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Fees for planning applications

Consultation response from The Housing Forum

Response submitted by:
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About The Housing Forum

The Housing Forum is the UK's cross-sector, industry-wide organisation that represents the entire housing supply chain. Our growing membership drawn from over 120 organisations across the public and private sectors and includes local authorities, housing associations, housebuilders, architects and manufacturers. All share our determination to drive quality in the design, construction and decarbonisation of UK homes. They have a commitment to partnership working and share in our vision of 'A Quality Home for All'.

In order to achieve this, we have advocate for policy change needed for everyone to live in a good quality, sustainable and affordable home.

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Overview

Our members across The Housing Forum are broadly supportive of the principle of higher planning fees in order to provide a better-resourced planning service. However, we do not see any measures in the proposals that give any confidence that the planning service would be better resourced, or that it would work more effectively. We are therefore reluctant to support something that would increase the costs of housebuilding (including for social landlords too) at a time when high costs are threatening the viability of so many developments of much-needed new homes.

For higher fees to bring about the improvements we need in the speed of the planning process, they need to be accompanied by a more comprehensive performance monitoring system.

Setting higher expectations from Local Planning Authorities (LPAs) must go hand in hand with supporting them to work more efficiently – both via the higher fees, and also by improvements in digitalisation and standardisation. For example, standardising the wording of S106 agreements via agreed templates would speed up this element of the process which is particularly prone to causing significant delays.

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Response to questions

Question 1: Do you support the proposed National Default Fee Schedule, set at 90% of full estimate cost?

Yes / No / **Unsure**

Please explain your reasoning.

Our members across The Housing Forum are broadly supportive of the principle of higher planning fees in order to provide a better-resourced planning service. However, we do not see any measures in the proposals that give any confidence that the planning service would be better resourced, or that it would work more effectively. We are therefore reluctant to support something that would increase the costs of housebuilding (including for social landlords too) at a time when high costs are threatening the viability of so many developments of much-needed new homes.

The ideas around improved efficiencies via AI are very theoretical and not yet proven to result in faster or more effective decision-making.

In particular, there are no measures in the proposals to hold planning authorities to account or to ensure that deadlines are met.

Simply increasing planning fees in the absence of measures to improve performance is likely to have a small positive impact on the resources of local authorities, but no measurable impact on the planning service. This is because determining planning applications is not a ringfenced activity with funding that can be easily separated from other activities undertaken within a planning department. Local authorities under financial pressures may respond to an increase in income from planning fees by reducing their own expenditure used to fund the rest of the work undertaken by the planning department, meaning that the planning service is not any better resourced than it was previously.

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There are also downsides to increased fees – as they have the potential to affect viability at a particularly difficult stage in the development process (when it is not yet certain that the scheme will be able to go ahead). The current financial situation means that the housebuilding sector is not in a good place to absorb any additional costs.

We would like to see a system in place for reviewing fees. If plans to increase the use of digital systems and AI are successful in reducing workload, then there could be a case for reducing the application fees. This should be clearly set out as a policy ambition, even if the success may take time to be demonstrated.

Question 2: Are there any proposed fees in the National Default Fee Schedule that you consider to be unrepresentative of 90% of estimated full cost levels for LPAs (either too low or too high)?

Yes / No **/ Unsure**

If yes, please specify which application categories and provide evidence to support your view, including what you believe the fee should be.

The basis on which the fees have been calculated is not entirely clear, meaning that it is hard to answer this question.

Question 3: Do you support the proposed changes to the fee structures for outline, full and reserved matters applications for residential and non-residential development as set out in the proposed National Default Fee Schedule?

Yes / No / **Unsure**

Please explain your reasoning.

The more standardised approach is helpful. However, we are concerned that the increases appear to be significantly higher than CPI. These extra costs could strain the viability of housing developments and impose additional costs on social landlords.

Question 4: What further changes, if any, do you think should be made to the structure of fees for outline, full and reserved matters applications?

Units and area are well understood and easy to determine at the point of submitting an application so we would encourage the use of these measures. We would support the inclusion of new medium sized category in setting appropriate fees.

Trying to reflect wider site characteristics may be problematic if they are not known or are unclear at the point when the application is submitted.

Overall, we would support simplification and certainty within the fee structure over trying to ensure that the fee precisely matches the input required in all cases.

There may be a case for charging an additional fee to applications requiring an EIA

Question 5: Do you support the proposed changes to the fee structures for applications for agricultural development as set out in the proposed National Default Fee Schedule?

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No comment

Please explain your reasoning.

Question 6: Do you support the proposal that PiP applications should attract a flat fee for 2 bands?

- **PiP applications for developments of up to 9 dwellings**
- **PiP applications for developments of 10 to 49 dwellings**

Yes / No / Unsure

If no, what alternative approach would you suggest and why? Please provide evidence to support your view.

Question 7: Do you agree with the proposed fee level for PiP applications for:

a) developments of up to 9 dwellings - £825?

Yes / No / Unsure

If no, what do you consider to be an appropriate fee? Please provide evidence to support your view.

b) developments of 10 to 49 dwellings - £3,150?

Yes **/ No** / Unsure

If no, what do you consider to be an appropriate fee? Please provide evidence to support your view.

This seems disproportionately high, compared with the fee for 1-9 dwellings. This could encourage under-ambitious plans for precisely nine dwellings on sites that have the potential to take more.

A PiP application is only establishing the principle of development, and the fee must be less than that for an outline application otherwise the PiP system will not be useful.

Question 8: Do you think the three-band fee structure currently used for section 73 applications remains appropriate?

Yes / **No** / Unsure

If no, what changes would you propose and why? Please provide evidence to support your view.

The Housing Forum would support an additional medium sized band.

Question 9: Should section 73 and section 73B applications be charged using the same fee structure?

Yes / **No** / Unsure

Please explain your reasoning.

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A S73B application should attract a lower fee, as it cannot be used for things that are "substantially different" from the original application.

Question 10: Do you think the fee for discharging conditions should be charged per condition rather than per application?

Yes / No / Unsure

If yes, what do you consider to be an appropriate fee per condition? Please provide evidence to support your view.

The move in recent years has been away from grouping conditions. Charging per condition would encourage them to be separated, and this is generally helpful. Some local authorities lack an effective tracking system to identify what is still outstanding in order for conditions to be discharged. By forcing data systems to separate out each individual condition, this process should become more transparent and easier to track.

However, we are concerned about the risk of overall fees increasing significantly if conditions are charged for separately – it is important to encourage applicants and LPAs to have conversations upfront to avoid having to have lots of conditions. Some of our members report that conditions often duplicate requirements that are already covered by other regimes. Councils should be reminded not do this.

Question 11: Should applications for the approval of biodiversity gain plans be subject to a separate fee to reflect the specific work involved?

Yes / **No** / Unsure

If yes, what do you consider to be an appropriate fee level? Please provide evidence to support your view.

This could be covered by the same system as for discharging other conditions. Additional input required from other bodies should be covered by the additional surcharge proposed for statutory consultees.

It is important to avoid the BNG system growing and inflating costs further - Developers – including social landlords - have had to invest heavily in staff, design amendments and legal advice in order to meet BNG requirements. Adding a separate planning fee would further increase the expense of meeting these requirements.

Broader changes are needed to the BNG scheme to streamline it and ensure it is fit for purpose, as acknowledged by DEFRA in their recent proposals to introduce targeted exemption from BNG requirements to speed up development on brownfield sites.

Question 12: Do you have an alternative suggestion on how the fee structure for discharge of conditions could be improved?

No

Question 13: Do you support the proposal to apply a flat fee of £310 for all other existing prior approval applications that are currently free of charge as

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well as the proposed prior approval under Class B of Part 15 (if brought forward)?

Yes

Please explain your reasoning.

It would be helpful to provide simplicity and clarity to this area.

Question 14: Do you agree with the proposed fee for CAAD applications of £964?

Yes

If no, what do you consider to be an appropriate fee? Please provide evidence to support your view.

Question 15: Do you support the introduction of a new national default fee for section 106A applications?

Yes

If yes, what would represent an appropriate structure and fee(s)? Please provide evidence to support your view.

There may be a need to band the fees according to the size of application – to avoid a disproportionate burden on very small sites. It is important that definitions are clear throughout.

If you do not support this proposal, please explain why.

Question 16: Are there any other existing fee categories not mentioned above that you believe would benefit from restructuring?

Yes / **No /** Unsure

If yes, please specify which categories and explain how you think they should be improved.

Question 17: Do you agree with our working proposal that the planning fee surcharge should be in the region of 10% of the national default fee (subject to further policy development and consultation)?

Yes / No / **Unsure**

Please explain your reasoning.

It is hard to comment on this without further details around where the money will go or how it will be distributed between consultees (some of which are within the local authority, some at county level and some at national level). The system would need to be both fair and also simple to operate.

It is also particularly hard to see how this additional fee will result in any measurable improvement in the performance of statutory consultees. There are two options that could improve this:

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1) Making the additional payments conditional on meeting deadlines (performance-based measures)

2) Making the additional payments conditional on operational changes such as digitalisation (business-plan based)

Without either of these it is most unlikely that the additional fees will result in any improvement in the speed or quality of input from statutory consultees on planning applications.

There is a fundamental problem in that the core objectives of most statutory consultees do not align with the need to accelerate the delivery of new homes. Wider strategic leadership is what is needed here, rather than a small amount of additional income that is not ringfenced.

Question 18: Do you have any comments on how local fee setting will operate? In particular, is there any additional information that you would wish to see covered through guidance?

It would be good to provide greater clarity on how the proposed fee caps have been derived. Our members are unclear as to how the figures have been derived, and more transparency in this area would also make it clearer what is and is not expected to be included in the fees, which would assist LPAs in setting their own fees.

A small number of LPAs operate a "consultancy-style" model to how staff spend their time and are able to determine how many hours are spent on each application. These LPAs are clearly better placed to ascertain how much officer time is spent on each application than the majority of LPAs who do not currently do this.

It would also be good to provide clarity on whether fees can cover an element of "spend to save" – to cover the costs of improvements in digitalisation that should bring about greater productivity in future, or whether these should be funded elsehow.

We think it is likely that most LPAs will seek to increase the fees – as they are funding-constrained and will want to cover as much of their costs as possible. Mechanisms are needed to ensure that the increased fees are driving demonstratable improvements in performance.

Government should define how often fees should be subject to a through review. Allowing increases in line with CPI would be reasonable outside of this full review.

Question 19: Do you think local fee variations should be capped? If so, what level would be appropriate - 15%, 25% of the national default fee, or another figure?

- yes - 15%
- **yes - 25%**
- yes - other (please specify)
- no
- unsure

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Please explain your reasoning

It is important that a cap reflects the different costs of running a planning service in different parts of the country. In high value areas, LPAs struggle to recruit because salaries aren't high enough – higher fees would have the potential to allow them to operate more like a business.

There are, however, strong arguments for some kind of cap to avoid excessive charges. This is because market forces obviously play very little role in holding fees down (developers cannot choose which LPA to apply to, for any one given site), and there is no other form of independent scrutiny being proposed.

Question 20: In the context of localised planning fees, what are your views on the future role of PPAs, pre-application advice and other discretionary charging regimes?

Please provide any suggestions, experiences or evidence to support your view.

PPAs

Increased fees – if accompanied by measures to require improved performance – should remove some of the reasons for using a PPA. Some elements of PPAs should also be removed – such as additional fees to cover the work of statutory consultees (because this should already be covered).

However, a PPA may still be useful in setting out expectations in terms of processes such as frequency of meetings and interim deadlines. Many of our members report positive experiences of PPAs, and value the bespoke nature of them and ability to bring parties together towards a common aim.

It would be very helpful if Government could publish a standardised template for PPAs that reflects what they should focus on once the new fee regime is implemented.

Pre-application advice

There is a lot of variation in how this operates throughout the country. Some of our housebuilder members speak very highly of the service that their LPA operates, but others are frustrated by its absence, or by a requirement to pay for pre-application advice which they feel is duplicating what they are already paying for via their application fee. It would be good if Government could issue guidance in order to share the successful approaches of the best areas.

New guidance should be covered on what pre-application advice should consist of, and what may be charged for – ensuring that nothing is charged for that is already covered in the application fee (or, alternatively, that any fees paid for pre-application advice that covers work that will need to be done in determining the application are deducted from the application fee if an application reaches this stage.)

Question 21: Do you have any views on how the proposals in this consultation might affect you, the group or business you represent, or others – particularly those with protected characteristics?

If so, please explain who might be affected and how.

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There is a need to ensure that the new fee structures do not adversely affect small community groups who want to bring forward planning applications. They find costs prior to gaining planning consent particularly difficult to finance – often having to borrow funding at high interest rates. High application fees and delays in determining applications can both threaten the viability of such schemes.

Small community-based organisations may be particularly likely to offer housing solutions to disadvantaged groups with protected characteristics.

Increasing the costs for housing associations to bring forward new homes could adversely affect the housing circumstances of people with protected characteristics who rely on social housing.

Is there anything that could be done to mitigate any impact identified?

The fee structure for small and medium sized applications need to be very carefully considered. Additional grant funding should be provided to social landlords to cover the costs of increased planning fees.

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