

RTPI Cymru



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Sandra Forster
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Dear Sandra

Consultation on Resources for the Planning Service

RTPI Cymru is pleased to submit a response to the proposals for resourcing the Planning Service in Wales. RTPI Cymru's Policy and Research Forum have considered the proposed revisions and the Forum's comments are set out in the attached Appendix against the consultation questions.

Appropriately resourcing the Planning Service is essential for a variety of reasons including ensuring Planning Departments are able to provide a quality service to developers, their agents and the public. A service which is unable to perform effectively because of the resources available to it, lead to an inefficient and unsatisfactory service and one which has difficulties in balancing professional consideration and customer service. The Forum feels that there needs to be a reassessment of the resources needed to effectively deliver the planning service, including enforcement, appeals and policy. This should be accompanied by a national minimum standard of service, which is qualitative as well as quantitative, set by the Assembly Government and reviewed regularly.

The Forum feels that there should be ring fencing of planning fees to support the planning service and that there is transparency in the resourcing of planning departments in local planning authorities (LPAs). As part of this, there needs to be an understanding at the corporate level of the role of the planning system in delivering the corporate agenda, including the [proposed] CIL and S106 benefits.

There are also implications for promoting planning as a worthwhile career option, as public sector planning is perceived to be a difficult environment in which to work. Offering pay and conditions which are commensurate with the level of professionalism required of a planner is essential to attract and retain a high quality of staff.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification. The Forum has no objection to these comments being made public.

Yours sincerely,

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RTPI Cymru Response to Resourcing the Planning Service

(i) Do you think there should be a % increase in fees and if so, why?

The Forum feels that, in the first place, there needs to be a reassessment of the resources needed to effectively deliver the planning service and an Assembly assessment of the base level of service that should be provided by LPAs.

It should be noted that the costs of enforcement, appeals and policy should be assessed as part of the 'service', even though these questions appear just to relate to development control.

Following establishing a rebase of the resource needs, there should be an annual % increase in fees. If legislation permits annual inflationary rises, the Assembly should also consider an enabling clause that permits it to prevent rises in LPAs which do not meet the base level of service.

Planning Departments are subject to inflationary increases, like any other service, and fees need to reflect inflationary increases in running costs and staff costs.

In addition the planning system is increasingly complex; with a variety of different aspects required to be considered, including climate change policy, Habitats Directive etc. This has increased the need to buy in specialist independent advice.

England has recently introduced extensions to the use of PD rights and changes to what constitutes an outline application. If this is introduced in Wales then there is likely to be a significant impact on fees received (albeit with a likelihood of a reduced work load). However the Forum also feels that there may be a knock on in terms of enforcement action etc. linked to a possible short term misunderstanding of the coverage of PD rights. These factors should be considered in terms of the impact of the level of fees and the potential changes / shifts in work load.

(ii) Are the fee changes proposed in Option 2 in general fair and reasonable? If not, what are your concerns?

RTPI Cymru would welcome an annual increase of planning fees in line with inflation. However the initial level set in Autumn 2008, should firstly reflect what the true cost of delivery is, including recharging within LPAs, and not be a simple inflationary increase on the current levels.

The removal of the fee cap of £50,000 is also supported to reflect the scale of an application.

(iii) Do you consider that the maximum fees and thresholds should be abolished? If not, do you think that they should be raised, and if so, to what level and why?

RTPI Cymru agrees that maximum fees and thresholds should be abolished; although there should be guidance on how this is framed e.g. by site area. There is however a risk that it could lead to piecemeal developments and reduce the holistic approach to site development which is beneficial; this should be built into the framework.

(iv) Do you consider that Fees for Discharge of Planning Conditions should be charged?

RTPI Cymru believes that the application fee should be set at a level which takes into account the discharge of planning conditions, negating the need for a separate fee. However, this would require consideration of whether the current fee level should be increased more than just an inflationary uplift in the first instance.

There is also the Lawful Development Certificate (LDC) pathway available to confirm if a development is lawful; this could be extended to specifically cover the discharge of conditions.

(v) Do you consider that an increase in planning fees for wind farms is fair? If not, why?

Wind farms are a particular type of development which require additional resources, given their sensitivity with the public etc. However a number of other types of applications are also sensitive, such as other energy schemes or waste. This additional work should be reflected in the overall fee charged by LPAs.

(vi) Are there any unintended consequences that may result from these proposals?

No.

(vii) Do you have any comments on the outcomes predicted in the partial RIA, in particular the costs and benefits (see Annex 7)? Your comments should be supported by relevant evidence/data if possible.

No.

(viii) Do you think fees should be the same as those charged in England? (See Annex 4)

There should be recognition that the local planning system in England benefits from a higher level of CLG funding support than the Welsh Assembly Government is able to provide to Welsh LPAs (refer back to (i)).

If there is additional, or less work required in delivering the Welsh system vis-à-vis the English system, then the fee structure should be different. However, if there is no real difference in delivering either and the English fee system provides the resources adequate to deliver the Welsh service, then there is no reason for it to be different.

Indexing should be the same in Wales as England, given that inflation is measured at the same rate.

However if there are differences, it would be beneficial to have a complete Welsh fee structure, to provide clarity to applicants, their agents and LPAs. Any structure introduced should be transparent.

(ix) Do you believe that LPAs should:

- (1) offer a pre-application consultation service, and**
- (2) should charge for it?**

A pre-application service would be beneficial, reducing the number of unacceptable proposals for developments submitted for consideration and thereby reducing time post-application. However, it is essential that any advice given should be reliable, in the context of the final decision making process.

Charging for the service does mean that it would be regarded as an 'official' view of the LPA; this could lead to the requirement of processes and systems to be introduced which increase the burden of providing such a service. A threshold could be set for small e.g. householder applications to be free, and for larger applications which would require substantial meetings and possibly other background work to be undertaken to be able to levy a charge.

If a charge is levied, any advice should be provided in writing.

This is another case where monitoring of the English experience would be helpful.

(x) Of the 3 approaches to charging described, do you agree with the advantages and disadvantages outlined on:

- ***advance charges?***

RTPI Cymru is of the view that proposers of large schemes would be willing to pay the charge up front, if they were to benefit from pre application discussions, which would ultimately save them time and money.

- ***advance charges with a discount on application fees?***

This is fraught with difficulties and there should be no discount on application fees.

- ***additional fees for pre-application discussions?***

Please see comments made under (ix) above.

- ***additional fees for Impact Assessments?***

RTPI Cymru feels that a single approach is too simplistic as impact assessments come in a variety of guises and can be completed internally, by another public body or by specialist consultants. There may also be issues over perceived accountability of any assessment regarding client commissioning.

This would need more exploration in order to consider if this was appropriate and in what circumstances.

(xi) Do you think the pilot scheme(s) should be set up to test the introduction of PPAs into the Welsh planning system?

In the first instance there should be some awareness raising and lessons learned about the initial experience of using PPAs in England – judging by the information on the PAS website, some LPAs and developers have already started to use PPAs for large scale proposals so there should already be some practical feedback available.

(xii) Do you believe that:

- ***Additional fees for local planning authority enforcement and appeals costs should be raised?***

Again, there should be consideration of the potential impact of any introduction of further PD rights, as in England, on the fee income which is available to support the wider planning service beyond development control (including policy, enforcement, appeals and administration).

There should be additional fees for enforcement and appeals costs. These are both important aspects of the planning service and yet are not able to reflect their costs in the fee system.

In particular, there should be encouragement to apply for consent prior to development, as opposed to retrospective development. Consideration could be given to doubling the fee for retrospective planning applications, as an attempt to reduce this practice and thereby reduce the enforcement workload.

There should be a distinction between householder applications and other applications.

- ***Application fees should be charged for the review of minerals permissions?***

Yes, there should be fees for this, given the level of work involved.

- ***In the review of minerals permissions, a flat fee should be charged to cover the costs of appraisal, as is currently the case for marine dredging applications?***

This would depend on the variation in the level of work that there may be between different sites, scales of development and type of mineral. A variable fee may be more appropriate.

- ***Do you think that, for the review of minerals permissions, a variable fee should be charged to cover the costs of appraisal?***

As in the previous comment, a variable fee may be more appropriate and could be set according to the area of the proposed site.

(xiii) The Welsh Assembly Government proposes to develop a Site Waste Management plan (SWMP) scheme in Wales. This aims to encourage the construction industry to reduce and better manage the amount of waste produced during construction and demolition projects. Your views on these proposals would be welcomed.

There is a real need to reduce the amount of construction waste and RTPI Cymru welcomes efforts in this regard.

However, whilst the planning system should promote waste minimisation, it is not the appropriate mechanism to implement the SWMP. This would require additional resources to police and enforce activity on sites, which is not a planning function. Other agencies may be more appropriate to take this forward.

This has been used in England and there should be some analysis on the experience from this.