Madam

This response is submitted by RWE Generation UK plc ("RWE Generation"), the UK electricity generation business of the German-based RWE group, on behalf of all RWE group companies operating in Wales. These companies comprise:

1. RWE Generation UK plc, which produces over 10% of the UK's electricity from our seven gas, coal and oil-fired power stations. We also manage a portfolio of gas and biomass fired combined heat and power plants across the UK. In Wales we own and operate Pembroke and Aberthaw power stations.
2. RWE Npower Group plc which supplies gas and energy services to over 6.5 million households in the UK;
3. RWE Innogy UK Limited (formerly RWE npower renewables), the UK subsidiary of RWE Innogy, which is one of the UK's leading renewable energy developers with an operational portfolio in the UK of 750 MW and a potential UK development portfolio of over 7,700 MW, including onshore and offshore wind farms and hydro plant. In Wales, RWE Innogy's portfolio includes Gwynt y Mor offshore wind farm, onshore wind farms and a group of hydro power stations centred on Dolgarrog.

The RWE group therefore has a significant ongoing interest in the effective functioning of the land use planning system in Wales including the planning application process and the fees payable for applications, reserved matters approval and discharge of planning conditions..

Our completed response form is attached. We accept the necessity for local planning authorities' development management activities to be adequately funded if a reasonable quality of service is to be provided, and that in present circumstances this can only be done from fee income. We do however have specific concerns about the proposals to set maximum fees for large developments in Wales at a level approximately 15% above the equivalent maxima in England in

RWE Generation UK plc

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Registered in England
and Wales no. 03892782

each fee category, and the very large increase in application fees for wind turbine developments which could arise from creating a separate fee schedule for these or for renewable energy developments. Please see our answer to Question 11b in particular.

I also draw attention to our incidental comments under Question 14, in particular the suggestion that the legal costs of entering into Section 106 agreements might be reduced in many cases if standard form agreements and clauses were developed at a (Welsh) national level for some of the more common situations such as contributions to road improvements and community facilities.

We hope that our responses to the consultation questions are helpful. Please do not hesitate to contact me if you have any queries or wish to discuss any part of our response in detail.

Yours faithfully

A handwritten signature in black ink, reading "Neil BK Richardson".

Neil Richardson
Corporate Environmental Consents Manager
RWE Generation UK plc

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Neil Richardson	
Organisation	RWE Generation UK plc	
Address	Electron Building, Windmill Hill Business Park, Whitehill Way, SWINDON, Wiltshire, SN5 6PB	
E-mail address	neil.richardson@rwenpower.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We recognise that development management services have to be funded adequately if a reasonable quality of service is to be provided. Realistically this can only be done in present circumstances from fee income.

After the proposed increases, per area and per unit fees will still be slightly lower than the equivalent fee rates in England. However, the maximum fee in each category will be approximately 15% higher than the equivalent in England. Many larger projects are liable to pay the maximum fee and the proposed higher maxima will not help attract inward investment to Wales as against neighbouring areas of England.

We would prefer to see maximum fees for each category set at approximately the same level as the equivalents in England.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The refund of the planning application fee would provide an incentive to LPAs to make timely decisions on applications but it would not necessarily deliver good quality decisions or indeed the right decisions, any more than at present. Neither can it address delays caused by late responses by statutory consultees such as Natural Resources Wales.</p> <p>It is not clear what incentive there would be for the LPA to determine an application (especially for politically unpopular development) once a fee refund had been made (other than the possibility of an appeal against non-determination and consequent loss of control of the decision by the LPA).</p> <p>We have concerns about the administrative cost to LPAs and the complications involved in managing and processing any refunds.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>We suggest that, especially for larger applications, a proportion only of the application fee might be refunded initially, if the application is not determined by the due date.</p>	

Consultation reference: WG23067

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We note that the proposed fee levels are significantly lower than the equivalents already in force in England, and the proposed basis for charging is similar to that in England. It has the merit of incentivising developers to group their submissions for discharging conditions. The extent to which this can be done will however be limited if there are pre-commencement and pre-occupation (or in our case pre-commissioning) or other conditions linked to different stages of the development. Therefore several relatively small fee payments may be required for discharge of conditions of more complex permissions.</p> <p>However, the proposed arrangement has the merit that a fee payment and potential refund can be tied to a particular tranche of submissions, which provides some incentive to planning authorities to process submissions promptly. Therefore we support the proposed arrangement.</p>				

Consultation reference: WG23067

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Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: No, it ought to be possible to process applications to discharge conditions substantially more quickly than applications for planning permission, and therefore we would suggest that the fee in respect of the discharge of conditions should be refunded if the application is not determined within 12 weeks.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The need for this sort of confirmation should decline over time if decision notices are made "live" documents generally available on-line from LPAs' websites as proposed. See comment under Q14 about the situation where an application for a CLEUD is made.				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In principle we support the proposal to introduce a set fee for the drafting (if applicable), review and execution of Section 106 agreements by local planning authorities' solicitors. In practice Section 106 agreements for larger developments are normally drafted by the developer's solicitors and reviewed by the planning authority's legal staff, as implied by paragraph 3.18 of the consultation document. For smaller developments it is more likely that draft (often the LPA's standard) clauses will be provided by the LPA.</p> <p>At present it is normally part of the terms of a Section 106 agreement that the developer has to pay either the local planning authority's legal costs, or a specified sum in respect of those costs. There is currently variation across Welsh local planning authorities in the basis on which they charge for Section 106 agreement work and the amount of any fixed fee. There is currently no incentive for the local authority or its solicitors to control these costs.</p> <p>If a fixed fee is introduced nationally then local planning authorities should not be allowed to make any additional charges in respect of legal costs incurred in entering into a Section 106 agreement and should not be allowed to pass through the extra costs of employing an external solicitor if the local authority uses one.</p> <p>The degree of complexity of Section 106 agreements and the associated negotiations varies considerably and if a single standard fixed fee were payable, this could be unfair to the developer in the case of smaller developments, and fail to achieve cost recovery for the local authority in the case of some major developments. We would suggest that a banded scale of fixed fees might be appropriate, with a Section 106 agreement associated with major development (Development Management Procedure Order definition) attracting a higher fee.</p> <p>The Fees Regulations need to provide for the situation where a Section 106 Agreement is associated with a nationally significant infrastructure project within the meaning of the Planning Act 2008.</p> <p>The consultation document is not explicit about how unilateral obligations (most often offered in connection with appeals) would be dealt with for fee purposes. Our view is that being unilateral, they should by definition not require any legal input from the local planning authority and as such should not attract any fee.</p> <p>See also our comments under Q14 on the possibility of developing standard form S106 agreements and clauses, which may have the potential to save time and reduce legal costs and therefore fees.</p>				

Consultation reference: WG23067

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>Some Welsh LPAs already have set fees for their legal input to S106 agreements however these differ across the country. The fee should be calculated on the basis of cost recovery for any initial legal input, review and execution of the S106 agreement only and should be a fixed fee per S106 agreement (within each charging band if charging bands are used). The objective should be to achieve overall cost recovery while minimising administrative costs for all parties.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes if such advertisements are still considered to justify express consent. See comment under Q14 about the possibility of allowing such advertisements to be displayed with deemed consent to reduce unnecessary administration.</p>				

Q9b	If you have answered no, please explain why.
<p>Comments:</p>	

Consultation reference: WG23067

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Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Q10b	If you have answered no, please explain why.
-------------	--

Comments:

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Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

There seems to be an inconsistency here. This question seeks views on a separate fee schedule for "renewable energy development", but paragraph 3.35 of the consultation document states that "wind turbines warrant a separate section" within the fees regulations and that "other energy generation projects are still suited to the current method of charging".

We agree there is no reason why electricity generation developments (other than wind turbines) should not be subject to planning application fees calculated on the present basis of site area. This includes some types of renewable electricity generation (e.g. small run-of river hydro, biomass-fuelled thermal generation, free-standing solar PV, etc.). We would therefore question whether a separate fee schedule for renewable electricity generation is appropriate. It would appear more appropriate to have a distinct fee schedule for wind turbines only.

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We can accept the principle of fees for wind turbine applications possibly being calculated other than on the basis of site area. However, we are very concerned that the effect of a separate fee schedule for wind turbines (whatever the basis of charging) would be to raise application fees for wind turbine projects in Wales so much higher than the fees for similar developments elsewhere in the UK as to make Welsh projects uncompetitive in the Contracts for Difference allocation process.

Taking RWE Innogy's Taff Ely repowering proposal (45 ha, 7 turbines) as an example, the fees payable would be as follows based on the current Wales (category 5), current England (category 5), proposed Wales (category 5) and proposed Wales (new wind turbine category) fee scales:

Wales (current): £16,464 + £84 /0.1 ha over 5 ha= £50,064;

England (current): £16,565 + £100 /0.1 ha over 5 ha= £56,565;

Wales (proposed category 5): £19,000 +£100 /01/ha = £59,000;

Wales (proposed new wind turbine category) ("Where potential output exceeds 10MW, £500/0.1ha subject to a maximum of £287,500") =£225,000.

The red outline for the Taff Ely repowering planning application was drawn tightly around the infrastructure (7 turbines, substation, cabling, access routes etc) to reduce the fee as far as possible - the new proposals set out in paragraph 3.44 would lead to a substantial increase in fee (~350%). Given that many of RWE Innogy's Welsh sites are larger than Taff Ely, it is likely that most of RWE Innogy's future sites will incur the maximum fee possible. Our concern is that any proposals to change the fee for wind turbine developments in Wales so substantially will disadvantage projects in Wales, making them less competitive than projects of a similar scale located in England.

We accept that the current basis for calculating planning fees for wind farm applications may not generate a fee that reflects the cost to the LPA of determining the applications. However, it would be unfair to introduce a new category in Wales which would require developers to pay fees which are substantially higher than they are (a) in England and (b) under the current Category 5.

Consultation reference: WG23067

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>For wind turbines, a fee calculation could logically be based on the number and physical size of turbines, total generating capacity or some combination of these. It may be appropriate to retain an element of the fee related to total site area to reflect variations between schemes in the scale and extent of ancillary works such as access roads</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>Each LPA should receive the appropriate fee for the proportion of the development that is within each LPA's administrative boundary and calculated against the relevant category(ies) in the Fees Regulations.</p>	

Consultation reference: WG23067

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>Ref. Q6: If there is any question as to whether the development as implemented complies with the planning permission as granted then it will be appropriate for the party concerned to apply instead for a Certificate of Lawfulness of Existing Use or Development (CLEUD). By definition a CLEUD should provide confirmation that the development is lawful, including compliance with all relevant conditions. Where a CLEUD is applied for and the relevant fee paid, no further fee should be payable in respect of confirmation that any relevant conditions have been duly discharged.</p> <p>Ref. Q7a: Consideration should be given to the possibility of developing standard form S106 agreements and clauses at a (Welsh) national level for the more common situations such as contributions to road improvements or community facilities. Standard clauses could be combined where more than one is required for a specific development. Where the developer was willing to accept them, the use of standard clauses could greatly reduce both the time required to draft and execute a S106 agreement and the legal costs of doing so. A S106 agreement based on standard clauses would attract a reduced but still fixed fee.</p> <p>Ref. Q9a: While we have no direct interest in broadband rollout, the processing of applications to display advertisements of this type appears to absorb some local planning resource to little useful purpose given the small size and atandardised nature of this type of advertisement. This resource could be better used for other planning purposes. Could this special case not be better dealt with by amending the Control of Advertisements Regulations to enable advertisements of this type (only) to be displayed for a limited period (say 12 months) on telecommunications cabinets with deemed consent, subject to limitations on their size?</p>	

Consultation reference: WG23067

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Linda Jones	
Organisation	Acanthus Holden	
Address	WATERMAN'S LANE, THE GREEN, PEMBROKE, SA71 4NU	
E-mail address	linda@acanthus-holden.co.uk	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: This timescale is too long. A simple discharge of condition delay could easily scupper a development.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Timescale should be applied here too.				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: If standard 106 agreements are used this should not be expensive. Fees have varied wildly in the past .	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: output	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: But fee should be no more than is land was in one LPA area.	

Consultation reference: WG23067

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post

Consultation reference: WG23067

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please
email: planconsultations-b@wales.gsi.gov.uk or
telephone: Owen Struthers on 029 2082 6430

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Stefan Preuss	
Organisation	National Grid plc	
Address	National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA	
E-mail address	stefan.preuss@nationalgrid.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: National Grid does not oppose in principle to the proposed increase but, if taken forward, any fee increase should be linked to a clear requirement on local planning authorities to adhere to prescribed timescales and adequate quality standards in processing and deciding planning applications. Local planning authorities that are poorly performing should not be allowed to increase their fees until they improve their performance.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

No comment.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

National Grid agrees that a refund may improve LPA performance. However, for complicated applications there is a risk that introducing a requirement for local planning authorities to refund application fees if they have not determined an application within 24 weeks may encourage local authorities to delay/avoid validating applications to give them longer to deal with applications.

This risk needs to be mitigated. We note that the Planning (Wales) Bill seeks to place certain limits on the information that local planning authorities can require applicants to provide and it also seeks to tackle situations where local authorities do not validate planning applications. National Grid supports these measure which may go some way towards reducing the non-validation risk. However, appropriate measures / safeguards need to be put in place in the interim.

In addition, there should be a mechanism through which applicants and LPAs can mutually agree an extension to the 24 week deadline for complicated applications.

Q2b	If you do not agree, what other options are available?
Comments: No comment.	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No

Consultation reference: WG23067

		comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

National Grid generally agrees with the proposed timescales, subject to our comments under Question 2a above. There should be a mechanism through which applicants and LPAs can mutually agree an extension to the deadline for complicated applications.

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

No comment.

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Proposals to improve the efficiency of discharge of planning conditions are welcomed. We recognise that the burden on local planning authorities of discharging conditions can vary significantly depending upon the type of development. A 'one-size-fits-all' approach may therefore not be appropriate.

The proposed fees are probably appropriate for smaller developments and represent a fair balance between increasing cost and increasing efficiency. For major projects where the number of conditions, range of subject matters and level of technical difficulty are on a different scale, the fee changes suggested are unlikely to address either the scale of the burden on the local planning authority's resources or the need for applicants to have certainty that their submissions will be dealt with in a timely manner.

Planning Performance Agreements (PPAs) can be used to ensure efficient and cost effective delivery of the post consent approvals process for complex projects. The use of PPAs should be encouraged in these cases as long as they

Consultation reference: WG23067

include clear timescales for the discharge of conditions and a clear commitment from the LPA to allocate a dedicated resource to facilitate the process.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:
No comment.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

National Grid agrees with the proposed timescales in principle, subject to our comments under Questions 4a above regarding complex schemes. There should be a mechanism through which applicants and LPAs can mutually agree an extension to the 16 week deadline for complicated applications. Where a PPA is put in place, this could be covered in that agreement.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No



Comments:
No comment.

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Applicants already, as a matter of routine, pay the local planning authority's legal costs for drafting and reviewing s106 agreements on a full reimbursement basis. Applicants also routinely commit to pay an administration fee or monitoring contribution for the ongoing monitoring of compliance with s106 obligations. It is therefore not clear to National Grid how the imposition of a further fee will necessarily result in an improvement in service, as local planning authorities already have a mechanism to ensure that the cost of providing the services required to settle the s106 agreement are borne by the applicant. If local authorities in Wales propose to raise additional money for s106 agreements to that sought in England, it has the potential to be a disincentive to investment in new development in Wales.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>No comment.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment.

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of	Yes	Yes (subject to	No

Consultation reference: WG23067

	charging a fee?		further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q9b	If you have answered no, please explain why.
Comments: No comment.	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q10b	If you have answered no, please explain why.
Comments: No comment.	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No

Consultation reference: WG23067

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>No comment.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>National Grid agrees that all constituent local planning authorities should receive</p>				

Consultation reference: WG23067

a share of the fee income, as long as the overall fee payable by the applicant to not increase. Otherwise this would discourage development.

Q12b If you have answered yes, how should this matter be addressed?

Comments:

See our comments under Question 12b.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
No comment.				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	
No further comments.	

I do not want my name/or address published with my response (please tick) ☐

Consultation reference: WG23067

How to Respond

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Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
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Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name		
Organisation	Sainsburys Supermarkets Ltd	
Address	c/o Peter Waldren, WYG, 5 th Floor Longcross Court, 47 Newport Road, Cardiff, CF24 0AD	
E-mail address	WYG: peter.waldren@wyg.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

SSL argue that the increase of planning application fees by 15%, in addition to the proposed charges for pre-application advice would create a significant constraint for many developers, with the potential to stifle development prospects.

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>It is considered that the introduction of the set statutory pre-application advice fees will in effect reduce the pressures on resources and service delivery at the formal planning application stage, therefore the increase in application fee is</p>	

Consultation reference: WG23067

considered to represent a 'double hit' and no increase in charge is considered necessary.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Performance is likely to be improved, subject to the ability to agree an extension of determination time before any refund became due (as discussed in paragraphs 2.23 and 2.25 of the consultation document).</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>N/A</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>SSL support the principle that LPAs will refund the application fee if it remains undetermination after 16 and 24 weeks (subject to any period of agreed extension to the determination period). It is considered this approach will limit the number of major applications which are subject to a drawn out and often unreasonably prolonged planning process.</p>				

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: N/A	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: SSL consider 16 weeks to be an overly long period. There is a danger that LPAs under pressure will fail to prioritise submissions until the refund date is approaching, thus resulting in many/most submissions taking close to 16 weeks to determine/discharge. In the context of target determination timescales for principal applications, 16 weeks is an overly long period to have to wait for conditions to be discharged. SSL consider that a period of eight weeks would be more reasonable. Given that delays in discharging conditions (and in particular pre-commencement conditions) may have a significant impact on the delivery of development, SSL	

Consultation reference: WG23067

consider that at the very least pre-commencement conditions should be made subject of an eight week refund threshold. This may have the additional benefit of reducing the number of unnecessary pre-commencement conditions being attached to planning permissions at present.

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Having paid to have the condition(s) discharged in the first place, SSL consider there to be no justification for a further fee to be applied for subsequent confirmation and certainly no justification for a disproportionate fee to be applied to non householder confirmation.</p> <p>Such confirmation would be little more than an administrative exercise of reviewing (or forwarding) condition discharge decisions letters in respect of the subject application. Assuming such decision letters are appropriately filed and accessible, there would be minimal work involved and no appreciable difference between providing such confirmation for a householder permission and a commercial permission. Indeed, SSL consider that such information should be a matter of public record and readily accessible on-line so that developers can access the information without recourse to the LPA.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The proposed fee for the drafting of a s106 agreement is not considered necessary.</p>				

Consultation reference: WG23067

Major developments are already subject to a significant number of costs in relation to the planning process. Developers have to pay their own solicitors and planning consultants to co-ordinate and review the content of s106 agreements. Furthermore, developers also already habitually pay the Council's legal costs in drafting s106 agreements. It is considered unreasonable to require yet further payment to the Council in addition.

Were any formalisation of fee payment considered necessary, SSL consider that this should be subject of a refund mechanism, perhaps linked to that associated with the application fee, considered above.

Q7b

If you have answered yes, how should this fee be calculated? If not, what are your reasons?

Comments:
See Q7a, above.

Q8

Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?

Yes

Yes
(subject to
further
comment)

No



Comments:

Q9a

Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?

Yes

Yes
(subject to
further
comment)

No



Comments:

Consultation reference: WG23067

Q9b	If you have answered no, please explain why.
Comments: N/A	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>The supermarket sector is particularly dynamic with changes to the economy having a direct influence on the end development which is built out. SSLs models, standards and specifications frequently change to ensure the proposals are fully aligned with the customer's needs which can result in the requirement for revised submission of reserved matters. The 'free-go' option post approval of reserved matters applications allows a level of flexibility that can accomodate this.</p> <p>Even if the right for a 'free go' were removed, SSL consider that the need to apply for a s73 application could potentially have onerous implications (for example, the need for a Deed of Variation to a s106 agreement simply to link the agreement to the new s73 permission; there will be implications for Judicial Review associated with the principal permission; and there may be implications or perceived implications for any ES accompanying the original application which is subject to the s73 submission).</p> <p>SSL consider that the ability to simply submit a revised reserved matters application should be maintained, even if this were not subject to a 'free go'.</p>				

Q10b	If you have answered no, please explain why.
Comments: N/A	

Consultation reference: WG23067

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: No comment.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Yes, however, developers should not be penalised simply because a site bridges the boundary between more than one LPA. Furthermore, LPAs should not be prejudiced simply by virtue of how the layout of a site has been proposed. (For example if a development were proposed with all new floorspace falling within LPA X's area and only ancillary (but nonetheless critically important) areas falling within LPA Y's area, LPA X would receive the overwhelming majority of the fee while LPA Y would receive a change of use fee only. This may not reflect the level of work associated with LPA Y who's area may include the principal access, for example. Meanwhile, the developer would have had to pay a higher fee than would otherwise be the case (i.e. having to have paid for the floorspace creation and also, additionally, for a change of use)).

Accordingly, SSL consider that the fee should be calculated as if the site related to a single LPA and the resultant fee split between the LPAs on a pro-rata basis according to the site area in each authority.

SSL share the concerns expressed at paragraph 3.47 of the consultation paper in respect of potentially conflicting decisions or the establishment of different conditions and obligations on any permission granted.

Q12b If you have answered yes, how should this matter be addressed?

Comments:

Q13

Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

Consultation reference: WG23067

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: N/A	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Patrick Arran	
Organisation	City and County of Swansea Council	
Address	Legal, Democratic Services & Procurement Civic Centre, Oysteroth Road, Swansea, SA1 3SN	
E-mail address	Patrick.Arran@swansea.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q2b	If you do not agree, what other options are available?		
Comments: After initial encouragement to establish local validation lists for planning applications, Central/Welsh Government has significantly diluted LPAs' ability to ensure comprehensive frontloading of applications which would enable a swifter turnaround of applications. Additional information which would previously have been a requirement in getting an application validated is now sought later/retrospectively in the process which has an impact on determination times. If LPAs aren't in a position to not validate an application when certain information is clearly going to be necessary during the process then the LPA should not be penalised for an applicant's dilatoriness in furnishing the LPA with the information reasonably necessary to make a decision other than a refusal for a lack of information. LPAs are constantly on the back foot in terms of meeting targets because the application process is weighted in favour of piecemeal applications.			

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If the refund proposals are taken forward, then they should ONLY be applicable where 'formal' pre-application advice has been given on an application and all of the necessary information that would enable the LPA to make a sound decision has been submitted to the LPA within a reasonable timescale.				

Q3b	If you do not agree, what do you consider to be an appropriate time?		
Comments: Welsh Government should look to ensure comprehensive frontloading of applications. Only then should it consider penalising LPAs who are placed on the front foot by a system that favours comprehensive applications at the outset.			

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?		
Comments:			

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?		
Comments:			

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: It is often the case that a condition discharge cannot be confirmed without a site visit – at a currently unrecoverable cost to the LPA.				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>The complexity of S106 agreements can vary significantly depending on the nature of a scheme and can involve significant officer time in negotiating the precise wording of the agreement, trigger points, reviews etc.</p> <p>The LPA broadly supports the principal of a minimum base fee to help offset any abortive work carried out in respect of the drafting of a Section 106 planning obligation. HOWEVER, the base fee should be supplemented by an appropriate commercial hourly rate so as to ensure that LPA legal departments can recover the costs of providing this necessary service whilst discouraging vexatious and/or recalcitrant parties from delaying the process by way of spurious and unreasonable pettifogging. If there was a set fee for Section 106 Obligations then an applicant would be able to engage with the LPA's legal department at length without any further cost to them but at the expense of the taxpayer and the delivery of an efficient service.</p> <p>Whilst the LPA understands that it is desirous to have a set figure for the planning application process in the round, a set fee for Section 106 Obligations would not realistically address the cost of providing the service given the diversity and levels of complexity of said Obligations which range from very simple land ties to new settlements. LPAs across Wales and England will have experience of recovering a few hundred pounds worth of legal officer time to tens of thousands of pounds worth of officer time spent on securing Section 106 Planning Obligations for single developments.</p> <p>Fees should also be set for reviewing unilateral undertakings submitted with further provision (a set hourly rate) for any necessary additional work over and above the initial review. This is particularly pertinent at appeal where the LPA may need to review and comment on a unilateral undertaking that will be submitted to an Inspector. The only means of recovery of the fees (if they are not provided for in the Undertaking, as is often the case) would be if the Inspector made an award of costs in favour of the LPA (which is a relatively rare occurrence). In the event that an appeal is allowed subject to the Unilateral Undertaking then it follows that the work undertaken by the</p>				

LPA in respect of the Undertaking should be recoverable as the Undertaking (assuming that it satisfies the statutory tests set out in the CIL Regulations 2010)) is an integral part of the planning permission as, without it, permission would not have been granted.

It is highly unlikely that a LPA will recover the full cost of providing the service as it is but a set fee would reduce the LPA's ability to deliver (so far as is possible) a cost neutral service so far as the taxpayer is concerned.

The fees for Planning Obligations should remain at the reasonable discretion of the LPA which, in any event, is not allowed to exceed the cost of the provision of the service.

Q7b If you have answered yes, how should this fee be calculated? If not, what are your reasons?

Comments:

The fee should be evidence based, set after consultation with various legal departments in LPAs to ascertain the time and cost required to prepare an agreement and the different issues encountered in the process.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9b If you have answered no, please explain why.

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q10b	If you have answered no, please explain why.		
Comments:			

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments:	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
------------	--

Comments:

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Hugh Towns	
Organisation	Carmarthenshire County Council	
Address	Civic Offices Crescent Road Llandeilo SA19 6HW	
E-mail address	AHTowns@carmarthenshire.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Draft fee Schedule in Appendix 1 does not indicate any increase in the fees for the monitoring of mining and landfill sites introduced in April 2006. The fees were set at that time at £288 for site visits to active sites and £96 for visits to inactive sites. There was a commitment that these would not change for 5 years (April 2011). Costs incurred by LPA's in monitoring sites have increased since 2006 so I would like to see these fees increased as part of the general increase by 15%</p>				

Q1b	If not, what do you consider to be a more appropriate change, if any?
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Consultation reference: WG23067

Comments:

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
It will be counter productive and will result in unnecessary refusals and abuse of the planning process by developers.

Q2b	If you do not agree, what other options are available?
------------	--

Comments:
Properly funded and properly resourced planning departments.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
24 weeks for major development is unrealistic.

Q3b	If you do not agree, what do you consider to be an appropriate time?
------------	--

Comments:
Perhaps 32 weeks would be more realistic for major development.

Consultation reference: WG23067

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Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments:	
No.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: It should be a percentage added to the planning fee so that the fee reflects the likely complexity	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No

Consultation reference: WG23067

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments:	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
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Consultation reference: WG23067

Comments:
Each LPA should have the relevant fee for the site within their administrative area.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>It is disappointing that there are still no proposals to charge fees for Review of Mining Permission applications. These applications are major developments and are often accompanied by Environmental Statements and are within areas where the Habitat Regulations apply. They constitute an enormous commitment of resources by the LPA and there are no planning fees to offset those resource costs. Fees for ROMPs should at least be considered.</p>	

I do not want my name/or address published with my response (please tick) ☒

How to Respond

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Welsh Assembly Government
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Cardiff
CF10 3 NQ**

Additional information

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Cyfeirnod yr Ymgynghoriad: WG23067

Adolygu Ffioedd am Geisiadau Cynllunio		
Dyddiad y cyfnod ymgynghori: 06/10/2014 – 16/01/2015		
Enw	Aled Davies	
Sefydliad	Cyngor Gwynedd	
Cyfeiriad	Pennaeth Adran Rheoleiddio 1 Stryd y Jêl Caernarfon Gwynedd LL54 1SH	
Cyfeiriad e-bost	AledDavies@gwynedd.gov.uk	
Math (dewiswch un o'r canlynol)	Busnes/Ymgynghorwyr Cynllunio	<input type="checkbox"/>
	Awdurdod Cynllunio Lleol	<input checked="" type="checkbox"/>
	Asiantaeth y Llywodraeth/Sector Cyhoeddus Arall	<input type="checkbox"/>
	Cyrff Proffesiynol/Grwpiau Buddiant	<input type="checkbox"/>
	Sector gwirfoddol (grwpiau cymunedol, gwirfoddol, grwpiau hunan-gymorth, cwmnïau cydweithredol, mentrau cymdeithasol, mudiadau crefyddol a mudiadau di-elw)	<input type="checkbox"/>
	Arall (grwpiau eraill sydd heb eu rhestru uchod) neu unigolyn	<input type="checkbox"/>

C1a	Ydych chi'n cytuno â'r cynnig i gynyddu'r ffioedd gan 15%?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau: Dim sylwadau i'w cynnig				

C1b	Os ydych chi'n anghytuno, beth, yn eich barn chi, fyddai'n newid mwy priodol, os newid o gwbl?
Sylwadau: Dim yn berthnasol	

Cyfeirnod yr Ymgynghoriad: WG23067

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C2a	Ydych chi'n cytuno y byddai cyflwyno ad-daliad yn gwella perfformiad yr ACLI?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:

Buasai hyn yn tanseilio trefniadau cynllunio ariannol yr Awdurdod ac yn golygu bod mwy o geisiadau yn cael eu gwrthod a phenderfyniadau sal.

Mae hyn yn cymryd yn ganiataol mai'r Awdurdod Cynllunio sydd ar fai pan fo ceisiadau cynllunio yn cymryd yn hirach nag 8 wythnos i'w penderfynu. Yn arferol y rheswm am oedi gyda phenderfyniad yw oherwydd yr angen am wybodaeth ychwanegol gan yr ymgeisydd yn sgil sylwadau gan ymgynghorai statudol.

Nid yw Cyngor Gwynedd wedi ei argyhoeddi y byddai cyflwyno ad-daliad o reidrwydd yn gwella perfformiad awdurdodau cynllunio lleol yng Nghymru. Mae datblygwyr ac ymgeiswyr yn dymuno caniatad cynllunio ar ddiwedd dydd, ac nid gwrthodiad. Mae'r neges yma yn glir gan ddatblygwyr maent yn barod i ddisgwyl yn hirach am ganiatad yn hytrach na chael gwrthodiad sydyn.

Yn ogystal a hyn, mae angen sicrhau rheolau teg a gwastad rhwng awdurdodau cvynllunio â datblygwyr/ymgeiswyr. Gall cyflwyno cyfnod gwneud penderfyniad cyn ad-daliad ffi gael ei gam-ddefnyddio; e.e. oediad mewn cyflwyno gwybodaeth ychwanegol . Mae'n debygol hefyd y gall cyflwyno ad-daliad arwain at gynnyddu cyfnod penderfynnu ceisiadau i ddatblygu tir oherwydd yr angen i apelio yn erbyn gwrthodiadau.

O ystyried gymaint llai o arian sydd yn cael ei rannu i gynghorau Cymru, mae'n debygol bod ceisiadau yn debygol o gael eu penderfynnu un ffordd neu'r llall, yn hytrach na cholli'r ffi cynllunio. Fodd bynnag, nid yw hyn yn mynd i sicrhau penderfyniad o ansawd.

C2b	Os ydych chi'n anghytuno, pa opsiynau eraill sydd ar gael?
<p>Sylwadau:</p> <p>Cyflwyno canllawiau ymarfer da cenedlaethol ar gyfer trefniadau cyn cyflwyno cais.</p>	

Cyfeirnod yr Ymgynghoriad: WG23067

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C3a	Ydych chi'n cytuno â'r cyfnod a gynigir sef 16 a 24 wythnos?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:

Yn anghytuno gyda'r egwyddor. Gweler C2a

C3b	Os ydych chi'n anghytuno, beth yn eich barn chi fyddai'n gyfod priodol?
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Sylwadau:

Nid yw Cyngor Gwynedd yn ystyried y dylid cael cyfnod penodol ar gyfer ad-dalu ffi cynllunio ar gyfer ceisiadau.

C4a	Ydych chi'n cytuno â'r lefelau ffioedd arfaethedig i gyd fynd â chymeradwyo amodau cynllunio?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

Yn amodol bod y ffi yn daladwy ar gyfer pob cais ffurfiol a wneir i gymeradwyo amod cynllunio (pa bynnag nifer o amodau y mae'r cais hwnnw yn ei gyfeirio ato)

Cyfeirnod yr Ymgynghoriad: WG23067

C4b	Os ydych chi'n anghytuno, beth yn eich barn fyddai'n swm priodol?
Sylwadau:	

C5	Ydych chi'n cytuno â'r cynnig o ad-dalu ffioedd i gyd-fynd â amod cymeradwyo ar ôl cyfnod o 16 wythnos?
Sylwadau: Na. Gweler C2a	

C6	Ydych chi'n cytuno y dylid cyflwyno ffi safonol i gyd-fynd â'r cadarnhad bod yr amodau wedi cael eu cymeradwyo?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau: Mae'r gwaith o gadarnhau cydymffurfiaeth ac amodau cynllunio yn gallu ychwanegu at gostau awdurdodau cynllunio; e.e. yr angen i ymweld â safleoedd er sicrhau cydymffurfiaeth. Bydd ffi safonol ar gyfer cadarnhau cydymffurfiaeth ac amodau yn lleddfu'r gôst ychwanegol. Rhaid sicrhau fod hyn berthnasol ar gyfer amodau ar geisiadau ar raddfa fawr fydd yn cael eu penderfynu gan Lywodraeth Cymru / PINS hefyd.				

C7a	Ydych chi'n cytuno â'r ffi sefydlog i gyd-fynd â drafftio rhwymedigaeth gynllunio Adran 106?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
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Cyfeirnod yr Ymgynghoriad: WG23067

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p> <p>Mae cytundebau dan Adran 106 yn gallu amrywio yn sylweddol yn eu cynnwys a'u cymhlethdod. Dylid ystyried cyflwyno rhyw fath o raddfa symudol o bosib er adlewyrchu hyn.</p>				

C7b	Os ydych chi'n cytuno, sut dylid cyfrifo'r ffi? Os ydych chi'n anghytuno, beth yw eich rhesymau dros hyn?
<p>Sylwadau:</p>	

C8	Ydych chi'n cytuno y dylid talu'r ffi sy'n cyd-fynd ag apêl (a) i'r ACLI yn unig?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p>				

C9a	Ydych chi'n cytuno y dylai hysbysebion ar gypyrddau band eang mewn ardal benodol gael eu trin fel safle unigol at ddibenion codi ffi?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Sylwadau:</p>				

Cyfeirnod yr Ymgynghoriad: WG23067

C9b	Os ydych chi'n anghytuno, eglurwch pam.
<p>Sylwadau:</p> <p>Mewn sefyllfa lle mae hysbyseb angen cais cynllunio, ni ystyrir y byddai gweithredu fel hyn yn deg pan mae pob safle unigol arall sydd yn destyn cais cynllunio yn gorfod talu ffi ar wahan. Yn ogystal a hyn, mae'n bosibl y bydd hyn yn creu cysail peryglus ar gyfer cyflwyno achos cyffelyb ar gyfer datblygiadau eraill; e.e. arwyddion rhybuddio rhagblaen.</p> <p>Mae dehongli beth yw 'ardal benodol' yn debygol o amrywio o awdurdod i awdurdod yn ogystal, ac felly yn creu diffyg cysondeb ar draws yr awdurdodau cynllunio yng Nghymru.</p>	

C10a	A ddylai'r ymgeisydd gael hawl i gynnig am ddim yn dilyn cymeradwyo cais materion a gedwir ôl?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Sylwadau:</p> <p>Mewn sefyllfa ble mae cais materion a gedwir yn ôl yn cael ei gymeradwyo gan yr awdurdod cynllunio lleol, ystyrir y dylai ymgeisydd dalu ffi ychwanegol ar gyfer unrhyw gais pellach fel bod yr Awdurdod yn adennill y gost o ddelio gyda'r cais</p>				

C10b	Os ydych chi'n anghytuno, eglurwch pam.
<p>Sylwadau:</p>	

C11a	Ydych chi'n cytuno y dylid bod gan geisiadau am ddatblygu ynni adnewyddadwy restr ffioedd ar wahân i Adran 5, Cyfarpar a Pheiriannau?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cyfeirnod yr Ymgynghoriad: WG23067

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C11b	Ydych chi'n cytuno y dylai bod system gyfrifo ffioedd ar wahân ar gyfer tyrbinau gwynt?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau: Nid yw'r drefn gyfredol yn adlewyrchu'r gost i'r Awdurdod o ddelio gyda'r math yma o gais.				

C11c	Pa ffactorau, neu gyfuniad o ffactorau, ddylai cael eu hystyried wrth gyfrifo ffi am dyrbinau gwynt?
Sylwadau: Nifer neu faint y tyrbîn	

C12a	Ydych chi'n cytuno bod angen ystyried ffioedd ar gyfer ceisiadau cynllunio sy'n croesi ffiniau, gyda phob ACLI cyfansoddol yn derbyn incwm ffi?	Ydw	Ydw (gyda sylwadau pellach i'w gwneud)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylwadau: Ystyrir y dylai'r ffi fynd i'r Awdurdod sydd yn delio gyda'r cais.				

Cyfeirnod yr Ymgynghoriad: WG23067

C12b Os ydych chi'n cytuno, sut dylid gwneud hyn?

Sylwadau:

C13

Oes gennych chi unrhyw sylwadau am yr Asesiad Effaith Rheoleiddiol rhannol drafft yn Atodiad 2?

Ydw

Ydw
(gyda
sylwadau
pellach i'w
gwneud)

Nac
ydw



Sylwadau:

Mae'r costau tebygol yn ddangosol yn unig ac ychydig iawn o bwysau gellir ei roi iddynt. Ni fydd cynnydd o 15% yn ffioedd cynllunio'n dod a £80,000 o incwm ychwanegol i Wynedd, ac yn seiliedig ar ffioedd y blynyddoedd diwethaf - byddai'r ffigwr yn agosach at hanner hyn.

C14

Mae rhain yn gwestiynau penodol. Os hoffech chi ofyn unrhyw gwestiynau eraill, mae croeso i chi eu nodi yma:

Sylwadau:

Nid wyf am i fy enw/cyfeiriad gael eu cyhoeddi gyda fy ymateb (ticiwch) ☐

Sut i Ymateb

Anfonwch eich sylwadau drwy un o'r ffyrdd gwahanol:

E-bost

Cyfeirnod yr Ymgynghoriad: WG23067

Llenwch y ffurflen ymgynghori a'i hanfon i:

planconsultations-b@cymru.gsi.gov.uk

[Cofiwch nodi 'Ymgynghoriad ar Ffioedd Cynllunio – WG23067' yn llinell pwnc y neges]

Post

Llenwch y ffurflen ymgynghori a'i hanfon i
Ymgynghoriad ar Ffioedd Cynllunio
Y Gangen Datblygu Rheoli
Yr Is-adran Gynllunio
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3 NQ

Gwybodaeth ychwanegol

Os oes gennych unrhyw gwestiynau am yr ymgynghoriad hwn

E-bostiwch: planconsultations-b@cymru.gsi.gov.uk

Ffoniwch: Owen Struthers ar 029 2082 6430

Y Cyngorydd / Councillor

Dafydd Meurig

Ward Arllechwedd

Gofynnwch am/Ask for: Aled Davies

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Ein Cyf / Our Ref: **AD/gmo**

Eich Cyf / Your Ref:



Tîm Bil Cynllunio
Is-adran Gynllunio
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ

15 Ionawr, 2015

Annwyl Syr/Fadam

Parthed: Bil Cynllunio Cymru - Ymgynghoriadau Llywodraeth Cymru ar gynigion i ddiwygio'r system gynllunio yng Nghymru

Diolch am y cyfle i roi ein barn ar eich cynigion i ddiwygio'r system gynllunio yng Nghymru ac yn benodol ar yr ymgynghoriadau sydd yn cynnwys ar canlynol:

- i) Pwyllgorau cynllunio, dirprwyo a chyd-fyrddau cynllunio
- ii) Rhoi mwy o bwyslais ar gamau rhagarweiniol y system gynllunio
- iii) Adolygu ffioedd am geisiadau cynllunio
- iv) Dylunio yn y broses gynllunio
- v) Diwygiadau arfaethedig i ddeddfwriaeth ar y pŵer i drechu hawddfreintiau a hawliau eraill

Credir fod yr ymgynghoriadau ar faterion i) i v) yn cyflwyno cyfle arall i'r Cyngor gadarnhau ei safbwynt ar faterion penodol sydd yn berthnasol i'r Bil Cynllunio'n gyffredinol.

Mae'r ymateb gan Gyngor Gwynedd felly'n cadarnhau ein safbwynt o ran y Bil Cynllunio yn y llythyr yma, yn ogystal ac yn rhoi ymateb i'r ymgynghoriadau unigol i) i v), lle rhoddir trosolwg o'r prif faterion yn nes ymlaen yn yr adroddiad hwn. Mae'r ymatebion llawn ar y ffurflenni safonol wedi ei hatodi.

Swyddfa'r Cyngor
Caernarfon
Gwynedd. LL55 1SH
01766 771000
www.gwynedd.gov.uk

1. Bil Cynllunio Cymru

Ategir yr ymateb gwreiddiol gan Gyngor Gwynedd ar y Bil Cynllunio yn Chwefror 2014, ond pwysleisir yn benodol y materion isod.

Gan mai Deddf Gynllunio ar gyfer Cymru fydd allbwn yr ymgynghoriad ar y Bil yn y pen draw, mae angen i'r Ddeddf fod yn addas i'r pwrpas gan gwrdd ag anghenion cymdeithasol, economaidd ac amgylcheddol pobl Gwynedd a Chymru gyfan. Mae'r iaith Gymraeg yn rhan annatod o ddiwylliant cymunedau Gwynedd a Chymru.

Rhaid cadw mewn cof fod y system gynllunio "Gymreig" gyfredol wedi ei seilio'n helaeth ar system sydd wedi ei hetifeddu. Mae'r iaith Gymraeg felly yn fater a hoeliwyd i drefn Cymru a Lloegr. Credir mai pwrpas deddfwriaeth pwnc penodol megis cynllunio, yw atgyfnerthu'r amcanion lefel uchel. Un o'r problemau gyda'r system gynllunio yw nad yw hynny'n digwydd yn effeithiol ac o ganlyniad nid yw'n treiddio drwodd i ganllawiau a pholisïau cynllunio cadarn nac ymarfer da. Mae hyn yn hynod o berthnasol o safbwynt sut yr ymdrinnir â'r iaith Gymraeg yn y system gynllunio gyfredol.

Mae hwn yn gyfle euraidd i foderneiddio'r system gynllunio a sefydlu fframwaith ar gyfer system gynllunio "Gymreig". Credir felly y dylid achub ar y cyfle i roi statws cyfreithiol i'r iaith Gymraeg yn y ddeddf gynllunio newydd, i gyfrannu at geisio sicrhau fod iaith a diwylliant ein cymunedau yn cael eu gwarchod ac yn cael cyfle i ffynnu. Bydd hyn yn rhoi seiliau cryfach i ystyriaeth o'r iaith yn y system gynllunio, fydd wedyn yn treiddio drwodd i ganllawiau a pholisïau cynllunio llawer mwy cadarn a chlr. Credir y gall hyn gyfrannu at geisio osgoi / arafu'r gostyngiad yn y siaradwyr Cymraeg sydd wedi digwydd dros y degawd diwethaf. I'r perwyl yma ac yn dilyn ymgynghoriad gydag Adran Gyfreithiol y Cyngor, cynigir y newidiadau isod i'r Bil er mwyn cyfarch yr iaith Gymraeg fel ystyriaeth benodol o fewn y Bil:

"Rhan / Part 2

60 (2) (cymal newydd/ new clause)

(2) Wrth baratoi'r Fframwaith mae'n rhaid i Weinidogion Cymru ystyried effaith polisïau Gweinidogion Cymru ar yr iaith Gymraeg

(2) In preparing the Framework the Welsh Ministers must have regard to the effect of the policies of the Welsh ministers on the Welsh Language

60G (6) (f) (cymal newydd/ new clause)

(6) Wrth baratoi'r cynllun datblygu strategol, mae'n rhaid i'r panel cynllunio strategol ystyried -.....

(f) Yr iaith Gymraeg ac effaith y Cynllun Datblygu Strategol ar gymeriad a gwead cymdeithasol ardal

(6) In preparing a strategic development plan, the strategic planning panel must have regard to -

(f) the Welsh Language and the effect of the of the strategic development plan on the character and social fabric of an area

60G (7) (a)

(7) Rhaid i'r Panel hefyd –

(a) Ymgymryd arfarniad o gynaliadwyedd y cynllun. Bydd yr arfarniad yn ystyried

(i) Yr Iaith Gymraeg

**(ii).....(bydd angen i'r llywodraeth ystyried ychwanegu
materion eraill dylid eu cynnwys)**

(7) The Panel must also –

(a) carry out an appraisal of the sustainability of the plan. The appraisal shall have regard to

(i) *the Welsh Language*

(ii)(*Welsh government may wish to consider adding other matters*)

Rhan/Part 3

61ZA (3) (c) (ychwanegiad i ddiwedd y cymal/ addition to the end of the clause)

61 ZA (3) (e) (Cymal newydd/ new clause)

(3) Gall rheoliadau o dan y rhan yma (ymysg pethau eraill) wneud darpariaeth -

(c) am wybodaeth.....Gweinidogion Cymru a bydd unrhyw wybodaeth neu ddogfennau o'r fath yn cael eu darparu yn Gymraeg ac yn Saesneg

(e) fod gwasanaethau cyn-ymgeisio yn cael ei ddarparu drwy gyfrwng y Gymraeg os gofynnir gan yr ymgeisydd

(3) Regulations under this section may (among other things) make provision –

(c) for information.....Welsh Ministers and such information and documents to be provided in both Welsh and English

(e) that pre-application services should be provided through the medium of Welsh if requested by the applicant”

Credir fod yr uchod yn cynnwys cynigion amgen a fuasai'n cyfrannu tuag at sicrhau rhan greiddiol i'r iaith Gymraeg yn y gyfundrefn gynllunio newydd sydd ar y gweill i Gymru. Bydd hyn o ganlyniad yn rhoi statws priodol i'r iaith fydd wedyn yn treiddio drwodd i'r holl haenau o bolisi cynllunio, yn cynnwys y Fframwaith Datblygu Cenedlaethol, Cynllun Datblygu Strategol, Cynllun Datblygu Lleol a Chynllun Lleoedd.

Bydd hyn hefyd yn cyfrannu tuag ddarparu gwasanaeth cynllunio yn y Gymraeg a'r Saesneg i gwsmeriaid. Mae angen sicrhau fod y system gynllunio "Gymreig" yn cwrdd ag anghenion cwsmeriaid Gwasanaethau Cynllunio, yn ogystal â gosod seiliau ar gyfer sicrhau darpariaeth effeithiol o'r Gwasanaeth gan Gynllunwyr. Mae cwrdd ag anghenion ieithyddol ein cwsmeriaid a'n cymunedau Cymreig yn rhan annatod o wasanaeth Cynllunio effeithiol. Yr un mor bwysig yw'r cyfleoedd i ddarpar Gynllunwyr ymarfer eu proffesiwn yn y Gymraeg er mwyn parhau i gwrdd ag anghenion ein cwsmeriaid.

Mae cysylltiad agos rhwng Bil Cynllunio Cymru a'r Bil Cenedlaethau'r Dyfodol gyda phrif egwyddor y ddau yn gysylltiedig â chyfrannu'n gadarnhaol tuag greu cymunedau cynaliadwy. Mae'r iaith Gymraeg yn rhan annatod o ddiwylliant cymunedau yng Nghymru ac mae'n hanfodol bod y Bil Cynllunio drwy roi statws cyfreithiol i'r iaith Gymraeg, yn cyfrannu tuag at greu amgylchiadau cynllunio priodol, fydd yn rhoi'r cyfleoedd gorau i'r iaith Gymraeg ffynnu. Bydd hyn wedyn yn cyfrannu'n gadarnhaol tuag greu cymunedau cynaliadwy fydd ar yr un pryd yn cyfrannu tuag at gyflawni amcanion y Bil Cenedlaethau'r Dyfodol.

Cefnogir y bwriad i gadw'r rhan fwyaf o'r penderfyniadau ar geisiadau cynllunio yn lleol, gyda'r penderfyniadau ar geisiadau o arwyddocâd cenedlaethol yn cael eu penderfynu yn uniongyrchol gan Lywodraeth Cymru. Yr hyn mae'r ymgynghoriad ar fil cynllunio newydd yn ei wneud yw cadarnhau'r ffaith fod cyfrifoldebau am faterion cynllunio yng Nghymru wedi ei ddatganoli. Yn sgil hyn credir fod gennym gyfle yma i ail sefydlu Arolygiaeth Gynllunio annibynnol ar gyfer Cymru, sydd gyda blas "Cymreig" ac sydd yn cwrdd yn benodol ag anghenion Cymru.

Ystyrir hefyd y dylai ceisiadau ar gyfer prosiectau seilwaith cenedlaethol sydd ar hyn o bryd yn cael eu penderfynu yn Lloegr, gael eu penderfynu gan Lywodraeth Cymru, ac yn unol â pholisïau cynllunio cenedlaethol a lleol Cymru.

Rydym yn gefnogol i'r egwyddor o uno Gwasanaethau Cynllunio gan fod rhesymau cynllunio ar gyfer gwneud hynny ac mae cyfleoedd i osgoi costau dyblygu gwaith. Credir bod modd uno / cydweithio ac ar yr un pryd sicrhau ansawdd da o wasanaeth i ddinasyddion awdurdodau. Er mwyn cael y budd mwyaf i ddinasyddion credir y byddai angen uno proffesiynol a gwleidyddol.

Credir fod angen sicrhau nad yw'r newidiadau sydd yn cael eu cyflwyno i'r system yn cyflwyno gormod o haenau gwahanol o gynlluniau defnydd tir. Gall hyn fod yn hynod o fiwrocrataidd, yn anodd ei weithredu'n ymarferol o ran delio gyda cheisiadau cynllunio, ond hefyd yn hynod gymysglyd a chymhleth i ddinasyddion.

Yn gyffredinol rydym yn gefnogol i'r egwyddor o gael Deddf Gynllunio newydd ar gyfer Cymru o ran egwyddor, ond mae hyn wrth gwrs yn ddarostyngedig i gael manylion o ran sut y buasai'r newidiadau yma'n gweithio'n ymarferol. Er hyn, credir y bydd oblygiadau ariannol sylweddol i Awdurdodau Cynllunio fydd yn cynnwys costau sydd yn gysylltiedig â rhoi newidiadau yn eu lle (e.e. uno gwasanaethau cynllunio) a chostau gweithredu rhai o'r newidiadau.

2. Ymateb i'r ymgynghoriadau penodol

Mae ymatebion manwl Cyngor Gwynedd i'r ymgynghoriadau unigol wedi ei gynnwys yn yr atodiadau. Rhoddir crynodeb isod o'r prif faterion o safbwynt ymateb Cyngor Gwynedd i'r ymgynghoriadau unigol.

i) Pwyllgorau cynllunio, dirprwyo a chyd-fyrddau cynllunio

Cefnogir yr egwyddor o gyfyngu maint Pwyllgor Cynllunio i isafswm o 11 o aelodau i uchafswm o 21 o aelodau. Mae'r newidiadau sydd wedi ei gweithredu eisoes yng Nghyngor Gwynedd, drwy greu'r Pwyllgor Cynllunio Sirol, eisoes yn cyd-fynd a'r bwriad yma. Hefyd, cefnogir yr egwyddor o greu y cyd-fyrddau cynllunio, sydd i raddau helaeth yn adlewyrchu'r trefniant sydd gan Wynedd ac Ynys Môn yn ei le eisoes, gyda Phwyllgor Polisi Cynllunio ar y Cyd ar gyfer y Cynllun Datblygu Lleol ar y Cyd.

Mae'r bwriad i roi Cynllun Dirprwyo cenedlaethol yn ei le yn creu pryderon sylweddol, oherwydd y trothwyon perthnasol ar gyfer ceisiadau cynllunio sydd i'w penderfynu gan y Pwyllgor. Nid yw'r bwriad yma yn rhoi unrhyw ystyriaeth o gwbl i'r gwahaniaethau sylfaenol sydd yn bodoli rhwng Awdurdodau gwledig fel Cyngor Gwynedd ac Awdurdodau mwy trefol / dinesig fel Caerdydd, Casnewydd ac ati.

Pe bai'r Cynllun Dirprwyo a gynigir yn cael ei weithredu, yna prin fuasai'r ceisiadau cynllunio fuasai angen penderfyniadau gan y Pwyllgor Cynllunio yng Ngwynedd, gan fod y trothwyon mor uchel. Buasai hyn o ganlyniad yn tanseilio rôl a phwrpas y Pwyllgor Cynllunio. Buasai hefyd yn tanseilio ac yn gwanhau'r broses ddemocrataidd leol o wneud penderfyniadau ar geisiadau cynllunio.

Mae pryder sylweddol felly am y meddylfryd fod un drefn yn addas i bob awdurdod ac mae angen felly sicrhau fod ystyriaeth lawn yn cael ei roi i ofynion amrywiol pob awdurdod. Awgrymir felly os oes bwriad cyflwyno unrhyw fath o gynllun dirprwyo cenedlaethol, yna dylid sicrhau hyblygrwydd o fewn hynny i adlewyrchu'r sefyllfa'n lleol.

ii) Rhoi mwy o bwyslais ar gamau rhagarweiniol y system gynllunio

Cefnogir yr egwyddor o roi mwy o bwyslais ar y trefniadau cyn cyflwyno cais cynllunio. Mae Cyngor Gwynedd gwastad wedi rhoi pwyslais i'r elfen yma o'r broses ers blyneddau ac mae gennym drefniadau ffurfiol yn eu lle ers dros dair blynedd bellach ar gyfer darparu'r gwasanaeth yma.

Er yn gefnogol i'r egwyddor o roi mwy o bwyslais ar y rhan yma o'r broses, ni chredir y dylid cyflwyno haenau newydd o ddeddfwriaeth ar gyfer cyflawni hyn. Credir y bydd y bwriad i ddeddfu ar y rhan yma o'r broses yn cymhlethu yn hytrach na symleiddio'r drefn gynllunio, oherwydd y gofynion ychwanegol ar ymgeiswyr / datblygwyr, awdurdodau cynllunio, yn ogystal â disgwyliadau ychwanegol y cyhoedd allan o'r broses.

Rhaid hefyd datgan pryder am natur yr ymgynghoriad sydd yn ymgais i egluro yn orfanwl yn union sut y dylai Awdurdodau Cynllunio weithredu trefniadau cynnig cyngor cyn cyflwyno cais. Mae hyn yn dangos diffyg gwerthfawrogiad o'r ffaith fod Awdurdodau fel Cyngor Gwynedd wedi mabwysiadu trefniadau safonol ar gyfer cynnig cyngor cyn cyflwyno cais ers blyneddau. Felly, credir y dylid sicrhau a chydabod mai mater i'r awdurdod cynllunio lleol, nid Llywodraeth Cymru, yw penderfynu sut mae'r trefniadau'n cael eu gweithredu.

Credir y bydd gwneud y broses yn un statudol yn fyrddwn ar ymgeiswyr / datblygwyr ac ar adnoddau prin awdurdodau lleol. Ni fydd hyn yn cyflymu'r broses gynllunio nac yn rhoi unrhyw fath o eglurder i'r cyhoedd o ran eu rôl yn y broses.

Rhaid felly peidio cyflwyno deddfwriaeth ar gyfer y rhan yma o'r broses ond yn hytrach dylid ystyried cyflwyno canllaw ymarfer da cenedlaethol.

Rhaid hefyd sicrhau fod unrhyw wasanaeth a gyflwynir yn cwrdd ac anghenion ieithyddol ein cwsmeriaid sydd yn rhan annatod o wasanaeth cynllunio effeithiol.

iii) Adolygu ffioedd am geisiadau cynllunio

Cefnogir y bwriad i gynyddu'r ffioedd cynllunio o 15% yn enwedig gan nad oes unrhyw gynnydd wedi bod yn y ffioedd ers blynnyddoedd. Hefyd, cytunir gyda'r egwyddor o gyflwyno ffioedd mewn perthynas ag elfennau eraill o'r gwasanaeth megis ceisiadau sydd yn cyflwyno manylion o gydymffurfio gydag amodau cynllunio.

Gwrthwynebir y bwriad sydd yn son am gyflwyno trefn lle bydd yn rhaid i Awdurdod Cynllunio ad-dalu'r ffi cynllunio ar ôl 16 neu 24 wythnos (yn ddibynnol ar y math o gais), os nad oes penderfyniad wedi ei wneud. Mae hyn yn awgrymu mai'r awdurdod cynllunio sydd ar fai os yw cais cynllunio yn cymryd mwy nac 8 wythnos i'w benderfynu. Yn achos Cyngor Gwynedd, fel arfer y rheswm am oedi gyda phenderfyniad y oherwydd yr angen am wybodaeth ychwanegol gan yr ymgeisydd yn sgil sylwadau gan ymgynghorwyr statudol.

Yn y pen draw, y neges yn gyffredinol gan ddatblygwyr yw eu bod yn fodlon disgwyl yn hirach am ganiatâd cynllunio yn hytrach na derbyn gwrthodiad sydyn. Yn hyn o beth mae angen cydnabod y gwaith mae Awdurdodau Cynllunio yn ei wneud i geisio gweithio gyda datblygwyr, i gael datblygiadau o ansawdd uchel ac er mwyn sicrhau fod yr holl wybodaeth i law sydd yn galluogi argymhelliad / penderfyniad i ganiatáu datblygiad.

Buasai cyflwyno'r drefn o ad-dalu ffi'n cynyddu nifer y ceisiadau fuasai'n cael eu gwrthod a hefyd yn gallu golygu caniatáu ceisiadau o ansawdd isel.

iv) Dylunio yn y broses gynllunio

Croesawir y bwriad o ail edrych a chryfhau'r ystyriaeth o roddir i ddylunio yn y broses gynllunio, a hefyd i ail edrych ar rôl Datganiadau Dylunio a Mynediad yn y broses.

Credir y dylid ail lansio yr egwyddorion oedd tu ol i Ddatganiadau Dylunio a Mynediad fel Canllaw Ymarfer Da Cenedlaethol ar gyfer rhai mathau o ddatblygiad. Yn sgil hyn dylid diddymu'r angen statudol cyfredol ar gyfer Datganiadau Dylunio a Mynediad.

Mae angen gweld gwerth i ddylunio da a'i hyrwyddo fel rhywbeth cadarnhaol er mwyn cael gwell safon i ddatblygiadau, yn ogystal â datblygiadau sy'n adlewyrchu ac ategu nodweddion lleol. Cydnabyddir fod dylunio yn fater o farn ond ystyrir bod angen gwell fframwaith er mwyn gallu negodi am ddyluniad o safon. Ystyrir fod y canllawiau/polisiau cenedlaethol presennol yn rhy feddal i sicrhau fod dylunio da yn cael ei weld fel y safon arferol yn hytrach nac fel eithriad.

v) Diwygiadau arfaethedig i ddeddfwriaeth ar y pŵer i drechu hawddfreintiau a hawliau eraill

Croesawir y bwriad i ddiwygio'r darpariaethau fel bod trechu hawddfreintiau a hawliau eraill yng Nghymru yn gymwys nid yn unig i godi, adeiladu neu ymgymryd â chynnal unrhyw adeilad neu gyfnod gwaith, ond hefyd i'r defnydd newydd, parhaol o'r safle os yw'r defnydd yn unol â chaniatâd cynllunio. (Ar hyn o bryd nid yw'r ddeddfwriaeth gyfredol yn caniatáu'r defnydd newydd, parhaol o'r safle hyd yn oed os yw'r defnydd yn unol â chaniatâd cynllunio).

Bydd hyn yn hwyluso'r broses o weithredu ar ganiatâd cynllunio er budd y gymuned a sicrhau nad yw datblygiad yn cael ei atal ar sail cyfyngiadau cyfreithiol hanesyddol, sydd bellach o bosib ddim yn berthnasol.

Hyderaf y bydd Llywodraeth Cymru'n rhoi ystyriaeth lawn i'r ymateb yn y llythyr yma yn ogystal â'r ymatebion manwl sydd yn y ffurflenni safonol ar gyfer yr ymgynghoriadau unigol.

Yn gywir



**Aled Davies – Pennaeth Adran Rheoleiddio
Ar ran Cynghorydd Dafydd Meurig
Aelod Cabinet Rheoleiddio**

Amg:

- Pwyllgorau cynllunio, dirprwyo a chyd-fyrddau cynllunio
- Rhoi mwy o bwyslais ar gamau rhagarweiniol y system gynllunio
- Adolygu ffioedd am geisiadau cynllunio
- Dylunio yn y broses gynllunio
- Diwygiadau arfaethedig i ddeddfwriaeth ar y pŵer i drechu hawddfreintiau a hawliau eraill

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Nicola Pearce	
Organisation	Neath Port Talbot County Borough Council	
Address	The Quays Brunel Way Baglan Energy Park Neath	
E-mail address	n.pearce@npt.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst the increase is supported, it is disappointing to note that it still falls significantly short of full cost recovery and is also dependent upon an improvement in performance. Whilst all LPAs strive to provide the best service possible to all customers, this is becoming increasingly difficult in the current period of austerity. Budgets are being cut which in turn results in a reduction in available resources, mainly staff. The loss of experienced and skilled staff has a knock on effect upon service delivery and further penalties from the Welsh Government will hinder performance rather than support and improve performance.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
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Comments:

A greater increase in fees should be proposed together with a commitment to regular annual increases thereafter to account for inflationary rises.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

No. Performance is not only the responsibility of the LPA, it is also reliant upon the quality of the submission by the applicant/agent and the co-operation of consultees. A substantial number of applications are invalid upon submission and take time to become valid. Furthermore and despite the provision of pre-application advice, the applications are unacceptable and require revision to allow for a recommendation of approval. Some applicants/agents are better in terms of the submission of quality applications and/or the submission of additional and amended information/plans than others, but on the whole they also contribute towards variation in the speed of delivery. Consultees are another source of delay. If they respond within the statutory time periods it can often be requesting the submission of additional information and the clock keeps ticking.

The knock on effect of all of the above will be an increase in refusals either due to lack of information to enable LPAs to fully assess a development or alternatively, as a consequence of the inability to fully negotiate improvements to a scheme for the fear of running out of time. This cannot possibly benefit the development and regeneration industry but will result in an increase in appeals to the Planning Inspectorate. In turn the costs of the planning service overall will increase. This cannot be beneficial to anyone.

Q2b	If you do not agree, what other options are available?
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Comments:

Annual performance reports (similar to current business plans) could be submitted to the WG which would demonstrate performance and provide an account of why performance has varied and whether measures are being put in place to address such variation. If no measures are being put in place a reason for such lack of intervention should be specified.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No. For the reasons specified above, the principle of refunds is not supported.				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: Do not agree that any time period is appropriate	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Although there should be a restriction on grouping conditions together. Perhaps conditions should be grouped by topic area. For eg, all drainage conditions grouped together etc.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: No alternative suggestion	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: No. the principle of refunds is not supported. Some conditions can take an exceptionally long time to discharge for reasons beyond the control of the LPA. As a result the LPA should not be penalised as a consequence.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. This is appropriate to confirm that conditions have been complied with rather than discharged. The word discharge implies that the submitted details have also been complied with, however the proposal does not cover this. A Certificate of lawfulness is the only means to determine that the development has been completed in accordance with all approved plans and conditions.				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Most if not all Council's legal departments charge the developer for their time in drawing up S106 legal agreements already. The introduction of a charge is a duplication of existing practice. I understand that the Head of Legal for this Council has already submitted a separate response in relation to this question expanding this concern.				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	
Reasons specified in answer to question 7a.	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
<p>The cost of posting site notices and undertaking site visits, writing reports etc for advertisements on cabinets throughout the County Borough would be expensive. For example if you have a submission for advertisements on upto 50 individual cabinets throughout the County Borough, each site would require a site notice and site visit. They would also require the preparation of a bespoke officer report for each site, and the dispatch of a decision notice. How can this work be covered by a single fee.</p> <p>If the WG are intent on promoting the take up of broadband throughout Wales, it is suggested that they introduce deemed consent for broadband adverts on the cabinets for a restricted time period, in the same way that they introduced permitted development rights for the cabinets themselves. This would increase awareness without increasing bureaucracy and costs.</p>				

Q9b	If you have answered no, please explain why.
Comments:	
See response to question 9a	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments: <p>The work and consequent costs involved in determining an alternative application which has been changed as a consequence of the developer should be recompensed through the payment of a fee.</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>Yes, to ensure that each LPA is charging against the correct fee schedule.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes it is acknowledged that the work involved in processing such applications is significant and needs to be covered appropriately in the fee income.				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: The factors proposed within the consultation are considered to be appropriate. However the energy output needs to be clarified. Is it installed capacity or actual generation. It is assumed that the fee relates to the former, as the latter will be unknown at the time of submission.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: Each application should receive a fee as proposed within the consultation document to ensure that the cost of processing the application on each side of the Local Authority boundary is recovered.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	
<p>The fees associated with mineral developments have not been considered as part of this consultation. The current cap on fees associated with mineral applications singles out mineral developments from all others. This restrictive cap ensures that the costs of processing such applications far outweighs the fee income. Confirmation is required as to why the cap for mineral developments is not in line with the cap on all other types of developments.</p> <p>The minerals and waste planning service is in a serious period of decline. The age profile of existing officers within this specialist field is resulting in a loss of staff through retirement with no new staff being trained (due to lack of funding) to cover this specialist field going forward. An increase in fees associated with these types of application would allow for investment in future staff, thus ensuring that succession planning measures are put in place.</p> <p>In addition to the above, consideration should be given to the requirement for a set fee for Developments of National Significance and Nationally Significant Infrastructure Projects. Whilst LPAs have previously been advised to negotiate these with the developers, this has not resulted in a successful outcome for the two NSIP projects that this authority have been involved in. As a result significant resources have been spent by the LPA with no associated income.</p> <p>Consideration should also be given to the need for a fee associated with screening and scoping opinions which are time consuming to deliver.</p>	

I do not want my name/or address published with my response (please tick) ☐

How to Respond

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<p>Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430</p>

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Ryan Thomas	
Organisation	City and County of Swansea Council	
Address	Economic Regeneration & Planning, Civic Centre, Oysterouth Road, Swansea, SA1 3SN	
E-mail address	ryan.thomas@swansea.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The accompanying Regulatory Impact Assessment states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. Against this backdrop, local authority settlements have decreased by 8% since 2009 and planning application fee income will continue to only cover 60% of the costs associated with processing and determining applications.

With this in mind, and with future funding cuts likely in the foreseeable future for Local Authorities, it is questionable whether this 15% increase will actually result in an improved service as opposed to maintaining the current status quo.

A higher percentage increase should be seriously considered if the Welsh Government are serious about increasing resources in LPAs and improving service as per the consultation document.

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>If the WG are committed towards resourcing LPAs to improve performance, then the increase in fees needs to reflect this. As stated above, the % increase should be higher otherwise there is little/ no difference in real terms since 2009 particularly as applications have increased in complexity since this time.</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The document states that "Performance of the LPA is a priority for the Welsh Government, especially where the LPA has not delivered a service to its customers."</p> <p>However, achieving sustainable development should be the key priority (as a statutory duty) and refunds will not invariably achieve this aim. Too much emphasis is placed on the speed of the decision, but quicker decisions won't necessarily mean sustainable decisions or better decisions. LPAs are encouraged to consider new ways of working/ thinking but the WG are not adopting the same principles themselves but revert to punishments to exact change.</p> <p>With fear of having to give substantial refunds, LPAs may be minded to refuse applications which will result in appeal/ resubmission, and the overall result will be it taking longer to achieve permission.</p> <p>In addition, during the assessment of the application, the LPA will incur costs and it is likely they will have undertaken significant work to get to a point where they can make a recommendation on a scheme. Delays generally mean time and negotiation and are required for genuine reasons.</p> <p>Applicants have the right of appeal against non-determination at any point after the statutory period and this is considered an appropriate mechanism if decisions are being delayed. Providing cost recovery for written representations appeals as is being considered could provide appropriate recourse for unreasonable delays.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>If improving the LPA performance is a key priority, then WG should be looking at ways to genuinely improve performance rather than a simple exercise of punishing poorly performing authorities as this will not necessarily produce the expected results. Quicker decisions may result in more refusals.</p> <p>Amendments that could make the scheme acceptable may not be progressed which will lead to refusal, resubmissions or appeals and take longer to get a positive</p>	

outcome as well as costing everyone in the process more time and money.

It would be more beneficial for WG to help LPAs that are 'underperforming' for example in terms of temporary secondments or a "critical friend" to help review procedures and advise on improvements/lessons learnt elsewhere in Wales. This would help facilitate lasting change in LPA's.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As outlined above, the City and County of Swansea do not agree with the penalty system proposed. The core principle should be Sustainable Development, not quick decisions/development.

If the refund proposals are taken forward, then they should ONLY be applicable where 'formal' pre-application advice has been given on an application and all of the necessary information that would enable the LPA to make a sound decision has been submitted to the LPA within a reasonable timescale.

Q3b	If you do not agree, what do you consider to be an appropriate time?
-----	--

Comments:

Again, it is not considered that this approach will have the desired effect. There shouldn't be specific time requirements - applicant can appeal non-determination and apply for costs if the LPA is acting unreasonably in making a decision.

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Consideration of information takes both time and resources to discharge, and can require both internal and external consultation. This approach may encourage developers to submit information upfront which enables all information to be considered at the same time.

The submission of information at different times (potentially over a 5 year period) can take significant time to review the necessary requirements of a condition and an approach supporting front-loading of the system is to be welcomed.

However, it is recommend that a maximum number of conditions is included within one fee (for example 5 separate conditions) to ensure that the cost of discharging conditions is recovered by the Authority.

Alternatively, fee levels should be increased to ensure LPAs recover costs appropriately, a fee of £83 to discourage a large number of complex conditions particularly in relation to major developments would not be a reasonable level of cost reducing.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

It would appear that the fee of £83 is based on the fee for the Non Material Amendment and was calculated as half of the fee for a S73 application (which is set to increase). This fee should also be increased by the same percentage to ensure it more closely reflects the cost of processing by the LPA.

Q5

Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

Once again, this approach does not result in an improved service and depends on the level of information submitted in the first place and 3rd parties in terms of responses from statutory consultees. Often conditions are requested by 3rd parties and without a response within the relevant time period, the LPA is unable to discharge the relevant condition. The applicant has a right of appeal and cost recovery from written representation appeals would appear to resolve this issue rather than a refund which appears to give little consideration as to why the condition could not be discharged within this time frame.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No



Comments:

Requests (especially historic requests) can take time to confirm and Officer time and LPA resources should be recoverable. This should become easier over time if the 'live' decision notice is progressed.

Q7a

Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?

Yes

Yes
(subject to
further
comment)

No



Comments:

The complexity of S106 agreements can vary significantly depending on the nature of a scheme and can involve significant officer time in negotiating the precise wording of the agreement, trigger points, reviews etc.

[FURTHER COMMENTS WILL BE SUBMITTED BY THE COUNCIL'S LEGAL DEPARTMENT]

Q7b

If you have answered yes, how should this fee be calculated? If not, what are your reasons?

Comments:

The fee should be evidence based, set after consultation with various legal departments in LPAs to ascertain the time and cost required to prepare an agreement and the different issues encountered in the process.

Q8

Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?

Yes

Yes
(subject to
further
comment)

No



Comments:

Serving an Enforcement Notice is generally a last resort following discussion and negotiation. Developers are normally advised that they have a right to submit a planning application and notices are only served if this advice is not heeded (on some occasions it is expedient to issue an enforcement notice to 'stop the clock' on an unauthorised development so that it can be brought under development control and appropriately conditioned without becoming immune from enforcement). The LPA would be equipped to deal with this administration and the retention of any fee would offset the cost incurred by the LPA that is required when fees have to be returned.

Q9a

Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?

Yes

Yes
(subject to
further
comment)

No



Comments:

Subject to the actual definition of a specified area - cabinets should be within close geographical proximity within a set distance of one another or street and not just within a certain ward/town etc.

Q9b

If you have answered no, please explain why.

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

If the LPA has concerns with a scheme then it will seek amendments during the application process. If an applicant wishes to take forward the RM application to determination, then they should not be able to have a free go. They have the option of progressing it or withdrawing it if they wish.

Any further submission should require a new fee. The LPA would incur more costs if the developer has a free go and this approach would allow the developer greater flexibility in drawing up their plans from the outset (inviting mediocrity of submission) and would do nothing to streamline or increase the efficacy of the process.

Improvements to the planning system should aim to promote the frontloading of applications. The modest additional cost to the applicant/developer, would add certainty to the planning process and go some way towards funding an effective service.

WG's proposal will add greater strain on the LPA's resources and have a negative impact on the delivery of an efficient planning service.

Q10b	If you have answered no, please explain why.
-------------	--

Comments:
See above.

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Energy generation development fees should be split between wind energy (on-shore and off-shore) and other energy generation schemes.

It is also recommended that the WG pursue the introduction of fees payable to LPAs dealing with NSIP projects as under the current regime, LPAs receive no fee despite applications/inquiries taking up considerable officer time at all levels. This reduces time to process fee paying applications. Similarly, a fee should be payable to the LPA for work undertaken on Developments of National Significance in their area.

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Wind farm applications can be complex applications but the site area alone doesn't produce a fee that covers the significant work involved in dealing with these applications.

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
------	--

Comments:

The LPA concurs that a combination of site area and maximum power output should be included as the fee should therefore reflect the level of complexity of the proposed scheme. This would appear to offer the simplest and most effective solution.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The LPA concurs with the approach that each LPA should receive a fee based on the development proposed within its area.

Q12b	If you have answered yes, how should this matter be addressed?
Comments: See above.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The RIA states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. During this time planning fee levels have remained static, and so of the 15% increase in planning application fees, inflation is considered to form 7%.

The document states that it is expected that such an increase will allow authorities to

ensure their resources are appropriately allocated within their service - with this in mind, it would be advisable to review fees on a biennial basis in the future to ensure LPAs continue to have sufficient resources rather than decreased real-term resources over a 5 year period (such as the case since 2009).

Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

Finally, it is recommended that there should be a separate fee for a S73 application to amend a condition relating to a scheme for major development. Currently the cost of an application is £166, but as the S73 application is a new application, the notification requirements remain the same as for a major application and invariably the cost of advertising the application in the press results in the application costing the LPA significantly more than it received in fee income, before the application is even considered.

Similarly, WG should lobby for a change to the English fee structure to require fees to be payable to LPAs for NSIP projects in their area given the time and resources required to consider these applications as well as the fees payable to PINS for these applications.

Given that Developments of National Significance will require significant LPA involvement and work, a fee should be payable to the LPA for this work. It is suggested that this is included/ considered as part of this consultation exercise.

Finally, any updated/consolidated regulations should be supplemented by an updated fee circular for clarity.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

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Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Lucie Taylor	
Organisation	Federation of City Farms and Community Gardens	
Address	46 Ninian Park Road, Cardiff CF11 6JA	
E-mail address	lucie@communitylandadvice.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The Federation of City Farms and Community Gardens is aware of a number of community growing projects who survive on meagre means. They are not profit making and are undergoing projects usually as a means to adapting to climate change, or to increase their resilience, or improve their mental and physical well being. These are all things that Welsh Government is trying to promote through various tools. In this context, the increase of 15% on planning application fees should not apply across the board.

This is especially the case for change of use applications which would be increased to £380. This fee would be prohibitive to many community projects and could result in them no longer continuing. Could there be a exception for not for profit making projects that contributute to the adaption of climate change? Surely the Welsh Government One Planet principles are relevant here. A common sense approach could apply in this instance.

There will be many examples of the vountary sector working with such groups

Consultation reference: WG23067

who can also provide examples.

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

--

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments:	

Consultation reference: WG23067

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

--

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

--

Q9b	If you have answered no, please explain why.
------------	--

Comments:

--

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

--

Q10b	If you have answered no, please explain why.
-------------	--

Comments:

--

Consultation reference: WG23067

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments:	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

Q12b If you have answered yes, how should this matter be addressed?
Comments:

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	
<p>The Federation of City Farms and Community Gardens is aware of a number of community growing projects who survive on meagre means. They are not profit making and are undergoing projects usually as a means to adapting to climate change, or to increase their resilience, or improve their mental and physical well being. These are all things that Welsh Government is trying to promote through various tools. In this context the increase of 15% on planning application fees should not apply across the board.</p> <p>This is especially the case for change of use applications which would be increased to £380. This fee would be prohibitive to many community projects and could result in them no longer continuing. Could there be a exception for not for profit making projects that contributute to the adaption of climate change? Surely the Welsh Government One Planet principles are relevant here. A</p>	

Consultation reference: WG23067

common sense approach could apply in this instance.

There will be many examples of the vountary sector working with such groups who can also provide examples.

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Planning Division
Welsh Assembly Government
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telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Mark Hand	
Organisation	Planning Officers Society Wales	
Address		
E-mail address	mark.hand@newport.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We welcome an increase in planning fees which is long overdue. However, we are not clear of the rationale for proposing 15% when the consultation document acknowledges that the average cost recovery across Wales is 66%. The 15% would still result in Welsh fees being less than those in England and the increase does not take account of the Local Authorities application related costs, such as publicity expenses (press notices), which can significantly exceed an application fee. We would welcome a higher fee increase, with the minimum being a split of the current difference between current and full cost recovery (34%) which would result in an increase of 17%. We understand that this is the approach used in Scotland.

The maximum fee thresholds should be revisited. These should reflect the English fee system.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: see above	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>The Planning (Wales) Bill is currently introducing a number of changes to improve LPA performance. Until these changes are commenced and given a period of time to bed in, it is unacceptable that improvement sanctions are introduced 'by the backdoor'. LPAs will be unwilling to hand back the planning fee so this could lead to more applications being refused to meet the refund determination targets set by WG. This scenario will be detrimental to all.</p> <p>This sanction will potentially lead to poor outcomes which will not result in the desired objective of Positive Planning. This focus on sanctions for determination time goes against the desire of Welsh Government to improve performance in the round.</p> <p>We have also been made aware of CIPFA accounting rules which may prevent LPAs benefiting from the fee increase, as the fee will be held back/reserved in order to pay the refund if required. This requires further investigation with finance experts but is of real concern to members of POSW who are struggling to identify significant budget cuts.</p> <p>If WG intend punishing LPA's in this way, then penalties should also apply to developers who submit invalid applications, with repeat fees chargeable for every subsequent invalid submission.</p>				

Q2b	If you do not agree, what other options are available?
Comments: We do not consider it appropriate to link a fee increase to performance	

Consultation reference: WG23067

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Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>We do not agree with linking a fee increase to determination targets.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Charging for the discharge of planning conditions is long overdue and welcomed. We would however query whether the proposed amounts are appropriate. We would suggest that the fee for householder application is waived and that the amount for other applications increased.</p> <p>Where a determination has a number of conditions attached, we would not want applicants to stockpile conditions in order to submit to the LPA in one tranche to save multiple fees. Therefore we would propose that there is a maximum number of conditions that can be discharged at one time or that there is a fee threshold which would discourage applicants saving up conditions and submitting them in one go which leads to resourcing issues for Councils.</p>				

Consultation reference: WG23067

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Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: The introduction of fees should not be linked to performance.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We are not clear if this is actually needed because it can be achieved through an application for a certificate of lawfulness under Section 191 of the Act.				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Local authorities legal teams will be involved in the drafting of Section 106				

Consultation reference: WG23067

planning obligations have fee charging schedules. Applicants have the option of submitting a unilateral underaking using their own legal advisors.

Q7b

If you have answered yes, how should this fee be calculated? If not, what are your reasons?

Comments:

Q8

Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?

Yes

Yes
(subject to
further
comment)

No



Comments:

We understand this proposal to mean that the LPA will receive double the planning application fee. If so, we support this.

Q9a

Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?

Yes

Yes
(subject to
further
comment)

No



Comments:

No this issue of advertisements on broadband cabinets is only an issue at the present time due to the roll out of Superfast broadband. This is not a category that needs special consideration. Applications should be judged based on their location. Therefore suggesting that a single application for multiple locations is unreasonable.

Q9b

If you have answered no, please explain why.

Consultation reference: WG23067

Comments:
If this is considered an issue why not include adverts by the broadband provider in the permitted adverts within the advertisement regulations. This would reduce the workloads for Councils.

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
Reserved matters applications often generate significant work. It is not reasonable to allow applicants a free go.
The minor amendments procedure recently introduced would be adequate in dealing with such applications.

The fee regs should be worded to ensure there are no free goes following an approval.

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes we agree that with this proposal but would be concerned if such changes reduced the fees payable for ground intensive applications such as solar farms which generate a considerable workload.

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes we agree with this proposal as small scale energy generation applications can generate a significant amount of work for the LPA which is not reflected in the fee paid</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>We consider that it should be a combination of factors (as per para 3.44) that should be taken into account when calculating the fee for wind turbines.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We would agree with this proposal</p>				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The RIA based on application refund assumes an average, but in reality the greatest risk of a refund lies with major applications which attract the greatest fee, so the refund would be far greater than suggested by the RIA.				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: We note and welcome the statement in the RIA Post Implementation Review to work closely with POSW to understand the effects of these changes. POSW would find it helpful to understand the process and timescale for implementing these changes, i.e when can LPAs expect to charge and receive an increased fee?	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Consultation reference: WG23067

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Miss Rachael A. Bust - Chief Planner	
Organisation	The Coal Authority	
Address	200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG	
E-mail address	planningconsultation@coal.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Coal Authority supports the principle of cost recovery in the development management process				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: N/A	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The principle of planning fees being refunded in the event of non-determination already applies in certain circumstances in the UK planning systems. The Coal Authority is concerned that this does have the potential to result in unexpected consequences. We are aware of many circumstances where LPAs are slow in undertaking necessary re-consultations which can lead to poor performance. However we also see many examples where applicants/agents seem to have been slow in providing additional information. There is often a reluctance with applicants to withdraw their applications to resolve issues and use the re-submission provisions.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>N/A</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Coal Authority does not consider it is within its remit to comment on this, the matter is one for LPAs and applicants to comment upon</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>N/A</p>	

Consultation reference: WG23067

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Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Coal Authority supports the principle of cost recovery, fees for the discharge of planning conditions in England does not appear to have had any detrimental impact on the implementation of development. A fee of £83 appears an unusual amount and a rounded amount of £85 may be more appropriate</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>A fee of £83 appears an unusual amount and a rounded amount of £85 may be more appropriate</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>In principle The Coal Authority agrees that the refund of a fee associated with discharging a planning condition can ensure that these proposals are given appropriate priority in the overall workload</p>	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to	No
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Consultation reference: WG23067

			further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: See 4a				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Coal Authority supports the principle of cost recovery, the principle that applicants should meet the costs associated with the drafting of section 106 planning obligations already exists in many LPAs across the UK. However these 'fees' are determined by negotiation based upon the complexity of the planning obligation and how much of the drafting the applicant undertakes. The Coal Authority cannot see how a single level of fee could cater for the complex range of planning obligations that need to be undertaken. We would prefer the principle of the costs needing to be met by the applicant set out in secondary legislation, with the level of 'fee' itself either to be by negotiation or some form of sliding scale				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: See 7a above	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to	No
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Consultation reference: WG23067

			further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
The Coal Authority has no views on this matter

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
The Coal Authority has no views on this matter

Q9b	If you have answered no, please explain why.
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Comments:
N/A

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
The Coal Authority considers the proposal to remove the ability to have a 'free go' following approval of a reserved matters is reasonable and justified. The principle of a 'free go' is to allow applicants to address reasons for refusal or outstanding matters which warranted withdrawal

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
Comments: See Q10a above	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Coal Authority has no views on this matter				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Coal Authority has no views on this matter				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: The Coal Authority has no views on this matter	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This proposal would appear to be a fairer method of ensuring that the costs incurred by each constituent LPA are met</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>In principle the apportionment of the standard fee relevant to each constituent LPA would appear to be appropriate</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The Coal Authority has no views on this matter</p>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>N/A</p>	

Consultation reference: WG23067

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Sarah Edwards	
Organisation	Persimmon Homes West Wales	
Address	Dragon House, Parc y Ddraig, Penllergaer Business Park, Penllergaer, Swansea, SA4 9HJ	
E-mail address	sarah.edwards@persimmonhomes.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If the increase in fees is proposed to cover the costs of the changes to planning system and ensuring applications are dealt with in accordance with it then the money must be used to fund the planning department only and no other department within the Council.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

As long as the right decision is made, e.g. an applicant would not want an application refused just so that the LPA can hit the target for determination specified when the application was registered.

Instead, most applicants would prefer to agree to an extension of time if a decision can't be made due to, for instance, the requirement to submit additional information or lack of consultation responses over an application being refused just so that the LPA can avoid handing back the fee as this will lead to an increase in the number of appeals including applications for costs.

However, not all LPAs currently issue an 'Extension of Time' letter so much so that we regularly have to write to the LPA stating that we agree to an extension of time in order to keep the option of appeal 'live' rather than let the 6 month period to appeal expire and still not have a decision due to, for instance, the lack of consultation responses. So, clarification on how extensions of time will be dealt with is also required?

Q2b	If you do not agree, what other options are available?
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Comments:

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

However, an extension of time should be offered by the LPA in writing in the 14th and 22nd week to the applicant allowing them a week to respond in order to prevent applications being refused and the fee refunded.

Consultation reference: WG23067

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The money must be used by the planning department to process the applications and not allocated to another department within the Council.				

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

No.

The reference to 16 weeks in the Consultation Document is referring to a refund for householder applications which are not determined within 16 weeks.

Consultation reference: WG23067

Article 23 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that local planning authorities must determine applications to discharge conditions within eight weeks.

Therefore, where other Council departments or a third party need to be consulted a decision should be issued within 8 weeks but where there is no requirement to consult other Council departments or third parties then a decision, in theory, could be issued within 28 days as per a S96A application.

However, if no correspondence is received from the LPA regarding the requirement to consult other departments or third parties or a request for additional information is forthcoming within 8 weeks from submission then deemed consent should be allowed as long as the applicant writes to the LPA confirming the deemed consent.

Further clarification is also required as to what will happen when an application is submitted to discharge a number of conditions but the LPA require additional information regarding one or more of them and so are unable to discharge all of the conditions within the agreed determination period.

Do they confirm in writing which conditions have been satisfied but hold off issuing a decision notice until all of the conditions have been satisfied?

This is of particular importance, for example, if you have a pre-occupation condition holding up confirmation of discharge but all the pre-commencement conditions have been satisfied.

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The applicant should not be charged for the confirmation that conditions have been discharged as the applicant will have already paid a fee for the application and discharge of conditions and so this information should be provided as part of the planning process.

It should also be made available on the Council's website in the same way that all planning applications and decision notices are currently available.

With regard to historic applications, however, a small fee for a third party, e.g. a solicitor undertaking conveyancing, to receive confirmation that conditions have been discharged is acceptable but again if it is the applicant seeking confirmation then there should be no additional fee.

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Most LPAs now have standard templates but still charge us a small fee for preparing the S106 even when our Solicitors do the drafting in order to speed up the process and it is just sent to the LPA for approval.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:

A standardised fee schedule would be welcomed depending on the complexity of the agreement, i.e. the number of schedules, and if the LPA or the applicant's solicitor draft it.

There could be a flat rate for preparing an affordable housing agreement as they don't vary much in their wording only the amount to be provided and the level of ACG etc. We are generally charged £500 by the LPA at present even when our solicitor's draft them which is reasonable.

For financial contribution agreements, a slightly higher fee would be acceptable as there is likely to be more schedules but it should NOT be based on a % of the contributions as this would be disproportionate.

Fees could be £500 for preparing the main document and then £250 per schedule up to a maximum fee of £5,000.

There should also be a flat rate for any Deed of Variations of £500.

Consultation reference: WG23067

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?
Comments:	

Consultation reference: WG23067

--

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See 12b below.				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: The fee should be split proportionately between the LPAs but the applicant should write one cheque for the entire amount to the LPA within which the larger proportion of the application falls and then the LPAs split the fee based on the percentage of the application area that falls within each LPAs boundary as this should proportionately reflect the amount of work that each LPA will have to do.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Emyr Davies	
Organisation	Redrow Homes (South and North Wales) Ltd	
Address	Redrow House Copse Walk Cardiff Gate Business Park CF23 8RH	
E-mail address	emyr.davies@redrow.co.uk	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The extra funding gained for any fee increase must be used directly to support local planning authority departments to ensure that they maintain the level of service offered.

Redrow has witnessed experienced officer loss from LPAs without replacement and the impacts on the performance of the planning department and the Council as a whole. The service therefore received by the applicant suffers as a result.

Redrow is also aware of authorities where the planning income from fees gets directed to a central pool and then split back to departments across the Council. The planning application fee is only generated to support the service of delivering the planning function and there should be controls in place to ensure that all such income fees are safeguarded for planning services.

While ideally an increase in planning fees to the extent of 15% should enhance the service and delivery of planning it is important that at the very least there

Consultation reference: WG23067

<p>are measures introduced to ensure that the level of service is maintained.</p>
--

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments: n/a</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Redrow would like to think that delay in application determination is down to good reasons such as LPA resources/experience or appreciating Council politics. If it is the former then the refund could hinder such authorities further.</p> <p>Other possibilities are that LPAs will be forced to make decisions in a quicker fashion, probably refusal, and subsequent costs at appeal for unreasonable refusal grounds. House builders would prefer to take a few more weeks to work with an LPA to potentially gain an approval rather than having to go through the time and cost of an appeal.</p> <p>Notwithstanding the above the timescales proposed before issuing a refund does appear to be reasonable if an LPA has the capacity and experience to deal with applications in the first instance. Safeguarding and enhancing the LPA resources and service delivery is therefore vital.</p> <p>A possible negative of this approach, which would potentially not impact upon Redrow as an applicant, is that the stretched LPAs will be forced to use their resources for the applications that attract the higher fees, which they ultimately cannot afford to lose in the current economic climate for local authorities.</p>				

Consultation reference: WG23067

Q2b	If you do not agree, what other options are available?
Comments: n/a	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is considered appropriate that a mutual agreement for an extension of time could be agreed in writing between the applicant and LPA prior to forcing a refund. Redrow questions who would determine whether a refund is appropriate and how it would be determined.				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: n/a	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If a fee is payable then LPAs need to commit appropriate attention to dealing with the discharge of condition(s). The process has been implemented well in				

Consultation reference: WG23067

England and so there should be no reason why this cannot occur here.

The consultation encourages applicants to group condition discharges together. Redrow agree with this approach but would request that LPAs separate the conditions if they were minded to refuse one or more submitted and therefore enable the approval of the condition submissions found acceptable.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:
n/a

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:
Yes but as with the planning application it is considered appropriate that a mutual agreement for an extension of time could be agreed in writing between the applicant and LPA prior to forcing a refund.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:
Redrow Homes NW currently operates within both North Wales and England and therefore has experience and involvement in both the Welsh and English planning systems. Redrow is opposed to the introduction of a fee to lodge an application to discharge conditions and then another fee to confirm that the condition has been satisfied. In England, the fee associated with the Discharge of conditions provides for the officer's time in assessing the application to discharge conditions as well as providing written confirmation that the condition has been discharged via either e-mail or letter.

Redrow considers that it is appropriate that confirmation stating which conditions have been discharged should be manditorily displayed on a LPA's

Consultation reference: WG23067

website to allow all parties interested to understand what conditions have been discharged and when.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>From Redrow's experience LPAs already set a fee for this but the fees differ between LPAs, and on the time taken to resolve negotiations. It would be appropriate to set a standard reasonable fee to encompass all matters (preparation of S106, admin work and implementation/monitoring).</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>Fees should be calculated at the higher of 20% of the application fee or 2% of total S106 monetary contribution/CIL contribution, but in either case to a maximum fee cap of £20,000.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment</p>				

Consultation reference: WG23067

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Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
No comment

Q9b	If you have answered no, please explain why.
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Comments:
n/a

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

In Redrow's experience the ability to utilise a free go following the approval of a reserved matters application is rarely used. If changes are required to a reserved matters scheme then these do not become apparent within the free go period (12 months). As a house builder Redrow needs to understand exactly what is going to be built and the cost for this and hence why changes are not common within 12 months.

However, if the free go is used then this currently has to be within 12 months of the original approval and the matters for consideration should be relatively unchanged. Given that a fee would have been payable for the outline permission and the initial reserved matters submission then it is considered reasonable and appropriate that the free go remains for a new reserved matters submission within 12 months.

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
Comments: n/a	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: No comment	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: n/a	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: n/a				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: n/a	

Consultation reference: WG23067

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Mark Hand	
Organisation	Newport City Council	
Address		
E-mail address	mark.hand@newport.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The long overdue increase in planning fees is welcomed, indeed it is essential to enable planning departments to continue functioning in the light of on-going cuts to Local Government budgets.

While the proposed 15% increase is welcomed, the Welsh Government states that cost recovery across Wales is 66%. The 15% increase is well below the 34% cost recovery gap. This is despite considerable reductions in staffing levels and other efficiency measures being implemented in LPAs over recent years.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>In addition to the proposed fee increase, it is requested that:</p> <p>1) the maximum fee limits be revisited to match those in England. This would have no impact on most customers but would assist LPAs dealing with the largest, strategic applications.</p> <p>2) removing the requirement for applications to be publicised in the local press. Newport spends approximately £18k per year on such press notices, with no measureable impact on raising awareness of major applications. Instead, such applications would be better publicised via Council websites, social media and by providing the local press with press releases for strategic level applications which could form news articles rather than legal press notices.</p> <p>If 2) is not agreed, it is suggested that:</p> <p>a) the application fee for major applications be increased by 15% plus £400 (the latter to contribute towards the cost of the LPA placing the press notice); or b) the applicant being required to place the press notice for major applications themselves. This is likely to be less efficient than a) above because it involves numerous organisations trying to press notices in various publications, something that LPAs are already experienced in doing. c) notwithstanding the above, remove the requirement for applications for Listed Building Consent (which attract no fee) to be publicised in the local press. This requirement currently means that Authorities make a significant loss on such applications before even starting to determine them.</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It will improve speed of decision making, however this would be at the expense of securing positive outcomes, which is the overall outcome WG is seeking. Speed of decision making is only one aspect of performance. Unfortunately it is normal the focus of attention because it is the easiest thing to measure.</p> <p>Most applicants would prefer a slightly slower approval following resolution of negotiation, rather than a quicker refusal simply to meet an arbitrary deadline/avoid a refund. The opportunity for applicants/agents to agree an extension of time, and therefore remove the requirement for a refund, is welcomed (and essential if this idea proceeds). However, if a prompt, positive</p>				

Consultation reference: WG23067

reply to such a request is not received, this will result in either a refusal or the approval of a scheme that could have been improved, but was not bad enough to refuse. Neither represent a positive planning outcome.

If WG were to introduce these deadlines and refund requirement, it is considered appropriate that the same rules and deadlines should apply to WG itself when determining applications for DNS or when the decision-making body of choice for applications in designated poorly performing authority areas.

If WG considers that all applications should be determined within these timescales, the same deadlines of 16 and 24 weeks should apply to Ministerial call-in decisions and all appeals.

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is highly unlikely that applications subject to a S106 will be determined within 24 weeks. These are often, but not always, major applications and therefore the refund would be considerable.</p> <p>WG officers working in DM may not be aware that WG planning policy officers are seeking lower affordable housing contribution thresholds via LDP examinations. This laudible aim means that all applications for residential development in Newport will now require a S106 agreement, meaning decision speeds (which are measured to the date the S106 is signed and the pp is issued) will slow down for a greater number of applications.</p> <p>16 weeks is considered appropriate for householder proposals and conditions.</p> <p>It should be noted that other WG consultation proposals will have an impact on decision speed, namely the proposed Planning Committee changes. These changes have the potential to delay decision-making because Planning Committee meetings will not be quorate. The key factors resulting in this risk</p>				

Consultation reference: WG23067

are:

- raising the quorum threshold to 50%; and
- requiring Members to play either a ward member role or a voting role (therefore reducing the likelihood of having 50% of Committee Members able to vote on a given application).

This is in addition to the proposal that only one member per ward can sit on Planning Committee, and existing requirements to declare an interest for example as school governor and be excluded from the decision-making for that application.

Councillors undertake a wide variety of roles on various other committees and/or as school governors and/or Cabinet Members, in addition to many being in other paid employment. Consequently, the number of Members able to sit on Planning Committee, due to other time constraints, is limited. The proposed restrictions above further reduce options for appointing a Planning Committee, while requiring increased turnout for a quorate meeting. Moreover, the Welsh Government has made reference elsewhere to proposals to reducing the number of elected members in Councils, despite being in areas experiencing considerable development and population growth.

Moreover, proposals that applications receiving a certain number of objections should automatically be referred to Committee will reduce levels of delegation, increase Committee workload and increase the likelihood of missing the decision deadlines set out above.

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

Q4a

Do you agree with the proposed fee levels to accompany the discharge of planning conditions?

Yes

Yes
(subject to
further
comment)

No



Comments:

Consultation reference: WG23067

--

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

--

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

The introduction of fees should not be linked to performance.

--

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No



Comments:

The introduction of a fee and therefore a formal mechanism for requesting this information might hopefully ensure more conveyancing solicitors take note of planning conditions and check if they have been discharged or not. This in turn will provide an effective way to ensure developers comply with planning conditions and actually discharge them rather than ignore them (pro-active enforcement work now being very limited due to reduced resources).

--

Q7a

Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?

Yes

Yes
(subject to

No

--

Consultation reference: WG23067

			further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The fee should be based on an hourly rate. Current arrangements work perfectly well and do not need legislative change.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>Hourly rate, please see above.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We understand this proposal to mean that the LPA will receive double the planning application fee for a ground a) enforcement notice appeal, instead of half the fee going to PINs. If so, we support this. It will help retain resources in enforcement departments.</p> <p>It is implicit in the consultation document that 50% of the fee would be refunded if the Notice is quashed at appeal. Explicit confirmation of this is required should the proposals be enacted.</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No this issue of advertisements on broadband cabinets is only an issue at the present time due to the roll out of Superfast broadband. This is not a category</p>				

Consultation reference: WG23067

that needs special consideration. Applications should be judged based on their location. Therefore suggesting that a single application for multiple locations is unreasonable.

Q9b If you have answered no, please explain why.

Comments:

Q10a

Should the applicant be entitled to a free go following approval of a reserved matters application?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

It is noted that the only reason RM applications currently benefit from a free go is due to a drafting error in previous legislation. Reserved matters applications often generate significant work, for example looking at the detail of the relationship between several hundred new homes and their surroundings, which is often more work than agreeing the principle of residential development at outline stage. It is not reasonable to allow applicants a free go following an approval.

The recent non-material minor amendments procedure provides a workable solution for applicants seeking only very minor changes to a consented scheme. recently introduced would be adequate in dealing with such applications.

A decision to correct this error would be welcomed. The wording of the fee regs should be carefully checked to ensure there are no free goes following an approval (not just RM applications).

Q10b If you have answered no, please explain why.

Comments:

please see above

Consultation reference: WG23067

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Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes we agree that with this proposal but would be concerned if such changes reduced the fees payable for ground intensive applications such as solar farms which generate a considerable workload.

Clarification on which fee category solar farms sit within (by naming this type of development in the relevant part of the fees table) would be welcomed and would ensure consistency throughout Wales.

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes we agree with this proposal as small scale energy generation applications can generate a significant amount of work for the LPA which is not reflected in the current fee paid

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
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Comments:

We consider that it should be a combination of factors (as per para 3.44) that should be taken into account when calculating the fee for wind turbines.

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We would agree with this proposal

Q12b	If you have answered yes, how should this matter be addressed?
------	--

Comments:

As per para 3.49 of the consultation document.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The RIA based on application refund assumes an average, but in reality the greatest risk of a refund lies with major applications which attract the greatest fee, so the refund would be far greater than suggested by the RIA.

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
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Consultation reference: WG23067

Comments:

We note and welcome the statement in the RIA Post Implementation Review to work closely with POSW to understand the effects of these changes.

Under part 10 of the fees schedule (uses of land), there is a subtle fee difference between change of use from non-residential uses to residential, and change of use from a dwelling to more residential units (£18k under b(ii) vs £19k under a(ii) - the other fees are identical). Although a minor point, this is considered to make the fees regs unnecessarily complicated. It would be far simpler for LPAs and customers if the fee for change of use to resi units were the same regardless of the previous use. This would make enquiries easier to deal with and avoid any issues where the lawful use of the application site is debated. In fact, if the fee level under 10b(ii) were increased to £19k, the whole of section 10 could be deleted and proposals for the erection of, or change of use to, resi could be covered under 1b.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please
email: planconsultations-b@wales.gsi.gov.uk or

Consultation reference: WG23067

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Jason Price	
Organisation	Persimmon Homes (East Wales)	
Address	Llantrisant Business Park Llantrisant Rhondda Cynon Taff CF72 8YO	
E-mail address	Jason.Price@persimmonhomes.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We agree with the proposed increase in planning application fees provided that the additional revenue that the increase would generate is retained by local planning authorities and invested in the infrastructure, resources and capacity required to deliver an efficient service and significantly contributes to a measureable improvement in the performance of local planning authorities.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We believe that introducing a refund could drive improvements in the performance of Local Planning Authorities provided that the appropriate safeguards are put in place to guard against risk averse behaviour, as the proposal carries with it the potential adverse effect of incentivising speedy decisions at the expense of longer more informed decisions which would be to the detriment of the local planning authority, the applicant and the public interest.

Q2b	If you do not agree, what other options are available?
------------	--

Comments:

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Whilst we agree with the proposed time periods, we recognise that there will be occasions where a comprehensive consideration of the matters warrants an extension of the time period, and as such we welcome the ability to request extension of time where these are both reasonable and justified.

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We agree with the proposed fee levels to accompany the discharge of planning applications provided that the revenue generated by the fee is retained by local planning authorities and invested in the infrastructure, resources and capacity required to deliver an efficient service and significantly contributes to a measurebale improvement in the performance of local planning authorities discharge of planning conditions.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: Whilst we agree with the proposed time period, we recognise that there will be occasions where a comprehensive consideration of the matters warrants an extension of the time period, and as such we welcome the ability to request extension of time where these are both reasonable and justified.	

Consultation reference: WG23067

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Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Whilst we agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged we would hope that the introduction of a fee for the discharge of conditions, and the level of service that would result would limit the occasions where confirmation that a condition has been discharged will be required. We would also add that the fee that accompanied applications to discharge conditions would result in the application being considered in the same manner as a planning application, with its details and outcomes reported on the local planning authorities website.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree with proposal for the introduction of a set fee to accompany the drafting of a section 106 planning obligation provided that this fee is standardised and proportionate to the level of work required. We would also hope that the occasions where a fee would be required would be limited to all but the most complex of obligations as we understand that most local planning authorities utilise templates for the drafting of obligations.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
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Consultation reference: WG23067

Comments:

The fee should reflect the complexity of the agreement and the number of schedules contained within it.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment

Q9b	If you have answered no, please explain why.
------------	--

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

We believe that this provision should be retained.

Q10b If you have answered no, please explain why.

Comments:

Q11a Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☐

Comments:

No comment

Q11b Do you agree that wind turbines should also have a separate system of fee calculation?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☐

Comments:

No comment

Consultation reference: WG23067

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments:	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: This matter should be addressed by the Welsh Government and the local planning authorities.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>We recognise that local planning authorities operate under challenging financial constraints which can, in certain circumstances constrain their ability to deliver an efficient service. Accordingly, we have no objection to the proposed increase in fees associated with the planning process provided that the income that these fees generate is retained by local planning authorities and invested in the infrastructure, resources and capacity required to deliver an efficient service and contributes to a measurable improvement in the performance of local planning authorities.</p>	

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include 'Planning Fees Consultation – WG23067' in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430</p>

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Rhidian Clement	
Organisation	Dwr Cymru\Welsh Water	
Address	Dwr Cymru Welsh Water Developer Services PO Box 3146 Linea Fortran Road Cardiff CF30 0EH	
E-mail address	Developer.Services@dwrcymru.com	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Whilst we recognise the need to increase the relevant fees, we have concerns that the increase alone will not achieve the improvements anticipated and we were pleased to see that any such increase should "compliment sustained improvements in customer services" and the recognition that LPAs must use the resources available in the most efficient and effective manner. The use of lean thinking (described in paragraph 2.13) is a perfect example of how processes can be streamlined and improved to achieve these efficiencies.

With the changes that are envisaged (as detailed in other consultations) it is particularly important that the additional revenues generated are applied within the planning framework and not used to fund budget cuts elsewhere.

Also, based on current and projected local government budget reductions, a loss of more than 15% from LPA budgets is a realistic prospect.

Consultation reference: WG23067

It follows therefore, that LPAs could realistically experience a net loss of income despite receiving a 15% increase from fee income. If the projected average income figure of £80,000 and planning officer costs of £24 per hour (including on cost) are correct, the additional fee income could prima facie be used to recruit two planning officers. However, if they merely replaced those officers who are already lost or forecast to be lost as a consequence of the general budget reductions, in the absence of other efficiencies, the position will not have changed. If our analysis is correct there is a danger that the 15% increase alone will not deliver the improvements envisaged in the consultation document.

Given current cost pressures, there is also a risk that the proposed percentage increase will be viewed negatively and it is therefore important that the new fee structure is properly explained and that the public are informed that this is only part of the changes and that the increase is made on the understanding that LPAs will commit to reviewing their service delivery with a view to maximising efficiencies.

Looking ahead, Ministers may want to consider enabling planning fees to increase routinely each year in line with inflation. As a safeguard, Ministers could have a veto preventing these increases coming into effect if Ministers felt they were inappropriate in a given year. Hopefully this would reduce the need for increases as substantial as those now being proposed and so make them more acceptable to the users.

Q1b If not, what do you consider to be a more appropriate change, if any?

Comments:

We would suggest that any percentage increase in fees should be applied to ensure the optimisation of staffing ratio for the delivery of the performance you wish to secure and that measures are agreed with the LPAs (perhaps by way of service levels) to ensure that the required performance is maintained. Whilst this paper takes into account the impact on LPAs resources, we believe that due regard should be given to the resourcing of other public and private sector partner organisations as they are also likely to be affected by changes to the planning framework and will have to adapt to the changes associated with front loading the planning system for example. These should be factored into any future impact assessments undertaken ahead of reviewing application fees.

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>If the introduction of a refund is agreed, we are of the view that this should provide the LPAs with a strong incentive to improve performance. However, if this leads to an increase in refusal rates and subsequent appeals, this could become time consuming and resource intensive. The position therefore needs to be monitored carefully and if there is evidence that the system isn't operating properly there may be a case for intervention.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>No further comments to add.</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We believe that the ability of the LPA to determine applications within the time scale can be dependent on the response time of consultees. These measures will do nothing to ensure partner organisations are adequately resourced to meet the targets and provide a quality service to the LPA. There needs to be regard to these hidden costs within the planning system (which are borne by partner organisations) and they also need to be incentivised to fully cooperate so that processes are streamlined and efficiencies maximised.</p>				

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: No further comments to add.	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We are of the view that charging per condition would be sensible. We believe this approach should not promote or incentivise single applications of unrelated conditions. We think it preferable that clear information for each condition should be provided. We would also like to seek clarity from you on how the fees for discharging of planning conditions will work in practice. For example, as the Statutory Water & Sewerage Undertaker we are best placed to comment on the suitability of any drainage arrangements and would make recommendations to the LPA on the discharge of any condition(s) relating to drainage. Therefore, based on the current proposal we would suggest the fee should be shared between the relevant partner organisations who have an involvement in the planning process for discharging particular planning conditions.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: No further comments to add.	

Consultation reference: WG23067

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: Yes we agree.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes we agree.				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: In our experience S106 planning obligation agreements can be very complex and often have detailed and layered requirements. Therefore, it may be possible to create a S106 template for the straightforward developments but we would suggest that a more be-spoke arrangement/agreement is put in place for the more challenging developments. Again, the burden on some third parties, such as ourselves, who may be involved in formulating particular s106 agreements should not be underestimated by the Welsh Government and others. This can, for example, often include our having to obtain legal and other expert advice.				

Consultation reference: WG23067

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>In order to adopt an approach for standardising draft Section 106 agreements, the time and cost for legal preparation would need to be fixed or agreed. Therefore, we feel that in order to achieve a standardised approach, the legal fees would need to be fixed to an hourly rate and reviewed annually or agreed on a pro-rata basis.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We are in favour of any measures that provide income to support the delivery of a high quality planning service.</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No further comment to add.</p>				

Consultation reference: WG23067

Q9b	If you have answered no, please explain why.
Comments: No further comment to add.	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment to add.				

Q10b	If you have answered no, please explain why.
Comments: No further comment to add.	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We are in favour of any measures that provide income to support the delivery of a high quality planning service. In particular we agree with the proposal that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery.				

Consultation reference: WG23067

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We are in favour of any measures that provide income to support the delivery of a high quality planning service. In particular we agree with the proposal that wind turbines should also have a separate system of fee calculation.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>We are of the view that the following factors should be taken into account when calculating the fee for wind turbines:</p> <ul style="list-style-type: none"> i) Output of the turbine development ii) Area of development iii) Number of turbines iv) Height of turbines 	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We are in favour of any measures that provide income to support the delivery of a high quality planning service.</p>				

Consultation reference: WG23067

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Q12b If you have answered yes, how should this matter be addressed?

Comments:

We believe the fees should be proportionate to the site area falling in the respective planning authority area.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As noted in several of our answers above, other sectors such as infrastructure providers incur costs arising from the planning regime but the RIA is silent on those impacts. It is also silent about the implications, including on business, of introducing fees associated with section 106 agreements, which is a significant omission.</p>				

Q14 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

The review does not expressly tackle the question of whether the increase in fees will maintain the response times of the LPAs and we would like to see this documented.

We would also like to take the opportunity to raise matters concerning National Infrastructure Projects and the associated costs which can be incurred by partner organisation involved in the process. It is our view that when these parties incur significant costs when participating in this process, then there should be a facility allowing for the reimbursement of their reasonable costs (payable by the applicant). This approach may also lend itself to major development projects where there is a considerable burden on local planning authorities and key stakeholders to dedicate additional resources to assist in the timely progression of planning applications.

Consultation reference: WG23067

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I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Peter Ogden	
Organisation	Cmapign for the Protection of Rural Wales	
Address	Ty Gwyn 31 High Street Welshpool Powys	
E-mail address	peter@cprwmail.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: CPRW agrees that an increase in planning fees is justified in particular as many types of application now have to be subject to far greater levels of detailed and technical consideration, which consumes more time.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We are not convinced that the definition of poor performance is wholly compatible with circumstances which can in reality prevail. We do not support the penalisation of LPAs where, through no fault of their own, the relevant detail they require has not been forthcoming from the applicant or any other relevant party.

We do not accept that the threat of the time limit / refund should become a lever which encourages poor or inappropriate decisions and hence a sub standard decision making process. Where an Authority provides adequate and justifiable reasons for a delay we believe that the refund penalty should not apply.

Q2b	If you do not agree, what other options are available?
-----	--

Comments:

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: 	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst supporting the principle to charge for the discharge of planning conditions, we believe the fee should be comensurate with the complexity and hence work involved in completing the relevant work involved				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: A sliding scale should be used based on the complexity of the issues involved. The relevant LPA should be expected to determine this level of fee based on a standard banded fee structure system which they would make publically known.	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: Yes	

Q6		Yes		No
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Consultation reference: WG23067

	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: Each Local Authority should be required to establish its own costs based on its particular internal working practices	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Q9b	If you have answered no, please explain why.
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Comments:

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Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Whilst supporting this principle, we do not agree that a free go should be permissible if an application is pursued when all the pre application advice, policy context and material considerations relating to its determination, point to the proposal being unacceptable

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Q10b	If you have answered no, please explain why.
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Comments:

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Consultation reference: WG23067

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Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

--

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
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Comments:

CPRW recognises that the amount of work involved in evaluating and determining an application is not simply related to the ground footprint of the application site. That being the case we consider a combination of area, output numbers and height of turbines should all be taken into account. We suggest that further more detailed work on this relationship should be undertaken to establish an appropriate fee structure.

We also contend that where off site infrastructure or ancillary works are required to enable the scheme to either be implemented or become operational

Consultation reference: WG23067

this should also be taken into account in the overall determination of the initial fee.

We also believe that where schemes are likely to impact on sites of statutory landscape or conservation importance, the application fee should also account for the fact that other Statutory consultees or other relevant public bodies are likely to be required to provide significant input into the evaluation and determination process. They should be in a position to recover at least some of their costs in in such circumstances when responding to such applications.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

We note there are no proposals in the document relating to those individuals who deliberately seeks to circumvent the planning system and are subsequently found out as a result of enforcement action. In these circumstances we believe a penalty based premium fee should be levied on such individuals when any retrospective application is subsequently submitted. We contend this should be at least twice the minimum standard application fee.

We also note there are no provisions in the document for an LPA to recover its costs for enforcement actions taken in direct contravention of planning considerations. We believe such enforcement based applications should also be subject to a similar penalty fee arrangement given the additional work incurred on behalf of the relevant LPA.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Consultation reference: WG23067

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Karen Whitfield	
Organisation	Wales Environment Link The following WEL members support this response: Butterfly Conservation Wales Campaign for National Parks Campaign for the Protection of Rural Wales / CPRW Open Spaces Society RSPB Cymru Wildlife Trusts Wales Ymddiriedolaeth Genedlaethol / National Trust	
Address	3 rd Floor, Baltic House, Mount Stuart Square, Cardiff, CF10 5FH	
E-mail address	karen@waleslink.org	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: WEL is supportive of an increase in fees, as many planning authorities are struggling to maintain services. Increased resources could help to support local authority ecologists and local biological records centres (through service level agreements). Ultimately the aim of increasing fees to provide more resources should be to make better planning decisions and deliver sustainable development, not just the achievement of determination targets.				

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>WEL believes there should be clarification on what constitutes poor performance from a local authority. Many planning applications are submitted without the level of detail required to make a decision. This is especially important for ecological surveys which may only have seasonal windows for surveying e.g. summer bat surveys. This is either due to a lack of awareness of the detail required, a lack of ecological expertise on the applicants behalf or an attempt by the applicant to avoid cost or perceived delay. Therefore, an applicant can be asked to submit additional information or undertake additional surveys. This additional information will also need to be consulted on e.g. NRW and the Council Ecologist need time to consider the new information.</p> <p>Therefore we agree that more emphasis should be placed on frontloading the planning system. We recommend that planning applications are either</p> <ul style="list-style-type: none"> - not registered unless all the appropriate information is received by the LPA in order that a determination can be made or - requests for additional information are accompanied by an extension of time (stop the clock) <p>As such, we believe that a refund should only be given if it is shown that the LPA was at fault rather than the applicant not submitting the information required to make a judgement.</p>				

Consultation reference: WG23067

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: WEL supports the principle of charging for discharge of planning conditions. We are concerned that the figure of £83 may not be appropriate in all cases, depending on the complexity of the planning conditions. We would also like to see fees directed at Planning Enforcement Officers as well as Council Ecologists, who have the expertise to discharge conditions relating to ecology and landscape.				

Consultation reference: WG23067

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

We suggest a sliding scale be introduced for charging to enable more appropriate funding to be provided for more complex planning conditions. The figure does not provide for the discharge of simple planning conditions which would not involve much work, and thus should be lower than the figure provided, but also does not provide for the more complex conditions involving considerably more work. A sliding scale may give greater flexibility and provide a more appropriate charging regime.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

We understand the importance of timely discharge of planning conditions and support the return of the fee after this time period.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No



Comments:

Q7a Do you agree with proposals for the

Yes		No
-----	--	----

Consultation reference: WG23067

	introduction of a set fee to accompany the drafting of a Section 106 planning obligation?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: Fees should be calculated on a cost recovery basis for all Officers involved including the input of Council Ecologists.	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>WEL agrees that fees relating to the area footprint of a wind turbine site do not reflect the work needed to determine these applications. Turbines often have potentially significant impacts on biodiversity and landscape, and applications are likely to require review by several officers and involve many consultees.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p>	

Consultation reference: WG23067

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: WEL believes that, for applications which require a response from a statutory consultee, the increased fee levels should take into account the work resources needed by statutory consultees in order to respond in a timely and detailed manner. Therefore, a proportion of the fee should go to the statutory consultee to aid in covering their costs. 	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post

Consultation reference: WG23067

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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email: planconsultations-b@wales.gsi.gov.uk or
telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Lori Frecker	
Organisation	The Law Society	
Address	113 Chancery Lane London WC2A 1PL	
E-mail address	Lori.Frecker@lawsociety.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Law Society agrees with the proposed 15% increase in fees, provided that the monitoring of LPA delivery and the proposed annual performance report are used to provide assurance that the increase in resources is reflected in demonstrable performance improvements.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: The Law Society has no comment on this question.	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Law Society agrees that an element of financial penalty may incentivise local authorities. However, as the consultation notes, there are risks that as the deadline approaches, parties' behaviour may be distorted by the prospect of triggering a refund, including premature or unnecessary refusals.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>The Law Society would suggest that the risks of distortions of behaviour (e.g. an applicant trying to deliberately delay an application in order to obtain a refund) may be lessened if the refund was not immediately a full 100%, that is to say it should reduce on a daily or weekly rate over a period of, say, 28 days, from the date triggering the refund.</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Law Society agrees that the 16 week period for householder applications appears reasonable. However, the 24 week period covers applications of widely differing scale. While the Law Society notes that planning performance agreements ('PPAs') could be used to secure a longer period for determination, the settling of PPAs can itself hold up an application while the agreement is negotiated. The Law Society would suggest that some flexibility may be needed to allow for such factors.</p>				

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>The Law Society would suggest that, once an application is validated and the LPA has reviewed the application, it should give a target date for determination. That date, plus a contingency period, should be the trigger for a refund on a progressive basis as already suggested in the answer to question 2b.</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The Law Society agrees with the proposed objectives expressed in paragraph 3.2 of the consultation. However, the discharge of conditions can be time-consuming, especially where submissions of schemes or reports are required. The flat fees proposed appear quite low and the prospect of a refunding a fee set at the proposed level may not have the intended effect of speeding up the discharge of conditions.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>While the householder fee appears to be broadly in line with the more straightforward type of conditions that are typically attached to householder applications, the fee for other applications could be increased if there was assurance that it would incentivise the quicker discharge of conditions.</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
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Consultation reference: WG23067

Comments:
The Law Society agrees with this proposal, but please see the responses to questions 2a and 2b, which are equally applicable in this context.

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The Law Society agrees with this proposal. Uncertainties about the position on discharge of conditions frequently arise in the midst of a transaction. Parties are therefore likely to be willing to pay a fee, if it secures:

- A timely response. As a result, once the fee is paid, there should be a time limit for a response, or perhaps an additional fee that can be paid to secure an expedited response within a relatively short timescale (such a five working days), and;**
- One payment of a single fee**

The Law Society notes that these proposals may be reviewed in the light of the proposed new form of decision notice. However, there will still be a need to seek confirmations of this kind where developments will have been carried out under “old style” decision notices.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
The Law Society disagrees with setting a fixed fee for drafting a section 106 agreement. The Law Society does not believe that levying a fixed fee will

Consultation reference: WG23067

resolve the difficulties identified in paragraphs 3.15 to 3.18 of the consultation.

In the experience of the Law Society's Planning and Environmental Law Committee ('the Committee'), most LPAs require the payment of their legal costs, and in some cases, an administration fee which is a contribution to the planning department's costs as well. Recovery of legal costs by the LPA is therefore the normal position and developers expect to pay this.

However, the legal fees recovered can vary widely. In some cases the LPAs levy a fixed amount, which is treated as a contribution to legal team costs. In others, there is full cost recovery at an hourly rate applied to the time spent in dealing with the section 106 obligation.

In the Committee's experience, most applicants are willing to pay the LPA's true legal costs if they get a timely service in return. Due to constraints on the staffing of LPA legal departments, problems can arise where there are periods of higher demand for agreements to be drafted or competing priorities. In these situations there are already practical examples of good practice which could improve overall performance if more widely applied:

1. Greater willingness on the part of LPAs to allow applicants to table draft agreements and to use those as the basis for negotiation. This could be facilitated by asking a developer to base the agreement either on an LPA template or a recognised standard form, such as the Law Society's standard form (which is discussed further below).

2. Outsourcing section 106 agreements to external lawyers. All the Welsh LPAs have access to panels of external law firms who have been selected by competitive tender and who have agreed rates for local authority work. These rates are usually competitive when compared to standard commercial rates. Outsourcing in this way is also a cost-free option for the LPA as the appointed solicitors will quote a fee for the agreement based on the local authority-tendered rates, to the applicant. The applicant's solicitor is asked for a professional undertaking to cover the fees payable whether or not the agreement completes. Where the applicant is not represented by a solicitor or is represented by an in-house lawyer (who cannot therefore give a professional undertaking) the payment of the amount of the estimate is obtained in advance and held on account pending completion of the agreement. The external firm is under a commercial incentive to complete the agreement and to be paid. The Law Society is aware of local authorities in Wales who have adopted this method of proceeding to the general satisfaction of applicants.

The Law Society would make two additional points in this context:

- i. The Law Society has produced a model form of section 106 agreement. It is no longer continually used in England as a result of the adoption of the Planning Practice Guidance. Nevertheless, it remains a template that seeks to adopt an even-handed approach between the interests of the LPA and the applicant and landowner. LPAs might be more amenable to working from a developer's draft planning obligation if it was based on a common template. Updating the Law Society's standard form for continued use in Wales might be a suitable project for the Planning Advisory and Improvement Service.

Consultation reference: WG23067

ii. The Law Society understands that the comprehensive package of section 106 reform that was proposed by the IAG, and supported by the Law Society, has been put “on hold” due to the basis for section 106 obligations now being partly based on the non-devolved Community Infrastructure Levy (‘CIL’) regulations and related concerns about the National Assembly’s legislative competence. However, during the course of the consultations carried out by the Silk Commission, it was suggested that CIL might be devolved. In view of the comments above about current best practice, the Law Society’s view is that the question of whether there is a case for a statutory fee structure for section 106 obligations should be deferred until there is an opportunity to consider the case for the reform of section 106 obligations in the Welsh context as a whole.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: Please see the response to question 7a.	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Law Society agrees with this proposal.				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Law Society agrees with this proposal. Broadband cabinets are consistent in scale and appearance to other items of “street furniture”.				

Consultation reference: WG23067

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Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The Law Society does not agree that an applicant should be entitled to a free go in this situation.				

Q10b	If you have answered no, please explain why.
Comments: The Law Society does not agree that an applicant should be entitled to a free go in this situation. It would be more consistent with the structure of the planning system for an applicant to use section 73 of the Town and Country Planning Act 1990 where a reserved matters application has been determined by the LPA. The use of section 73 also offers a simplified procedure compared to a complete resubmission of a full reserved matters application.	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Law Society agrees with this proposal.				

Consultation reference: WG23067

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The Law Society agrees with this proposal. Wind turbines have particular characteristics and impacts that mean that a fee based upon the area of development itself will not take account of the work required to assess a wind turbine application.

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
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Comments:

The Law Society would question whether the retention of a calculation based upon area is necessary. The area of actual development within a turbine site is minimal, consisting only of access tracks, small ancillary structures and the turbine bases themselves. Once turbines are erected then existing agricultural or other open site uses can usually continue.

There is a generally recognised categorisation of turbines into small (domestic), medium (up to around 80 metres) and large (over 80 metres). Adopting this broad categorisation in determining the fee payable would minimise the potential for conflict if a turbine is lowered as a result of negotiation with the LPA, consultees or interested parties. In any event, it would be easy to provide for a simple rebate arrangement if this occurs.

The Law Society considers that turbine height and numbers are the key factors for determining the amount of work required to assess wind turbine applications. The Law Society therefore suggests that the fee should be based upon a combination of the potential output of the application and whether the turbines proposed are small, medium or large scale in terms of height.

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The Law Society agrees with this proposal. A proportionate splitting of the fee would be fair and would not disincentivise the authority that is not in receipt of the fee.

Q12b	If you have answered yes, how should this matter be addressed?
------	--

Comments:

The arrangement should avoid disproportionate cost. There may need to be an element of rough justice in the interests of avoiding disputes and the need for machinery to resolve them.

A straight division based upon the area of the “red line” site within each LPA will be easy to calculate.

However, there may be an anomaly if there is a relatively small part of the application site in one of the LPA areas, but it is key land of disproportionate importance relative to its size (because, for example, it provides the access to the site and thus requires substantial work by that LPA).

The Law Society therefore suggests that there is a minimum percentage fee that each authority should receive regardless of the proportions of the site in each LPA area. The Law Society would suggest that 10% or 15% as an appropriate minimum share, but there should be some flexibility for the LPAs to agree a different split.

The Law Society also suggests that the applicant should not have to be concerned with how the fee is split; the fee should continue to be payable to the LPA with the greatest site area, which should then be under a duty to account for the share of fee owed to the other LPAs involved.

Consultation reference: WG23067

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: The Law Society has no further comments.	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post

Consultation reference: WG23067

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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email: planconsultations-b@wales.gsi.gov.uk or
telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	James Caird	
Organisation	Institute of Historic Building Conservation	
Address	IHBC Business Office Jubilee House High Street Tisbury SP3 6HA	
E-mail address	consultations@ihbc.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: We have no reason to disagree with the proposal. The consultation makes no mention of fees for applications for listed building consent. Such applications represent a significant cost to some LPAs which, they would argue, needs to be addressed. The IHBC would wish to be involved in any future debate on this issue.

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: We have reservations about this. The question of time limits and performance are inextricably entwined. The last thing we would wish to see is a system in which LPAs are forced to approve substandard proposals merely because of the threat of a time-imposed financial penalty. This would be the worst possible outcome for the community they serve. We think that the proposal should be dependent upon a parallel provision which allows the LPA to refuse to accept an application unless **all** the application requirements have been met in full.

Q2b	If you do not agree, what other options are available?
-----	--

Comments:

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: Yes, but subject to the proviso made in answer to Q2a.

Q3b	If you do not agree, what do you consider to be an appropriate time?
-----	--

Comments:

Consultation reference: WG23067

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Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: Yes.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes but we are unsure as to how this might be computed bearing in mind the great range of potential content for s106 agreements. See Q7b.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments: We think that the fees charged should be on a scale which takes account of:</p> <p>...whether a draft has been submitted for approval by the applicant</p> <p>...the extent to which standard clauses (issued by either the Government or the LPA) have been used.</p> <p>...the number of issues covered.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG23067

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: It all depends on the definition of the area. It would be unacceptable for “area” to be in any way subject to interpretation or argument of local circumstances. We suggest a definition of “area” as “contained within a circle of no more than 100m radius”.</p>				

Q9b	If you have answered no, please explain why.
<p>Comments:</p>	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q10b	If you have answered no, please explain why.
<p>Comments:</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate	Yes	Yes	No
-------------	--	-----	-----	----

Consultation reference: WG23067

	fee schedule to Section 5, Plant and Machinery?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: yes, we think this is reasonable.				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: Environmental impacts are largely dependent upon their distribution and size and not their power output, so we suggest these former alone.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We think this is a bit hard on the developer who is not to blame for the fact that LPA boundaries cross his site. But we suppose, in view of the proposed LPA amalgamations, the scope for this being an issue is small either way.				

Consultation reference: WG23067

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Q12b If you have answered yes, how should this matter be addressed?

Comments:

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Q13

Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?

Yes

Yes
(subject to
further
comment)

No

☐☐☒

Comments:

--

Q14

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Comments:

--

I do not want my name/or address published with my response (please tick) ☐

How to Respond

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Email

Consultation reference: WG23067

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include ‘Planning Fees Consultation – WG23067’ in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name		
Organisation	PEMBROKESHIRE COUNTY COUNCIL	
Address	County Hall, Freeman's Way Haverfordwest Pembrokeshire, SA61 1TP	
E-mail address		
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>A refund option may incentivise delay as the deadline approaches, for example a delay in the signing of a section 106. This could lead to refusals due to 106s not being completed with the decisions falling outside the target determination period.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>If a penalty is considered appropriate then this should only be a proportion of the fee.</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>If time periods are adopted then the logic in relation to non-householder applications appears sound as it is related to the time period for appeal against non-determination. The 16 week date appears to have been chosen as this is the time period for an EIA application.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p>	

Consultation reference: WG23067

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Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
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Comments:

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
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Comments: Yes but subject to the the time period being capable of extension via agreement.
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Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG23067

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Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: The fee should be calculated on the basis of an hourly rate to ensure that the fee covers the complexity of the obligation.	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No

Consultation reference: WG23067

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments: As there is a fee in respect of a section 73 application seeking to make amendments to an approved scheme then there should be a fee in relation to seeking approval for an alternative reserved matters scheme.	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q11c	What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?
-------------	---

Comments:

Potential energy output, ground area covered and height to blade tip. Height is mentioned as larger turbines can have their potential output restricted whilst still having the visual impact associated with the higher potential energy generation if they were not restricted.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>The fee should be shared according to the proportion of the development falling within each authority area.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email

Consultation reference: WG23067

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

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**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Paula Jones	
Organisation	Conwy County Borough Council	
Address	Civic Offices, Colwyn Bay LL29 8AR	
E-mail address	paula.jones@conwy.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Planning fees have not increased since 2009 and an increase is long overdue. However there is some concern that 15% is quite high but it accepted that it is on the basis that authorities look to improve service delivery. The 15% increase is still less than that in England and it is unclear why it is not the same.</p> <p>It is also worth noting that the increase does not take account of the LPAs related costs, such as publicity expenses (press notices), which are costly to the authority and are sometimes greater than the application fee.</p> <p>Comments on the the fee schedule: Q2 - refers to outline application fees? Q5 should the fee be £380 and not £385?</p>				

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>Whilst LPAs should do what they can to improve performance in some instances if the authority is already struggling then refunding a fee may not always be the best solution.</p> <p>New planning indicators to look at service performance will be introduced shortly as part of the WG proposals in the Planning Bill but these have not been introduced yet and any decision to look at LPA performance should be held in abeyance until this has bedded in thus allowing each authority time to assess their own performance and make changes beforehand.</p> <p>If authorities have to hand back fees because they have not met the determination targets this could led to rushed decision making and application refused or determined too quickly and therefore not allowing enough time for officers to negotiate with applicants to resolve certain issue and perhaps obtain a better outcome.</p> <p>It is also unfair to penalise "failing" authorities where delays have been caused due to consultee delays and perhaps WG should concentrate their efforts on looking at the speed of decision making by statutory consultees including that of the WG Highways division.</p> <p>Perhaps other arrangements could be made for the clock to be "stopped" when a request is made for the applicant/agent to provide missing or additional information.</p>				

Consultation reference: WG23067

Q2b	If you do not agree, what other options are available?
Comments: see above comments	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: as stated previously fee increases should not be linked to performance				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: fees to discharge conditions are long overdue but perhaps the extent of charges				

Consultation reference: WG23067

needs to be considered further and whether there is a need to charge for householder applications?

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: fees should not be linked to performance for a variety of reasons as stated previously	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further)	No
------------	---	-----	-----------------------------	----

Consultation reference: WG23067

			comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>S106 agreements can vary depending on complexity and this should be left to the authority to set up a fee schedule. Alternatively the applicant can always submit a unilateral undertaking</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is unclear why this is being proposed now as there are many different types of applications and therefore does not need special attention. The "specified" area should be identified locally and agreed with BT during pre-application discussions.</p>				

Consultation reference: WG23067

Q9b	If you have answered no, please explain why.
Comments: see above	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Applications of this nature can be complex and time consuming to deal with				

Q10b	If you have answered no, please explain why.
Comments: see above	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>These types of application can generate a considerable amount of work for the LPA and this is not reflected in the fee paid</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>It should be based on height, number and capacity of the turbine</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>It needs to be a simple process and it should be based on the % of site area in each authority</p>	

Consultation reference: WG23067

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

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Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
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telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	KAREN ANTHONY	
Organisation	CLA CYMRU	
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E-mail address	karen.anthony@cla.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Members oppose a 15% accross the board increase in application fees.

The major factor that cannot be underestimated, is the CUMULATIVE effect of the various proposals brought forward through Welsh Government consultations to support the Planning Bill which together have the potential to actually involve a real increase of far in excess of 15%.

The shifting in cost burden from the LPA to the applicant for any development deemed as "major", a revised application fee, together with the introduction of a condition discharge fee, cumulatively come to far more than a 15% increase in real terms. In essence, this is regarded as an unjustified increase where the LPA would potentially yield a significantly larger fee for the planning consents whilst actually undertaking considerably less work.

Consultation reference: WG23067

CLA members suggest ANY increase in fees levied is a charge for a specific service and as such any increased revenue derived should be ring-fenced within authorities for use within the planning department.

Additionally, we ask that the intended definition of "major" development be re-considered, as adoption of the current definition places rural developments at a material disadvantage. The 1000 square metres or the developments of 0.5 hectares proposals would add significant cost to rural enterprises which are disproportionate in many instances with the low economic impact that the development may bring. For instance, a large modern cattle shed which is desirable for both operator safety and animal health reasons would be caught by this definition. Equally, a low impact tourism facility which has a low density of structures through a parcel of land or woodland would also be included. On this basis, CLA Cymru calls upon Welsh Government to seek secondary legislation to remove low impact agricultural, forestry and rural tourism situations from the scope of the "major" development definition.

Q1b If not, what do you consider to be a more appropriate change, if any?

Comments:

We acknowledge that Local Authority budgets have come and will indeed continue to come under significant pressure in the next years. Businesses, in order to function and flourish, need a responsive, flexible planning system that promotes economic development. Economic growth and private enterprise are the means to achieve unilateral economic growth in Wales. From WLGA figures, there have been significant reductions in Local Authority planning departments since 2009, but it is wholly unrealistic to expect that planning fees can be increased by such margins without a significant impact on the numbers and scale of projects being brought forward. More work needs to be undertaken to inform as to what level of fee is appropriate before the potential applicant dismisses the project as unviable. Any increase has to be proportionate.

If there is to be more requirement for pre-application advice, then there needs to be investment in that service. Members currently report extremely variable quality offered from pre-application advice services. No service should be chargeable unless it provides some tangible benefit to the applicant, in this case reliable information that can guide the applicant to a position where planning permission is granted. Any charging should be subject to a commercial contract whereby the advice is binding upon the provider and if that does not follow through to the decision-making process, then there should be civil mechanisms for financial redress for the applicant.

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree that the potential need to refund a planning fee should focus the mind of some planners, however, we do not believe that this measure alone goes far enough. Additionally the proposal to allow applicants to make a direct application may not provide an adequate remedy, the limitations of the proposal being confined to major developments will not assist many SME's wishing to advance business plans. We fundamentally question the measurement currently utilised for judging LPA performance.

We endorse the IAG findings and support more robust performance measurement, but this must be published to allow for public scrutiny. LPA performance measurement needs to have a broader reporting base. Many members have reported on their absolute astonishment as to the position of their own Planning Authority when related to their own personal experience. There is a public perception of an over reliance on the reported percentage of decisions made within 8 weeks. We encourage the publication of more robust performance measurements as we believe that it will only be through the reporting of customer satisfaction rates, the average time taken to reach decisions, the percentage of subsequent appeals made and appeals accepted, that society will truly be able to judge this public service.

Our members report significant variation in the application of national policy and the inconsistencies demonstrated cannot be tolerated in a progressive economy. Some professional planners have expressed concern regarding the use of the Vanguard system. Concerns over the use made of this management tool derive from the dates used for the application commencement; some appear to use the received date whilst others the date that validation has been completed; these inconsistencies merely create internal mechanisms for workflow management.

Q2b	If you do not agree, what other options are available?
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Comments:

Refer to Q2a.

Consultation reference: WG23067

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Whilst the majority agree with the proposed timescales there remain reservations as to the need for consistent, quality advice at the pre-application stage. There is overwhelming support to ensure that the advice provided by the LPA at the pre-application stage can be relied upon and binds the LPA. If, ultimately, an applicant is refused planning permission in cases where the LPA makes the contrary decision on the grounds of policy, then the applicant should be in a position to seek redress from the LPA for all reasonably incurred losses and expenses.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>n/a</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Members do not share Welsh Government's optimistic statement at page 10 where you declare that "this would remove the potential for LPAs to add conditions to a planning permission to achieve greater revenue". There is generally an acceptance that the levy of a discharge fee will be introduced.</p>				

Consultation reference: WG23067

However, members are concerned that any such charge should see the LPA bound by strict time limits for the consideration and the removal of the condition. We have members citing examples of conditions that have been outstanding with LPA's for weeks and months and these delays have resulted in time delays and cost increases on some projects. The levy of a fee will only be reasonable where the LPA is compelled to consider and confirm the discharge within a reasonable timescale. We further suggest that if there has been no confirmed discharge, then the applicant should be able to rely on the presumption of deemed discharge after 28 days to ensure that costly delays to projects are minimised. We also suggest that a measurement of the appropriateness of conditions is introduced into future monitoring of LPA performance. Applicants should have the opportunity to challenge any unreasonable/unjustified conditions with PAIS and, where it is subsequently found that inappropriate or excessive conditions have been imposed, the LPA should be compelled to refund an element of the planning fee to the applicant, together with any reasonable costs incurred by the applicant due to the conditions.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

See Q4a.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

We suggest 16 weeks is wholly inappropriate as it could cause significant delay in terms of both time and cost in projects. We suggest 28 days as an alternative - see also response to Q4a.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No

Consultation reference: WG23067

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We support a standard fee.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Any fee needs to be proportionate to the scale of the subject project.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>That is for others to determine, however, we would seek further consultation on the fee proposals.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG23067

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Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposal seems appropriate.

Q9b	If you have answered no, please explain why.
------------	--

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Limited but useful tool in some circumstance.

Q10b	If you have answered no, please explain why.
-------------	--

Comments:

Consultation reference: WG23067

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Particular care needs to be applied in the general area of planning fees for consideration of renewable energy projects. The vast majority of these projects are brought forward in rural areas and we need to ensure that these areas are not cost disadvantaged in terms of planning fees. CLA Cymru is anxious that any proposal brought forward by one arm of government does not jeopardise aspirations brought forward by either another arm of government or a statutory consultee. For instance, the planning fee is but one cost factor when a renewal energy project is brought forward. NRW has proposed an increase in its charging levies for licences or consents required for a myriad of renewable energy technologies and we are concerned that silo thinking by any party in the chain can have detrimental effects when the cumulative effect of all the changes is brought into consideration under individual projects. Any increase of charges levied by any party must be proportionate, consistent and transparent. Any charging mechanism should be accompanied by a commercial contract whereby the advice is binding upon the provider and, if that does not follow through to the decision making process, then there should be civil mechanisms for financial redress for the applicant.

Welsh Government seeks to reduce the carbon energy dependency and thus an increase in renewable energy projects is essential and should be broadly welcomed by society. The variable costs levied by National Grid for connection are a factor in all cases and we therefore implore the planning authorities to integrate an element of viability testing when they consider the appropriate charges for consideration of planning consents. This is especially true of the smaller community-based or self-sufficiency scenerios as opposed to the larger, wholly commercial enterprises. Special consideration should also be made for any generation projects developed off-grid; such developments, whilst limited in number, would have a proportionally greater impact on the reliance of those households on fossil fuels.

In view of the potential assistance being brought forward for on-farm renewable energy schemes through the 2014-2020 Rural Development Programme, CLA Cymru calls for the introduction of a scheme of outline planning permission for such renewable energy schemes. It would be a matter of deep regret and potential embarrassment for the public sector if one department merely squandered public funds by supporting projects that another area refuses to support.

Consultation reference: WG23067

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See Q11a.				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: See Q11a.	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no intrinsic objection, but do require transparency from the parties involved to ensure that the applicant does not become subject to any disagreement between the cross-boundary LPA as to the percentage of the overall fee due to each party.				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>Internal mechanisms should be devised. At no time should the applicant be subjected to any disagreements between the cross-boundary LPA's.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>To reiterate, we are deeply concerned that:</p> <p>1) increased fees do not on their own influence or compel the culture change that is required within LPA's,</p> <p>2) due to the adoption of the major development definition cited, rural enterprises are placed at a disadvantage compared to urban developments; to this end we call on Welsh Government to exempt agricultural, forestry and low impact tourism from the definition of major development,</p> <p>3) the cumulative effects of the proposals should not be underestimated as they again place rural developments at a disadvantage due to the variation in potential income derived from rural developments when compared to urban situations. The proposals as they stand have the potential of placing a higher burden of the impact on SME's with the fees being a substantially larger proportion of expected returns from any development proposals,</p> <p>4) any increase in or introduction of new charges should only be brought forward</p>	

Consultation reference: WG23067

in conjunction with the adoption of stringent customer service standards, with failures to comply with those standards being subject to financial penalty levied against the LPA.

I do not want my name/or address published with my response (please tick) ☐

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planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

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telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Daniel Patterson	
Organisation	RES Ltd ('RES')	
Address	Cedar House Greenwood Close Cardiff Gate Business Park, Cardiff, CF23 8RD	
E-mail address	daniel.patterson@res-ltd.com	
Type (please select one from the following)	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2b	If you do not agree, what other options are available?
Comments:	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Consultation reference: WG23067

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments:	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: RES do not agree that planning applications for renewable energy development should have a separate fee schedule. The evidence presented in the consultation document suggests that applications for energy projects generate a greater expenditure within Local Planning Authorities (LPA) in comparison to other applications for plant and machinery. The current fee structure (for larger energy projects) already provides a significant payment structure to assist the LPA in determining applications. The fee structure offered in para 3.44 would present a significant increase in planning fees for wind farm developers without any justification that the potential fee increase would be proportional to the increased workload outlined in the consultation document.				

Consultation reference: WG23067

The scope and detail of any supporting information (to the planning application) is agreed with the LPA and statutory consultees in advance of the planning submission. The current fee schedule for larger wind projects offers a significant contribution to the determination process, such that sub-consultants can be contracted to deal with environmental and technical topics for which the LPA does not hold sufficient expertise to make an informed judgement.

The LPA should be held accountable for their actions in determining the planning application and be able to present a clear audit trail of internal/external expenditure in determining any planning application. In the event that the costs incurred by the planning authority as a result of the determination process are lower than the submitted planning fees, outstanding payments should be returned to the developer.

Whilst RES agree that LPAs must be adequately resourced to deal with large, complex planning applications, Developers must be provided with reassurances that planning fees provided to the LPA will be spent efficiently, and deliver timely decisions whilst working co-operatively and openly with developers.

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The same comment as Q11a applies.

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
------	--

Comments:

The existing fee structure (under Section5 - Plant and Machinery) is sufficient to deal with wind farm applications. The current fee structure already provides a significant payment structure to assist the LPA in determining applications.

Consultation reference: WG23067

The output of turbines should be removed from any calculation since the determination process does not take this factor into account. LPAs should be determining the planning application based on the perceived impact of the size and scale of the proposed development.

The workload (for developers and LPAs) associated with all wind turbine developments is largely dictated by the current EIA Regulations 2011 as well as National and Local Planning Requirements. However, it can also be a point of negotiation between the LPA and developer (depending on the size and location) to ensure the correct supporting information is submitted as part of any application. Both parties have a responsibility in delivering the correct supporting information to any application and ensuring the appropriate statutory consultees are advised/invited to comment to avoid any unnecessary delays to the determination programme.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or

Consultation reference: WG23067

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	David Llewellyn	
Organisation	Bridgend County Borough Council	
Address	Civic Offices Angel Street Bridgend CF31 4WB	
E-mail address	planning@bridgend.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The proposal to increase fees is welcomed , however, previous fee increases have been well in excess of 15% and have occurred more frequently than once in a 6 year period. In order to ensure that the Local Planning Authorities (LPA) are in a position to deliver the vision of the Planning Bill, to support national, local and community objectives for infrastructure, new homes and development that supports business growth and jobs, they require to be equipt with the appropriate level of resources to meet this vision. It is considered that the 15% increase proposed would fail to properly fund the resources required by LPA's to achieve the overarching vision of the Positive Planning document.

Further to this, the maximum fee is significantly higher in England (up to £250k), which raises questions of consistency .

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>It is noted that the planning fee increases for householder development between 2004 and 2009 equated to a 50% rise and whilst, it is recognised that the economic climate was significantly different to the period since 2009, it is considered that the proposed increase in fees should exceed 15%. The increase should reflect other increases in previous years, however BCBC is mindful that additional fee income may potentially be generated from the discharge of conditions and non-material amendment applications, consequently it is considered that a minimum 25% increase in fee would be more appropriate and would assist LPA's in ensuring that service standards are maintained and improved.</p> <p>BCBC also consider that the frequency of fee increases should increase, a 3 year review is suggested.</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Introducing a refund of a planning application fee after a set time period would be open to abuse. Information required for the determination of the application could be deliberately withheld by the applicant which could potentially delay the determination of an application, so as to ensure that the planning fee is returned to the applicant. Once a refund has been issued there will be no incentive for the LPA to determine the planning application.</p> <p>The LPA frequently experiences delays in receiving observations from statutory consultees which impacts of the length of time taken to determine an application, as the delay in receiving observations from Statutory consultees is out of the hands of LPA's it is not considered reasonable to disadvantage an LPA over events which they have no control over.</p> <p>Additionally, The LPA will be mindful of the potential for a refund and will be discouraged from entering into negotiations to enhance a proposed development. Whilst, obtaining pre-application advice is encouraged, not all applicants will take this approach prior to submitting a planning application, which may lead to LPA's refusing planning permission rather than negotiating on a scheme to make it acceptable or improved.</p>				

Consultation reference: WG23067

Loss of fee income is not considered to be an appropriate way of encouraging LPA's to provide an efficient service and will potentially result in fewer resources available which will in turn further diminish the quality and speed of the service provided.

Furthermore, the proposal to issue a refund appears at odds with the other suggestions which place greater emphasis on agreeing an extension of time.

Q2b

If you do not agree, what other options are available?

Comments:

It is not considered appropriate to link any fee income to performance.

The existing option of an applicant having the opportunity to appeal to the Planning Inspectorate for non-determination, is considered sufficient to encourage swift decisions by the LPA's.

The LPA incur costs during the processing of the application and to have to refund the fee would have wider implications the overall budgets, which would in turn reduce the standard of service provided.

Q3a

Do you agree with the proposed time period of 16 and 24 weeks?

Yes

**Yes
(subject to
further
comment)**

No

☐
☐
☒

Comments:

N/A

Q3b

If you do not agree, what do you consider to be an appropriate time?

Comments:

BCBC do not agree with linking a fee to determination times. The appropriate action should an applicant consider it necessary is to appeal against non-determination.

Consultation reference: WG23067

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Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Whilst introducing a charge for the discharge of planning conditions (which may incur considerable work) is welcomed. It is queried whether the proposed amounts are appropriate. It is suggested that the fee for householder applications is waived and that the amount for other applications increased.</p> <p>Where a determination has a number of conditions attached, it could result in applicants submitting multiple conditions to the LPA in one go in order to save fees. As such the maximum number of conditions that can be agreed at one time should be restricted (possibly to subject area) or that there is a fee threshold which would discourage applicants saving up conditions and submitting them in one go, which could lead to resourcing issues for LPAs.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>BCBC do not agree that the introduction of fees should be related to performance. The LPA is often reliant on other departments and external organisations to provide expert comment on schemes submitted in relation to the agreement of conditions, which can involve extensive and complex negotiations. It would be counter productive for Officers to spend a lot of time working towards the agreement of a condition, only to have the fee refunded if the 16 weeks are exceeded.</p>	

Consultation reference: WG23067

Furthermore, Statutory Consultees are also experiencing the same financial pressures and constraints as LPA's and may not have the resources to provide a response within the timescales.

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>BCBC in line with many other authorities currently has a standing charge for the provision of this information.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>BCBC currently have a set fee for the drafting of a S106 planning obligations, which is set by the Council's legal department. The legal costs associated with a S106 cannot always be identified until the extent of the work required has been assessed. This will not be done until near to the end of the process as it is only then that there will be an idea of how much time was taken. If you set a high figure -say £10,000- as a standard fee that will be unfair where not much work is needed. The opposite also applies-ie low set fee and a lot of work.</p> <p>Applicants have the option of submitting a unilateral undertaking and not involving the LPA's legal team.</p>				

Consultation reference: WG23067

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>The fee should be set at the discretion of the individual LPA. The Legal Team at BCBC currently set the appropriate fee level.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Would this still be the double fee?</p>				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q9b	If you have answered no, please explain why.
<p>Comments:</p> <p>This is likely to be an ephemeral issue and does not warrant a special category in itself. The planning implications of each advert will differ at each site, and an individual assessment of each advertisement is required. The assessment of an advert on a cabinet in a rural location or conservation area will differ considerably from an assessment of an advert on a cabinet in a urban location or town centre, and as such a fee should be charged for each advert.</p>	

Consultation reference: WG23067

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Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 				

Q10b	If you have answered no, please explain why.
Comments: A full planning application is not afforded the benefit of having a 'free-go' following an approval and, as such, it is considered that a reserved matters approval should be treated in the same manner. The applicant has the option to apply via a non-material amendment, a Section 73 application or to reapply for reserved matters.	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Renewable energy schemes differ considerably from plant and machinery and BCBC agree that a separate fee schedule should be created for renewable energy schemes.				

Consultation reference: WG23067

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Renewable energy scheme can vary considerably in terms of nature and size and, as such, the fee should reflect the type of renewable energy source proposed. A separate fee system would ensure that the LPA receives adequate fee to ensure that the renewable energy proposal can be efficiently determined.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p> <p>The factors to be taken into account when calculating the fees for wind turbines should be height and the number of turbines. These two factors have major planning implications, i.e. visual amenity, construction traffic/highway safety and noise.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>The fee should be apportioned to the LPA based on the percentage of the</p>	

Consultation reference: WG23067

development in the LPA area. For example if 70% of the Development is within the boundaries of BCBC , 70% of the overall fee should be paid to BCBC and the remaining 30% to the neighbouring LPA.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- 1) The term dwelling houses should be replaced with dwelling units
- 2) 'or part there of' has been omitted from the outline fees
- 3) Part 2 should be made clearer by referring it to creation of floor space rather than erection of buildings as this category also covers extensions to existing no domestic buildings
- 4) Category 8 (b) does not include the 15% increase in the £84 fee
- 5) The Draft Regulatory Impact Assessment does not make provisions for the additional fees referred to in the main consultation document

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
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Comments:

The proposed increase in planning fees is welcomed, however it is considered that given the financial pressures LPA's are experiencing, the 15 % increase would not provide sufficient income to adequately resource the LPA to provide an adequate service. The proposal to introduce refunds would hinder LPA in providing such service and would have a negative impact on the staff involved as a key component of planning is relying on information from statutory consultees and whilst a deadline can be set, LPAs have no control over the length of time it may take a statutory consultee to provide the required information/response.

Consultation reference: WG23067

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff CF10 3NQ

15 January 2015

Dear Sir / Madam,

Consultation on Review of Planning Application Fees

Thank you for the opportunity to comment on this review.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (ClfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves. The Institute was granted a Royal Charter of Incorporation on 03 June 2014

ClfA has over 3,150 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

ClfA's Wales / Cymru Group has over 300 members practising in the public, private and voluntary sector in Wales.

Review of Planning Application Fees

General

ClfA's primary concern in responding to this review is with the funding of local authority heritage and conservation services and of the Welsh Archaeological Trusts, all of which bodies provide advice to local planning authorities with regard to the impact of development on the historic environment.

In common with all public bodies in Wales and elsewhere in the United Kingdom, these bodies are continuing to experience considerable financial pressure which in some cases is undermining their ability effectively to contribute to the management and protection of the historic environment.

Although planning fees may not be paid directly to the accounts of these services or bodies, any mechanisms which ease the financial pressure on local authorities generally may indirectly benefit them (for instance, by allowing further contributions to be made to the funding of local authority heritage services or allowing service level agreements with the Welsh Trusts to be maintained at current levels).

Given the nature of ClfA's interest in the setting of planning application fees, the Institute will not comment on the detail of the proposals in the Review.

Specific Questions

Question 1a: Do you agree with the proposed 15% increase in fees?

1.1 No comment.

Question 1b: If not, what do you consider to be a more appropriate change, if any?

1.2 No comment.

Question 2a: Do you agree that introducing a refund will improve LPA performance?

2.1 Possibly. However, if problems arise largely or wholly due to lack of resource on the part of local planning authorities, IfA would be concerned to see that such problems were not compounded by a further loss of fees.

Question 2b: If you do not agree, what other options are available?

2.2 No comment.

Question 3a: Do you agree with the proposed time period of 16 and 24 weeks?

3.1 No comment.

Question 3b: If you do not agree, what do you consider to be an appropriate time?

3.2 Not applicable.

Question 4a: Do you agree with the proposed fee levels to accompany the discharge of planning conditions?

4.1 ClfA agrees with the introduction of a fee to accompany the discharge of planning conditions that fall under article 23 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, but makes no comment as to the proposed fee levels.

Question 4b: If you do not agree, what do you think constitutes an appropriate amount?

4.2 No comment.

Question 5: Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

5.1 No. The discharge of conditions relating to the historic environment before the intended public benefit has been delivered is a concern to ClfA. Since work on site is often completed before all archaeological work covered by conditions (which can include post-excavation work) is concluded, there can be pressure to discharge such conditions early. There is a risk that the proposed provision would increase that pressure and encourage local authorities in some cases prematurely to discharge conditions relating to the historic environment.

Question 6: Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

6.1 Yes.

Question 7a: Do you agree with the proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?

7.1 No comment.

Question 7b: If you have answered yes, how should this fee be calculated? If not, what are your reasons?

7.2 Not applicable.

Question 8: Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?

8.1 No comment.

Question 9a: Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?

9.1 No comment.

Question 9b: If you have answered no, please explain why.

9.2 Not applicable.

Question 10a: Should the applicant be entitled to a free go following approval of a reserved matters application?

10.1 No comment.

Question 10b: If you have answered no, please explain why

10.2 Not applicable.

Question 11a: Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?

11.1 No comment.

Question 11b: Do you agree that wind turbines should also have a separate system of fee calculation?

11.2 No comment.

Question 11c: What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?

11.3 No comment.

Question 12a: Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?

12.1 No comment.

Question 12b: If you have answered yes, how should this matter be addressed?

12.2 Not applicable.

Question 13: Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 1?

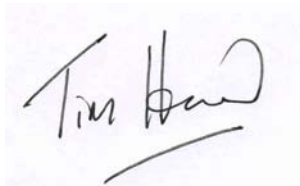
13.1 No.

Question 14: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them

14.1 No comment.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim Howard', is written over a light blue rectangular background.

Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Ceredigion County Council	
Organisation	Ceredigion County Council	
Address	Neuadd Cyngor Ceredigion Penmorfa Aberaeron Ceredigion SA46 0PA	
E-mail address	ldp@ceredigion.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The LPA agree that an increase is needed, however, the LPA consider that the increase should be greater. The fees should reflect the amount charged in England. There is no reason for Wales to be charging less for this service - is it the same service that's provided. Additionally there has been no increase in fees for several years and by the time these changes come into force there will be a need to increase them further. There needs to be a mechanism in place that allows national changes to fees to be much more responsive and quicker, otherwise many years pass which are subject to an outdated charging structure.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>We propose that the fees are increased by at least 20% or in line with the amount charged for planning applications in England. Additionally Building Control charges are so much higher than planning fees. Ideally planning fees should be set at a 100% cost recovery level. The consultation document acknowledges that the average cost recovery across Wales is 66%.</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>LPA's do their best to meet the 8 week target at present. With less capacity (due to less resources from fees) within LPA's, meeting the 8 week target will become even more difficult. We do not believe that providing a refund will benefit the system and is seen as 'penalising' the LPA. Hours upon hours of a planning officer's time might have gone into an application but with no fee for the work paid at the end of the day if this refund applies. The proposal depends on the good will of applicants submitting additional information and in a timely manner. What we foresee is an increase in the number of refusals by LPA in order to get decisions out before the 16/24 weeks which may not provide the best service to the applicant or the public generally. A further consequence would be additional requests for extensions of time, which would be counter-productive.</p> <p>In addition, the refund mechanism assumes primarily that most delayed determinations are solely down to the LPA when in many cases the applicant has not provided requested information that is necessary in order to determine the application, or statutory consultees have not yet responded to the consultation. Furthermore, applications have been delayed from being reported to committee because of third party objection and threat of legal action. It would be nonsensical in such a scenario to have to refund a planning fee.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>No change needed. We do not consider it appropriate to link individual fees to performance.</p>	

Consultation reference: WG23067

The paper demonstrates that more resources are needed to ensure improvement in the speed and efficiency of the LPA.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The LPA have set out its views in relation to repayment period above.

However if a repayment requirement were to be introduced then we believe 16 weeks could potentially be reasonable for householder applications although 24 weeks would be unlikely to be long enough for larger schemes, which can be complicated.

Q3b	If you do not agree, what do you consider to be an appropriate time?
------------	--

Comments:

As noted above, it is not considered that a refund mechanism would improve LPA performance.

If the proposal were to however go ahead then no time limit for major applications and wind turbine applications should be applied.

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

At the moment this work is being undertaken without any fees and can be extremely time consuming for the LPA. The introduction of a fee is welcomed.

Where a determination has a number of conditions attached, we would not want applicants to stockpile conditions in order to submit to the LPA in one tranche to save multiple fees. Therefore we would propose that there is a maximum number of conditions that can be discharged at one time or that there is a fee threshold which would discourage applicants saving up conditions and submitting them in one go which leads to resourcing issues for Councils.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

A suitable amount should be based on analysis of cost recovery, looking at examples of where charging already exists and evaluating whether the fees cover the costs incurred.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

The introduction of fees should not be linked to performance.

However if it were to be introduced then the time period suggested appears reasonable, provided statutory consultee input is not required.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No



Comments:

At the moment this work is being undertaken without any fees and can be extremely time consuming for the LPA. It will also provide a formal way of confirmation.

Consultation reference: WG23067

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Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is unclear whether the proposal is to set a fee nationally or whether each LA should be setting out a fee individually?</p> <p>Ceredigion CC already has a standard s106 fee - therefore transparency and consistency already exists.</p> <p>If there is to be a nationally set fee then this needs to reflect full cost recovery.</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
<p>Comments:</p> <p>The inherent difficulty in setting a standard fee for Section 106 Obligations is that they are so diverse. They will range in scope from a simple covenant which applies, for example, to one dwelling house to complex documentation governing the development of a whole housing site with education, leisure facilities etc. or a retail business park. Bearing in mind the diversity, it is not surprising that the documents will vary considerably in size and the amount of time expended on them.</p>	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9b If you have answered no, please explain why.

Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Q10b If you have answered no, please explain why.

Comments:
We agree that applications should be made through a Section 73 application of the TCPA 1990 as proposed, we also propose that this is extended to ALL applications following approval like it used to be as set out in the 2006 fee regulations that has since been revoked.

Consultation reference: WG23067

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes definitley the fees do not currently reflect the cost and time that goes into determining wind turbines in particular.

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes, if the development amounts to an EIA development the paper advert alone costs the LPA more than a £1000.00 which is not covered by the current planning fee of £335.00 (it is disappointing that the potential use of Council websites for advertising purposes has not come through in the Bill). The proposed lower fee for wind turbines in this consultation document, being £330.00, is actually £5.00 less than the current fee charges which means that the new fees proposed are actualyy worse in relation to many of the single turbines dealt with across rural areas - of which there are many applications.

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
------	--

Comments:

The height and area covered by the development should be taken into

Consultation reference: WG23067

consideration and the fee based on per turbine. We don't believe that the 'output' should affect the fee. E.g. 15m - 30m high turbine on land less than 0.1 ha = £900.00 per turbine. The fees do not currently (or as proposed) address the cost of an officer's time and the expense of determining planning application e.g. photocopying charges, objection letters, adverts etc.

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: The fee should be paid to both LPAs taking into account the proportionality of work for both LAs.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: None	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430



Review of Planning Application Fees

January 2015



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. WLGA welcomes the opportunity to comment on the consultation on the review of planning application fees. These proposals should be considered in the context of declining incomes to LPAs and continuing budget cuts, for example a number of LPAs have to find 40% budget cuts over 3 years.

Q1 Do you agree with the proposed 15% increase in fees?

4. We welcome an increase in fees as the last increase was back in 2009. However, we do not understand why the proposal is for a 15% increase when the consultation document clearly states that the average cost recovery across Wales is only 66%, leaving the LPAs to fund the 34% difference in a difficult financial climate.
5. For this reason, the WLGA would welcome a higher increase in line with Scotland, where a 20% increase was introduced in 2013 and a further 5% increase in November 2014. Therefore a 25% increase would seem more appropriate, particularly as the increase will take a number of months to be introduced and positively impact on budgets. During this time, planning authority budgets will continue to be squeezed. The RIA states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. During this time planning fee levels have remained static, and so of the 15% increase in planning application fees, inflation is considered to form 7%. In effect then, the increase being proposed is only 8%.
6. At the very minimum, the funding gap (34%) should be split equally between the applicant and the LPA resulting in a 17% fee increase.

7. We also consider it would be appropriate to build into any changes to fees, a yearly increase or a formula based on the RPI to ensure that the fee does not, in effect, become devalued.

Q2 Do you agree that introducing a refund will improve LPA performance?

8. We do not agree with linking a fee increase to performance. The Planning (Wales) Bill as proposed will bring in a number of measures which focus on performance of local planning authorities. These measures should be given time to bed in before additional measures are introduced.
9. This proposal may result in unintended consequences as LPAs will be reluctant to hand back the planning fee so will determine the application within the set time periods. As a result, applications may be refused to comply with these determination targets. This scenario will not improve the planning system for applicants or planning authorities.

Q3 Do you agree with the proposed time period of 16 to 24 weeks.

10. We do not agree with linking a fee increase to performance. It is likely that the more complex applications will be the ones that run close to or over the proposed time period. The time taken to determine an application may be extended as a result of additional information being required from the developer or from statutory consultees, it is not right therefore to penalise the local planning authority for delays resulting from the actions of others. These larger, more complex applications command a significant fee that the LPA would be reluctant to refund hence the comments in response to Q2 are relevant.

Q4 Do you agree with the proposed fee levels to accompany the discharge of planning conditions

11. Charging for the discharge of planning conditions in Wales is long overdue and this proposal will bring Wales into line with England. However, the level of fee being proposed is significantly below that charged in England, £195 in England compared to £83 proposed in Wales. We would welcome clarity on how the proposed fees have been calculated. The Minister is keen to see consistency across local planning authorities, therefore we would ask the question whether the fees in Wales should mirror the fees in England?

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

12. We do not agree with linking a fee increase to performance.

Q6. Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

13. We are not entirely clear why this would need to be introduced as a certificate of lawfulness could be issued and an appropriate fee charged for this. If this proposal is progressed then the charges should reflect the charges made in England.

Q7. Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?

14. Local authorities are under severe financial pressure and are losing staff. It does not necessarily follow that paying a fee to accompany drafting of 106 agreements will result in a better service. This will depend very much on the resources available at the time in the individual local authorities.

Q8. Do you agree that the fee to accompany a ground appeal should only be payable to the LPA?

15. We welcome the retention of a greater proportion of the fee

Q9. Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?

16. We are of the view that this proposal regarding advertisements on broadband cabinets is time limited during the rollout of Superfast Broadband and therefore doesn't warrant a change to the fee regulations.

Q10. Should the applicant be entitled to a free go following approval of a reserved matters application?

17. We do not agree with this proposal. Reserved matters applications can generate a significant amount of work and therefore it is not a reasonable proposal to expect LPAs to process the application without a fee.

Q11a. Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?

18. We would agree on the proviso that the changes do not reduce the fee for ground intensive applications such as solar farms which generate a considerable amount of work.

Q11b. Do you agree that wind turbines should also have a separate system of fee calculation?

19. The WLGA agrees with this proposal. Currently the system to calculate the fee is based on the extent of the development and particularly in the case of applications for single turbines the area of developable land is small which translates into a small fee. These applications can be time consuming and costly and the current fee structure does not reflect this.

Q11c. What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?

20. We would agree with the commentary against the various options (output, number and height) and as a result can see the logic in the proposal for a set fee per 0.1 hectare depending on the development size.

Q12. Do you agree that fees for cross-boundary planning applications should be addressed with all constituent LPAs receiving a fee?

21. By their very nature, cross boundary applications are more likely to be the larger and more complex applications and in these circumstances we would agree with this proposal.

Q13. Do you have any comments to make about the draft partial Regulatory Impact Assessment?

22. We are not entirely clear what paragraph 5.21 is proposing. Is it a forecast that based on current performance that probably 10% of applications will fall outside the proposed determination times and therefore given that the average fee paid is £462 that LPAs can expect (on current performance) to pay back approximately £4,640? If this is the case using an average fee based on all applications is misleading. It is the

more complex applications/major applications (which command a higher fee) which take longer to determine and are at risk of incurring refunds at a level much higher than the average £462.

23. It would be useful to see the rationale for arriving at the proposed 15% increase and levels of fee being proposed for the discharge of conditions etc.
24. The increase in a fee will increase the revenue available to a LPA from fees, however this may not result in an overall increase in available revenue as LPAs are experiencing cuts to their core budgets as part of corporate budget cuts.

Q14. Additional Comments

25. The Planning (Wales) Bill proposes a number of additional duties for local planning authorities for which local planning authorities could charge a fee; namely pre-application advice and local authority involvement in Developments of National Significance. If these proposals are contained in the final Planning (Wales) Act we would welcome discussion with Welsh Government on the appropriate fee level for local planning authority activity.

For further information please contact:

Jane Lee, Policy Officer
Jane.lee@wlga.gov.uk

Welsh Local Government Association
Local Government House
Drake Walk
Cardiff
CF10 4LG

Tel: 029 2046 8600

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Gwilym Davies	
Organisation	Powys County Council	
Address	The Gwalia, Ithon Road, Llandrindod Wells, Powys, LD1 6AA	
E-mail address	gwilym.davies@powys.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We welcome an increase in planning fees. However, we are not clear of the rationale for proposing 15% when the consultation document acknowledges that the average cost recovery across Wales is 66%.				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: 	

Consultation reference: WG23067

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Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The Planning (Wales) Bill is currently introducing a number of changes to improve LPA performance. Until these changes are commenced and given a period of time to bed in, it is unacceptable that improvement sanctions are introduced 'by the backdoor'.</p> <p>This measure will result in more applications being refused to meet the refund determination targets set by WG. This scenario will be detrimental to all.</p> <p>Consideration needs to be given to the financial implication of this measure on LPAs that are already facing significant budget cuts.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments: We do not consider it appropriate to link a fee increase to performance</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: We do not agree with linking a fee refund to determination targets.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
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Consultation reference: WG23067

Comments:

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: The introduction of fees should not be linked to performance.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation reference: WG23067

Comments:

We are not clear if this is actually needed because it can be achieved through an application for a certificate of lawfulness under Section 191 of the Act.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Local authorities legal teams will be involved in the drafting of Section 106 planning obligations have fee charging schedules. Applicants have the option of submitting a unilateral underaking using their own legal advisors.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
We do not understand this proposal				

Consultation reference: WG23067

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No this issue of advertisements on broadband cabinets is only an issue at the present time due to the roll out of Superfast broadband. This is not a category that needs special consideration. Applications should be judged based on their location. Therefore suggesting that a single application for multiple locations is unreasonable.</p>				

Q9b	If you have answered no, please explain why.
<p>Comments:</p> <p>If this is considered an issue why not include adverts by the broadband provider in the permitted adverts within the advertisement regulations. This would reduce the workloads for Councils.</p>	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Reserved matters applications often generate significant work. It is not reasonable to allow applicants a free go.</p> <p>The minor amendments procedure recently introduced would be adequate in dealing with such applications.</p>				

Q10b	If you have answered no, please explain why.
------	--

Consultation reference: WG23067

Comments:

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Energy generation applications can generate a significant amount of work for the LPA which is not reflected in the fee paid

Q11c	What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?
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Comments:

Height and number.

Consultation reference: WG23067

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: No comment.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

Consultation reference: WG23067

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Mark Harris	
Organisation	Home Builders Federation	
Address	PO Box 201 Barry CF639FA	
E-mail address	mark.harris@hbf.co.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The extra funding gained from any fee increase must be used directly to support local planning authority departments to ensure that they maintain/improve the level of planning service offered.

Members have witnessed experienced officer's loss from LPAs without replacement and this impacts on the performance of the planning department and the Council as a whole.

We are also aware of authorities where the planning income from fees gets directed to a central pool and then split back to departments across the Council. The planning application fee is only generated to support the service of delivering the planning function and there should be controls in place to ensure that such income fees are earmarked for planning services.

While ideally an increase in planning fees to the extent of 15% should enhance the service and delivery of planning it is important that at the very least there are measures introduced to ensure that the level of service is maintained.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>We would like to think that delay in application determination is down to good reasons such as LPA resources/experience or appreciating Council politics. If it is the former then the refund could hinder such authorities further.</p> <p>Other possibilities are that LPAs will be forced to make decisions in a quicker fashion, probably refusal, and subsequent costs at appeal for unreasonable refusal grounds. House builders would prefer to take a few more weeks to work with an LPA to potentially gain an approval rather than having to go through the time and cost of an appeal.</p> <p>Notwithstanding the above the timescales proposed before issuing a refund does appear to be reasonable if an LPA has the capacity and experience to deal with applications in the first instance. Safeguarding the LPA resources and service delivery is therefore vital (as identified in the answer to Q1).</p> <p>A possible negative of this approach is that the stretched LPAs will be forced to concentrate their resources for the applications that attract the higher fees, which they ultimately cannot afford to return in the current economic climate for local authorities.</p>				

Consultation reference: WG23067

Q2b	If you do not agree, what other options are available?		
Comments: Consideration could be given to rewarding Councils who perform well based on some standard easy to collect targets.			

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The time period proposed appears reasonable and in addition it is considered appropriate that a mutual agreement for an extension of time could be agreed in writing between the applicant and LPA prior to forcing a refund.				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments:	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If a fee is payable then LPAs need to commit appropriate resources and attention to dealing with the discharge of condition(s). The process seems to have been implemented well in England and so there should be no reason why this cannot occur here.				

Consultation reference: WG23067

The consultation encourages applicants to group condition discharges together we agree with this approach but would request that LPAs don't then refuse the whole group of conditions if only some are unacceptable.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

Yes but as with the planning application it is considered appropriate that a mutual agreement for an extension of time could be agreed in writing between the applicant and LPA prior to forcing a refund.

Q6

Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?

Yes

Yes
(subject to
further
comment)

No

☐
☒
☐

Comments:

It is considered appropriate that this information (i.e. to show which conditions have been discharged and with what information) should be made mandatory on Council websites in any case. As a result of this then it would appear reasonable that any formal request in writing for confirmation that a condition(s) has been discharged would attract a fee to cover the cost of Council's time to deal with the request(s).

It is not considered appropriate for the applicant to have to pay this fee as this information should be provided as part of the planning process which they have already paid for (applications and conditions discharge).

Although it is noted that changes proposed to the format of planning decision notices by the planning bill may result in this not being necessary.

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Our experience is that LPAs already set a fee for this but the fees differ between LPAs. It would be appropriate to set a standard reasonable range of fees based on the complexity of the agreement.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
-----	---

Comments:

Suggest it should be based on the number of schedules with a fee for the standard document (£500) and then a flat rate per schedule (£250) up to a maximum fee of £5,000. This should be significantly reduced if the developer's solicitor does the drafting as is the case with the majority of s106 Agreements.

There should probably also be a flat rate fee of £500 for Deed of Variations and Unilateral Undertakings.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment

Consultation reference: WG23067

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Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
No comment

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Our experience is that the ability to utilise a free go following the approval of a reserved matters application is rarely used. If changes are required to a reserved matters scheme then these do not become apparent within the free go period 12 months).

However, if the free go is used then this currently has to be within 12 months of the original approval and the matters for consideration should be relatively unchanged. Given that a fee would have been payable for the outline permission and the initial reserved matters submission then it is considered reasonable and appropriate that the free go remains for a new reserved matters submission within 12 months.

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: No comment	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	
<p>The fee should be apportioned depending on the amount of work carried out by each authority, however this should be an issue for the authorities to resolve and not the applicant.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	
<p>The critical issue identified above is that any increase in planning fees should</p>	

Consultation reference: WG23067

'directly benefit' the applicant in terms of the level of service received. This means that the additional revenue raised needs to be retained by the Councils Planning Department to enable them at minimum to maintain the current level of service but hopefully improve the service.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	KEN HOBDEN	
Organisation	MINERAL PRODUCTS ASSOCIATION	
Address	Gillingham House 38-44 Gillingham Street London SW1V 1HU	
E-mail address	ken.hobden@mineralproducts.org	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Mineral planning applications are generally the largest in terms of area and therefore they attract the largest fees. Applicants already feel that they rarely get the quality and quantity of officer time commensurate with that the fee. Many planning officers will admit that the high level of fees from mineral applications subsidises the cost of processing smaller applications. The return on the "up front" cost of a mineral planning application takes much longer to recoup than with built development and therefore is a significant commercial consideration.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
<p>Comments:</p> <p>Analysis should be undertaken to assess whether or not such a large increase is justified in view of the comments made in response to Q1a</p>	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If, as the consultation document suggests, poor planning performance is due to under-resourcing, it is difficult to see how reducing funding (by requiring refunds) will give applicants a proper service. Applicants do not want their fee back - they want a planning permission and waiting for the decision is better than not getting a permission.</p>				

Q2b	If you do not agree, what other options are available?
<p>Comments:</p> <p>Set standards for the resourcing of the planning function within planning authorities. (ring fence planning funding??)</p>	

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This is unrealistic for mineral applications.</p>				

Consultation reference: WG23067

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>The Mineral Products Association annual planning survey indicates that the average time to process successful planning applications is 34 weeks. As mentioned in response to Q2a, whilst the time taken to deliver a decision is important, the main objective should be to deliver a sound decision that is not vulnerable to legal challenge. Time alone is not a reasonable measure of planning performance.</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Fees are not appropriate for mineral planning permission because checking on compliance with planning conditions and submitting a written report should already be covered by fees for monitoring visits.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>No fee is appropriate for minerals - see response to Q4a</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>YES - notwithstanding the MPA response to Q4a and Q4b BUT a decision notice should still be issued to confirm that the condition has been complied with otherwise deemed discharge can be assumed.</p>	

Consultation reference: WG23067

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Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

See answers above - confirmation of discharge is part of the mineral (and landfill) monitoring process.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The applicant should reserve the right to draft the S106 themselves but the planning authority should be obliged to offer a drafting service based upon an hourly rate to ensure cost recovery only.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
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Comments:

See the answer to Q7a

Q8	Do you agree that the fee to accompany a	Yes		No
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Consultation reference: WG23067

	ground (a) appeal should only be payable to the LPA?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q9b	If you have answered no, please explain why.
Comments: No comment	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
Comments: No comment	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: No comment	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: Welsh government should be careful that introducing financial penalties for planning authorities that do not make a decision within a specified time period does not produce perverse results; such as otherwise unjustified refusals and	

Consultation reference: WG23067

subsequent appeals or prioritising resources to those applications closest to the deadline. Some of the statements in paragraphs 2.24 and 2.25 are worrying. LPAs will continue to employ tactics to prevent "the clock ticking" on an application, as they do that now to manipulate their performance statistics. It seems highly unlikely that any applicants would seek to delay an application just to get their fee back as is suggested in 2.24; such action could be at the expense of obtaining permission and would therefore serve no purpose.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

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Email

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[Please include 'Planning Fees Consultation – WG23067' in the subject line]

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Additional information

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telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Rhian Nowell-Phillips	
Organisation	Farmers' Union of Wales	
Address	Llys Amaeth, Plas Gogerddan, Aberystwyth, SY233BT	
E-mail address	rhian.nowell-phillips@fuw.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Given the current economic climate, the FUW recognises Welsh Governments argument that in order to improve the level of service and to reflect the resource deficit there needs to be an increase in planning fees, but believes that an increase will act as a disincentive to development and will have a negative impact on the local economy.

The FUW does not support an arbitrary percentage rise in fees unless it is linked to clear improvements in delivery.

Concern was also raised that as pre application advice is now subject to a fee and that section 106 fees are becoming increasingly prevalent particularly in South West Wales, so that when building regulation fees are added to the mix, it can be an extremely expensive project even before a proposed increase.

The FUW believes that planning fees should reflect the 'add on' costs which have to be borne by developers and that small scale developments i.e one or two houses should not be disproportionately affected by the overall cost of the planning system.

Consultation reference: WG23067

Q1b If not, what do you consider to be a more appropriate change, if any?

Comments:

The FUW is not opposed to small scale incremental increases in planning fees, but believes that a 15% increase is too high and there is little information within the consultation document to justify the proposed increase.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Whilst on paper it would seem that the introduction of a refund would encourage the improvement of LPA performance, the FUW is concerned that a) If LPA's are currently stretched due to scarce resources, how will a refund approach help to deliver an improved service and b) concern that LPA's might turn down applications rather than face a refund if there are protected negotiations.

Q2b If you do not agree, what other options are available?

Comments:

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to	No

Consultation reference: WG23067

			further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q3b	If you do not agree, what do you consider to be an appropriate time?
Comments: 	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As outlined above, the FUW is concerned that there is insufficient clarity on what the proposed 'fee' would actually cover.				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: The FUW would welcome greater clarity on what the proposed fee would cover as it is currently too vague in the consultation document. The FUW do believe however, that any fees introduced should reflect the size of the development to avoid disproportionate costs being levied on small scale projects.	

Consultation reference: WG23067

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?		
<p>Comments:</p> <p>As outlined previously, the FUW is concerned that an arbitrary time period could act as a disincentive for negotiation and discussion and could result in planning applications being turned down.</p>			

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Comments:</p> <p>The FUW understands that LPAs currently have the power to levy a charge to accompany a confirmation that conditions have been discharged.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Comments:</p> <p>The FUW believe that section 106 agreements provide a public benefit as they are used by LPA's to 'improve' planning developments.</p> <p>As a section 106 will inevitably commit developers to significant additional costs in terms of social housing, infrastructure etc, unless the LPA is providing a service in drafting a S106 planning obligation the FUW does not see any rationale for introducing a fee.</p>				

Consultation reference: WG23067

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments: see above	

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The FUW fully supports the Welsh Governments aims to roll out Broadband across Wales, although it is not clear what this proposal means in terms of 'a single site'. The FUW cannot comment for or against this proposal until there is some clarification on the scope of the proposal.				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go	Yes		No
-------------	---	-----	--	----

Consultation reference: WG23067

	following approval of a reserved matters application?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The FUW supports the inherent flexibility of this proposal.				

Q10b	If you have answered no, please explain why.
Comments:	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

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Q11c

What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?

Comments:

The FUW believes that whatever approach is adopted, small scale community turbines should not be disproportionately expensive compared to large scale installations which tend to create a great deal of controversy within a local area. The planning fees should also reflect the need to encourage green energy developments on appropriate sites.

Q12a

Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

Whilst this proposal seems to be sensible on first reading, the FUW is concerned that in practise it could make cross-boundary planning applications extremely complicated and cumbersome.

if this approach is to be adopted there needs to be clear guidance about apportionment where developments are not easily split across LPA boundaries.

Q12b

If you have answered yes, how should this matter be addressed?

Comments:

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Q13

Do you have any comments to make about the draft partial Regulatory Impact

Yes

Yes

No

Consultation reference: WG23067

	Assessment at Annex 2?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include 'Planning Fees Consultation – WG23067' in the subject line]</p>
Post

Consultation reference: WG23067

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please
email: planconsultations-b@wales.gsi.gov.uk or
telephone: Owen Struthers on 029 2082 6430

To: Planconsultations-b@wales.gsi.gov.uk

Date: 6th January 2015

Ref:

Circulation:

Contact: Rachel Lewis-Davies

Tel: 01982 554200

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NFU Cymru response to Welsh Government consultation document: Review of Planning Application Fees

NFU Cymru welcomes the opportunity to respond to the Welsh Government consultation document : Review of Planning Application Fees, which puts forward three main changes to the system of planning fees, as follows:

- An increase in fee levels
- Providing a refund of the application fee where an application remains undetermined after a period of time
- Extending the scope of planning fees

NFU Cymru champions Welsh farming and represents farmers throughout Wales and across all farming sectors. Our aim is to establish the background conditions in which farmers can be profitable and sustainably develop their businesses.

The importance of the farming industry as the economic backbone of rural Wales cannot be overstated, the Welsh Government identifies that the vitality and potential of rural areas is closely linked to the presence of a competitive and dynamic farming sector which also plays an important role in generating additional economic activities.

The range of goods and services delivered by agriculture in Wales is unparalleled by any other industry. First and foremost we provide safe, high quality food and are the cornerstone of the £4bn Welsh food and drink sector; alongside this, as farmers, we have created, care for and manage our treasured Welsh landscape, which not only supports a diverse range of species, habitats and ecosystems but also provides a significant backdrop for our tourism sector worth an estimated £1.6bn annually.

As such, NFU Cymru is of the view that for agricultural and rural businesses to remain viable and sustainable, they need a positive development management service that offers the freedom to innovate and expand. We would highlight that modernisation and investment in the latest technologies in farming will be essential going forward. Many agricultural building applications are required to comply with animal welfare or environmental regulatory issues, so often farmers have no choice other than erect new buildings or change their farming system.

Farmers are also well placed, and should be actively encouraged and supported to harness the natural resources available to generate renewable energy, particularly in the face of climate change.

It is also important to realise that that farmers in Wales are operating in global commodity markets and are increasingly exposed to market volatility in the input costs and prices achieved for their products. Developments that allow them to diversify their income and increase business resilience should also be actively supported and prioritised through the development management service.

Q1a Do you agree with the proposed 15% increase in fees?

NFU Cymru does not support a proposed 15% increase in fees across all categories of development.

It is our view that as well as having the necessary resources, Local Planning Authorities must use these in an efficient and effective manner, for example, by not seeking to ask for unnecessary documents and supporting information which places unnecessary costs on all parties concerned.

We would express concern that the consultation document places too much emphasis on providing additional resources to local authorities, despite the evidence which shows a considerable variation in performance across local authorities with the existing resource that is available to deliver the planning service at present.

It is apparent that there are a range of factors that influence LPA performance and we are keen to see that all these factors are considered fully before there are significant increases to planning fees which may ultimately impact adversely on development and economic growth. Some authorities do not currently provide value for money through the service that they offer and the cost of fees is already a significant issue for some of our members.

We note that the level set for planning fees is designed to include recovery of direct costs and an apportionment of related overheads. Firstly we would highlight that Local Authorities receive funding from Government to meet overheads. In proposing an increase in fees of 15% we would also express concern at the lack of transparency with respect to costs incurred for each category of development. We question why application fees for agricultural buildings are set at the same rate as industrial buildings. It is our view that the effort involved (on the part of the LPA) in processing a category 3 application is not comparable in terms of time or complexity to other types of development, for example, industrial. We would also highlight that the income generating capabilities of a farm building compared to an industrial building are not comparable.

It is crucial that category 3 – agricultural building application fees are not seen as a means to ‘cross subsidise’ other, more complex and costly, development categories.

NFU Cymru is, therefore, opposed to the increases proposed for category 3 and would be keen to see the evidence from Local Planning Authorities that an increase of this level can be justified. We would also be keen to work with Welsh Government and Local Planning Authorities to streamline procedures to see costs further reduced.

We agree with Welsh Government that, since applicants to the development management service pay a fee, then the needs of the customer in terms of speed and quality of service must be prioritised. Our members across Wales often express concern and frustration in the level of service they are provided with by their local planning authority which is viewed as excessively bureaucratic, unpredictable and inflexible. There are also concerns over the perceived lack of transparency and levels of consistency across Local Authorities.

NFU Cymru, therefore, welcomes any measures that can be implemented that can improve the quality of service. It is our view, however, that this is not simply a matter of resource. Whilst adequate funding is clearly a contributory factor, the wide variation in performance currently observed across Local Planning Authorities provides evidence that there are a range of factors at play.

Whilst we note that the proposed increase in planning fees would be on the understanding that there is a commitment by LPAs to review their service delivery, this needs to be a meaningful exercise. We believe that far more emphasis is required within the consultation on how Welsh Government will work with LPAs to ensure this review delivers real and measurable benefit to users of the service.

We would also express concern that the commitment to review service delivery will take place at the Local Planning Authority level. In our view more consideration is needed of opportunities for collaborative working, sharing best practice to make efficiencies and improving the level of service across Local Authorities. Given the relatively high number of local authorities in Wales, the review process in itself could prove extremely costly and users of the service should not have to bear this cost.

We would comment that in assessing the performance of LPAs there is a need to look beyond the measure of timeliness which, we believe, is just one crude measure of efficiency and effectiveness.

In terms of monitoring and the LPA annual performance report, we seek more information on the range of LPA performance measures that will be used and would re-iterate that speed alone is an inadequate measure of performance. NFU Cymru is keen to see the performance report adopt a series of measures that adequately reflect the quality of service received by customers.

Q1b If not, what do you consider to be a more appropriate charge, if any?

NFU Cymru does not view the increase in fees for agricultural buildings to be proportionate or reasonable.

Q2a Do you agree that introducing a refund will improve LPA performance?

We note proposals to refund the application fee where a planning application remains undecided after a set period of time. The refund of fees could potentially provide a good incentive if implemented in a positive way, otherwise it could just result in a high number of refusals. It is vital that requests for additional information to support the application are undertaken in a timely manner, which is not always the case at present.

Whilst this measure may well contribute to an improvement in the speed with which applications are considered, we would highlight that its impact on quality of service is more difficult to determine. We would also highlight that fact, that whilst the refund of the application fee in such cases will reduce the financial burden on applicants, there are other significant costs involved with the preparation of a planning application.

Overall, it is our view that introducing a refund of application fees will, on its own, be insufficient to improve LPA performance.

Q2b If you do not agree, what other options are available?

No comment.

Q3a Do you agree with the proposed time period of 16 and 24 weeks?

No comment.

Q3b If you do not agree, what do you consider to be an appropriate time?

No comment.

Q4a Do you agree with the proposed fee levels to accompany the discharge of planning conditions?

NFU Cymru does not support the proposed fee levels to accompany the discharge of planning conditions. With respect to the introduction of a fee for the discharge of conditions, we are not

reassured that this proposal will not be used as a means of generating income for Local Planning Authorities who may introduce multiple conditions for this purpose.

Whilst we note that Welsh Government are considering the introduction of a fee for confirming that a condition has been discharged, we ask why applicants are being asked to pay again when the fee for discharge of the consent may already have been paid. One fee should be sufficient for an efficient service.

We also note that the Welsh Government are seeking to introduce, through the Planning (Wales) Bill, provision to make the decision a live document which would see the discharge of conditions recorded on the decision notice of the original permission. This should significantly reduce the time taken in identifying and confirming conditions have been discharged. We question, therefore, the need to introduce a fee for confirming that a condition has been discharged.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

No comment.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be returned?

No comment.

Q7a Do you agree with the proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?

In our view this proposal cannot be justified because there are many different circumstances involved with varied complexities.

Q7b If you have answered yes, how should this fee be calculated? If not, what are your reasons?

No comment

Q8 Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?

No comment.

Q9a Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposed of charging a fee?

No comment

Q9b If you have answered no, please explain why

No comment

Q10a Should the applicant be entitled to a free go following approval of a reserved matters application?

No comment

Q10b If you have answered no, please explain why

No comment

Q11a Do you agree that applicants for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?

NFU Cymru would highlight that it is the aspiration of many farmers to produce their own energy. On-farm energy generation provides opportunities for farmers to reduce energy costs and diversify farm income and there is considerable and growing interest in utilising the full range of renewable technologies available. Farmers who embark on such projects, however, cite a number of barriers to scheme development and implementation, difficulties with planning being one.

We also stress the need for the development management service not to run counter to wider Welsh Government policy objectives. The Welsh Government's Climate Change Strategy for Wales published in October 2010, for example, has as a key target reducing greenhouse gas emissions (GHG) by 3% per year. The Strategy also states that it will seek to maximise renewable and low carbon energy at small and large scale across Wales and we would suggest that planning fees should not be seen as prohibitive to applications coming forward.

We note that renewable energy development is not included as a separate fee category in the Draft Fee Schedule of the consultation so it is difficult to comment definitively on proposals. It is our view that it should also be considered separately within the Regulatory Impact Assessment.

We would highlight that the systems, scales and impact of energy generation projects varies broadly and any changes to the planning application fee schedule should more adequately reflect this.

We would also take this opportunity to highlight the cumulative effect of a number of proposals across departments which combine to make renewable energy generation projects more challenging. The recent NRW Charge Payers Consultation which will see fees for hydro abstraction licences increase from £135 to £1500 being a case in point.

Q11b Do you agree that wind turbines should also have a separate system of fee calculation?

No comment

Q11c What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?

Those developments that require an EIA (usually wind farms that generate more than 5MW or comprise 5 or more turbines) are more complex and take more time to determine so may arguably command a higher fee.

Q12a Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?

In our view the fee should be shared, rather than an applicant having to pay more than once.

Q12b If you have answered yes, how should this matter be addressed?

The split could be in the favour of the authority with the most significant building and or land.

Q13 Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 1?

We have considered the draft partial Regulatory Impact Assessment (RIA) and it is our view that Welsh Government should take no final decisions with respect to Planning Application Fees until this is completed in full. By this we mean that each Category of Development should be considered separately and that the impact of proposals on agriculture should be assessed independently of business as should the impact of the introduction of a new category for energy generation projects.

The Regulatory Impact Assessment should also consider the impact on rural/urban areas respectively. Our concern would be that proposals as they currently stand unduly impact on rural businesses and communities.

Q14 Comments on related issues?

Finally NFU Cymru would ask what assessment has been made of the cumulative effect of the increased charges on the number of applications brought forward. We would express concern that the revised charges will act as a barrier to development of agriculture and rural business. It is our view that increased charges will not, on their own, bring about the 'culture change' to the planning system needed within Local Planning Authorities.

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	James Byrne	
Organisation	Wildlife Trusts Wales	
Address	Baltic House, Mount Stuart Sq, Cardiff Bay, Cardiff, CF10 5FH	
E-mail address	jbyrne@wtwales.org	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Specialist advice on nature conservation and biodiversity, provided by the Council's Ecologist, is often critical to determining planning applications, as is information held by the Local Biological Records Centre (LRC). Therefore, we agree with the increase fees and hope that the increased resources will enable Councils to protect and enhance the ecological expertise within the Local Council (e.g. Council Ecologists, Council Landscape Architects), and use their LRC effectively.

Wales has a rich diversity of wildlife habitats and species which have an intrinsic value but also make Wales an attractive place to live and work and contribute to the quality of life of all residents. However, as highlighted by the State of Nature report in 2013, nature is vanishing at an alarming rate. The Welsh Government and Local Councils are legally responsible for ensuring potential impacts of planning decisions on biodiversity are fully considered, and PPW states that 'The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses

Consultation reference: WG23067

where damage is unavoidable. Local planning authorities must address biodiversity issues, insofar as they relate to land use planning, development plans and development control decisions.'

There is current and forthcoming planning policy, guidance, legislation relating to biodiversity that Public Bodies have to adhere to. For example,

- EU legislation on protected sites, species, habitats, Water Framework Directive etc
- Environmental Impact Assessments
- Proposed EU 'No Net Loss' requirements (e.g. Biodiversity offsetting)
- Natural Environment and Rural Communities Act (NERC)
- Wildlife and Countryside Act 1981 (as amended),
- Environment Bill
- Well Being and Future Generations Bill
- National Resource Management Plans, Area Statements
- Pollinator Action Plan
- Nature Recovery Plan
- Planning Policy Wales,
- Technical Advice Note 5

Therefore, in order to comply with policy and legislation, LPAs will need expert guidance from ecologists. This is especially important if they are to deliver front loaded system and deliver against the new design requirements (masterplans etc). The LPA ecologist role is vitally important to ensure that planning decisions contribute towards biodiversity recovery and meeting our European and International targets and obligations. Without this role in-house, planners may have to rely on advice from the third sector, which may not carry the same weight, and the third sector is unlikely to have the resources to meet the demand.

As NRW will also have a large role in advising developers and LPAs, we believe that there should also be a mechanism for them to charge fees to developers or LPAs to cover their costs for pre-application work and responses to planning applications. NRW will only be able to make 'substantive' responses if they are properly resourced.

Q1b If not, what do you consider to be a more appropriate change, if any?

Comments:

N/A

Q2a

Yes

No

Consultation reference: WG23067

	Do you agree that introducing a refund will improve LPA performance?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

It is worth having a clearer understanding of what is 'poor performance' from a Local Authority.

Many planning applications are submitted without the level of detail required to make a decision. This is especially important for ecological surveys which may only have seasonal windows for surveying e.g. summer bat surveys. This is either due to a lack of awareness of the detail required, a lack of ecological expertise on the applicants behalf or an attempt by the applicant to avoid cost or perceived delay. Therefore, an applicant can be asked to submit additional information or undertake additional surveys. This additional information will also need to be consulted on e.g. NRW and the Council Ecologist need time to consider the new information.

Therefore we agree that more emphasis should be placed on frontloading the planning system. We recommend that planning applications are either

- not registered unless all the appropriate information is received by the LPA in order that a determination can be made or
- requests for additional information are accompanied by an extension of time (stop the clock)

As such, we believe that a refund should only be given if it is shown that the LPA was at fault rather than the applicant not submitting the information required to make a judgement.

Q2b	If you do not agree, what other options are available?		
Comments:			

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

<p>Comments: N/A</p>

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments: N/A</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Fees should be used to fund Planning Enforcement Officers as well as Councils Ecologists who have the expertise to discharge conditions relating to ecology and landscape.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments: N/A</p>	

Consultation reference: WG23067

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Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Fees should be used to fund Planning Enforcement Officers as well as Councils Ecologists who have the expertise to discharge conditions relating to ecology and landscape.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?		
<p>Comments:</p> <p>Fees should be calculated on a cost recovery basis for all Officers involved including the Councils Ecologists input.</p>			

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to	Yes	Yes	No
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Consultation reference: WG23067

	the LPA?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A				

Q10b	If you have answered no, please explain why.
-------------	--

Consultation reference: WG23067

Comments:

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Many windfarm applications require a significant input from the Councils Ecologists. Therefore, we believe that any fee should be used to pay for this input.				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: We agree that fees relating to the area footprint of a wind turbine site do not reflect the work needed to determine these applications. Turbines often have potentially significant impacts on biodiversity and landscape, and applications are likely to require review by several officers and involve many consultees.	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12b	If you have answered yes, how should this matter be addressed?
Comments:	
On a proportional basis	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

Consultation reference: WG23067

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name		
Organisation	Flintshire County Council	
Address	COUNTY HALL MOLD FLINTSHIRE CH7 6NF	
E-mail address	andrew.farrow@flintshire.gov.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The increase in planning fees is welcomed and is long overdue. However, the rationale for proposing 15% is not clear when the consultation document acknowledges that the average cost recovery across Wales is 66%. The 15% would still result in Welsh fees being less than those in England (The multiplier per 75sq.m. of floorspace and per 0.1 Ha of land area would be £380 as proposed in the consultation document as opposed to £385 in England). Even then, the increase does not take account of the Local Authority's application related costs, such as publicity expenses (press notices), which can significantly exceed the fee.

A higher fee increase would be welcomed, with the minimum being a split of the current difference between current and full cost recovery (which, based on the average would amount to 34%). It is believed that this would equate to an increase of 17%. (It is also understood that this is the approach used in Scotland).

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments: See above	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>The Planning (Wales) Bill is currently introducing a number of changes to improve LPA performance. Until these changes are commenced and given a period of time to bed in, it is unacceptable that improvement sanctions are introduced 'by the backdoor'. There will clearly be a reluctance to hand back the planning fee so this could lead to more applications being refused to meet the refund determination targets set by WG.</p> <p>A refund will not improve LPA performance but merely ensure that decisions will go out in time, with no thought to the quality of the decision or to any added value to the development which would otherwise occur. It again raises the question of whether the planning process is about sustainable development and good design, benefitting from the professional input of planning officers and the scrutiny of planning committees, or is it about an administration system which churns out decisions.</p> <p>It seems bizarre that para. 2.25 of the consultation document recognises that more information may be required to come to a decision on a planning application but accepts as an option the determination of that application without having all material considerations available.</p>				

Consultation reference: WG23067

Q2b	If you do not agree, what other options are available?		
<p>Comments:</p> <p>It is not considered that fees should be linked to performance against time related indicators. If there was a robust quality indicator, picking up on the added value emanating from the planning application process and the input of the LPA, this might be an option but, sadly, no such thing exists.</p>			

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If a Householder application (over 90% of which are determined within 8 weeks) goes over 24 weeks (or even 16 weeks) there are clearly issues with the development which require detailed scrutiny and negotiation to justify this length of time. We do not agree with linking a fee refund to arbitrary determination targets.</p>				

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>We do not agree with the principle of the time related refund.</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments:

Subject to the points made in response to Question 1 about the lack of parity with England and the potential for a greater increase on those categories which already command a fee.

The reference in para. 3.7 to LPA's adding conditions to achieve greater revenue is not really required as any such approach would quickly be found out through challenge on appeal.

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments: As above	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: The introduction of fees should not be linked to performance.	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This recognises an increasingly onerous aspect of the work of the planning service and reflects the fee charged in England (currently £97 and £28). The fee proposed (£83 and £25) is significantly cheaper than that for a Certificate of Lawfulness application which addresses the same question.				

Consultation reference: WG23067

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, provided that it is set at a level to cover all officer costs and time involved. It should also recognise that there are costs associated with the receipt of Unilateral Undertakings (which have to be checked before registering as a land charge).

Any moves to standardise S.106 Obligations (most likely Unilateral Undertakings) to cover those aspects most commonly encountered (e.g. open space/play areas) would be welcomed.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:
Presumably this would be a sliding scale corresponding to the type of Obligation, based at a level to cover the costs of all officers involved

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes. This recognises the fact that many enforcement cases involve not only the planning assessment but also the detailed and often lengthy research and investigation leading up to and including the appeal.

Q9a	Do you agree that advertisements on	Yes		No
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Consultation reference: WG23067

	broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

No. This issue of advertisements on broadband cabinets is only an issue at the present time due to the roll out of Superfast broadband. This is not a category that needs special consideration.

Applications should be judged on the highway safety and visual impact at a particular location, suggesting that a single application for multiple locations cannot be properly assessed without looking at each element separately and therefore as separate applications .

Q9b	If you have answered no, please explain why.
------------	--

Comments:

See above.

If this category of adverts is considered to warrant special attention it could be addressed through Deemed Consent under the Advertisement Regulations

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Reserved matters applications often generate significant work. It is not reasonable to allow applicants a free go which could even be seen as a disincentive to get the details right first time.

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
<p>Comments:</p> <p>See above</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agreed in principle but whereas ground intensive applications such as solar farms generate a significant fee they also generate a considerable workload in relation to their scale and sensitivity. There would be a concern if the proposals led to a reduction in fees. Taken as a proportion of the scheme costs the planning fee is often not significant.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agreed. Small scale energy generation applications often give rise to much representation and can generate a significant amount of work for the LPA which is not reflected in the fee paid.</p>				

Consultation reference: WG23067

Q11c	What factors, or combination of factors, should be taken into account when calculating the fee for wind turbines?
<p>Comments:</p> <p>It is considered that the combination of factors should be taken into account when calculating the fee for wind turbines.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agreed. This is particularly pertinent in Flintshire where we have buildings straddling the national border, the constituent parts of which are the subject of different planning regimes. The separate procedures under the Local Government legislation are cumbersome and impractical, certainly in the context of two different countries.</p>				

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>Separate applications to the LPA's which cover the relevant parts of the development. There should clearly be a requirement to consult other involved LPA's but it would be difficult to see how compatible permissions could be required beyond this being a matter of common sense.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation reference: WG23067

Comments:

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Planning Fees Consultation – WG23067' in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Shea Jones	
Organisation	Community Husing Cymru Group	
Address	2, Ocean Way, Cardiff CF24 5TG	
E-mail address	shea-jones@chcymru.org.uk	
Type (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The extra funding gained for any fee increase must be used directly to support local planning authority departments to ensure that they maintain/improve the level of service offered.

Most local authorities have lost many experienced officers as a result of early retirement, or taking up posts with the Welsh Government without replacement and this impacts on the performance of the planning department and the Council as a whole.

The planning application fee is aimed to support the service of delivering the planning function and there should be controls in place to ensure that such income fees are earmarked for planning services rather than being directed to a central pool of funds.

While ideally an increase in planning fees to the extent of 15% should enhance the service and delivery of planning, it is important that at the very least there are measures introduced to ensure that the level of service is maintained.

Consultation reference: WG23067

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Delays in application determination may be due to valid reasons. The threat of a refund may force LPAs to make decisions in a quicker fashion, probably refusal. CHC considers that it may be worth taking a few more weeks to work with an LPA to potentially gain an approval rather than having to go through the time and cost of an appeal. Notwithstanding the above, the timescales proposed before issuing a refund does appear to be reasonable if an LPA has the capacity and experience to deal with applications in the first instance. Safeguarding the LPA resources and service delivery is therefore vital (as identified in the answer to Q1).				

Q2b	If you do not agree, what other options are available?
Comments: Consideration could be given to rewarding Councils who perform well based on some standard easy to collect targets.	

Consultation reference: WG23067

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Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The time period proposed appears reasonable and in addition it is considered appropriate that a mutual agreement for an extension of time could be agreed in writing between the applicant and LPA prior to forcing a refund.

Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <div style="height: 80px;"></div>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

If a fee is payable, again LPAs need to commit an appropriate level of resources in dealing with the discharge of conditions.

The process seems to have worked in England and so there should be no reason why this cannot occur in Wales.

Consultation reference: WG23067

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
Comments:	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
Comments: <p>Yes but as with the planning application, it is considered appropriate that a mutual agreement for an extension of time could be agreed in writing between the applicant and LPA prior to forcing a refund.</p>	

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>In any event this information should be placed on Council websites in order to inform the public.</p> <p>It is not considered appropriate for the applicant to have to pay this fee as this information should be provided as part of the planning process which they have already paid for.</p>				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to	No
------------	---	-----	--------------------	----

Consultation reference: WG23067

			further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

LPAs already set a fee for administration costs. These fees however differ between LPAs.

It would be reasonable to set a standard range of fees based on the complexity of the agreement.

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
------------	---

Comments:

CHC accept that fees should be based on the number of schedules with a fee for the standard document and then a flat rate per schedule up to a maximum fee.

The fees should be considered on the basis of whether the LPA or the developer's solicitor does the drafting.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23067

Comments: No comment

Q9b If you have answered no, please explain why.
Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If changes are required to a reserved matters scheme, often these do not become apparent within the free go period 12 months. However, as a fee would have been payable for the outline permission and the initial reserved matters submission, then it is considered reasonable and appropriate that the free go remains for a new reserved matters submission within 12 months.				

Q10b If you have answered no, please explain why.
Comments:

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No

Consultation reference: WG23067

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
Comments: No comment	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q12b	If you have answered yes, how should this matter be addressed?
<p>Comments:</p> <p>The fee should be apportioned depending on the amount of work carried out by each authority, with the authorities themselves determining the proportion rather than the applicant.</p>	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
<p>Comments:</p> <p>The main concern is that an increase in planning fees should benefit the applicant in terms of the level of service received, and the time taken to determine applications.</p> <p>In this context additional revenue raised should be retained by Planning Departments in order that they can improve the service.</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Consultation reference: WG23067

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Planning Fees Consultation – WG23067’ in the subject line]
Post
Please complete the consultation form and send it to: Planning Fees Consultation Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-b@wales.gsi.gov.uk or telephone: Owen Struthers on 029 2082 6430