



Report to Planning Committee 7 September 2023

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Report Summary	
Report Title	Stronger performance of local planning authorities supported through an increase in planning fees: government response
Purpose of Report	To update Members on the outcome of the government’s consultation on the proposal to increase planning fees and to improve capacity, capability and performance within local planning authorities.
Recommendations	(a) To note the report (b) Be advised as (if) legislation is amended or further outcome published, this will be reported to Planning Committee.

1.0 Background

- 1.1 On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on increasing planning fees and performance. The consultation closed on 25th April 2023.
- 1.2 A paper was presented to the Portfolio Holder for Economic Development towards the latter part of April 2023 setting out the Council’s response to this consultation. The Government has issued, on the 25th July 2023, a response to this consultation [Increasing planning fees and performance: technical consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation) with the response attached at Appendix 1. The Government is looking to make a number of changes as set out below, in addition to indicating further changes that might result in the future.

2.0 Proposal

- 2.1 As reported within Appendix 1, the government identifies that *“A well-functioning planning service is an essential element of the government’s commitment to deliver housing and economic growth and to level up the country. Ensuring that local planning authorities have the resources they need to support faster and better decision making is crucial to achieving these objectives and our ambitions for planning reform.”*
- 2.2 495 responses were received to the consultation with just under half of these by local planning authorities. As a result of the responses, the Government is looking to increase

planning fees by 35% for major applications and 25% for non-majors. Draft regulations ([The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023](#)) were laid on 20 July. These regulations also set out the fee increase (if brought into force) will take effect, in the main 28 days after being made. They also set out an annual increase, on or after 1st April 2025 each year, of the lower of either consumer price index and 10% rounded up or down to the nearest £1. This suggested annual increase results from various parties reporting that application fees do not cover the cost of processing an application and local planning authorities are therefore unable to provide the resources needed to deliver an effective and efficient service.

- 2.3 In addition, one of the other major changes is to potentially remove the ability for applicants to submit 'free-go's'. Currently an applicant is able to resubmit an application without a fee under the following circumstances (a) they have not benefitted from a free go on the application site in the past; (b) the resubmission is within 12 months of the decision (which includes planning appeals); and (c) the resubmission is of a similar character to the previous application. A number of applicants use the ability of a free-go as a way to circumvent the need to apply for pre-application advice as, if the application is refused, they have in effect secured this advice also following wider consultation and notification. Removing this exemption could have implications in terms of income which is a significant benefit, it may also result in a greater number of pre-application enquiries for which a charge is levied, but could also trigger a greater number of planning appeals.
- 2.4 The consultation had looked to the possibility of ring-fencing planning income to the planning service, however the Government is not looking to bring this into force. Notwithstanding this, the Council does allocate application (and other) income to the planning service.
- 2.5 The possibly more substantive changes in relation to performance, as will be noted, are being considered in greater depth by the government but, depending upon the outcome, could result in some significant changes to service delivery. These will be reported to Planning Committee as more information becomes known.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[Increasing planning fees and performance: technical consultation](#)

Appendix 1

Introduction

1. A well-functioning planning service is an essential element of the government's commitment to deliver housing and economic growth and to level up the country. Ensuring that local planning authorities have the resources they need to support faster and better decision making is crucial to achieving these objectives and our ambitions for planning reform.

2. The Department for Levelling Up, Housing and Communities published a consultation on 28 February 2023, which ran for 8 weeks, closing on 25 April 2023. The consultation sought views on proposals to:

- increase planning fees
- build capacity and capability in local planning authorities
- introduce a more robust performance regime

3. We are grateful for the detailed and thoughtful responses received to the consultation and have carefully considered them. These were generally very supportive of the measures to increase planning fees, recognising the importance of securing additional income for local planning authorities. We have taken this national fee increase forward through draft regulations laid on 20 July.

4. We also received a wide range of feedback on how the government could support greater capacity and capability in local planning authorities and on our proposals for a new planning performance framework. This feedback will be drawn upon as we continue to develop these proposals.

Overview

5. There were 495 responses to the consultation. Stronger performance of local planning authorities supported through an increase in planning fees. Not all respondents answered all the questions. Some respondents did not answer a question but did provide comments on it. We received responses from a wide range of interested parties from across the public and private sectors, as well as from members of the public. We are grateful to everyone who took the time to respond.

6. The table below provides a breakdown of response to the consultation by type of respondents.

Type of organisation	Number of responses
Local planning authority	226
Planning professional	84
Developer / landowner	68

Type of organisation	Number of responses
Business (other than developer or landowner)	20
Professional association / industry representative body	33
Parish or town council	5
Community / residents organisation	0
Voluntary / charitable sector	8
Member of the public	28
Other	23
Total	495

7. We have carefully reviewed and analysed the responses. This document provides a summary of this analysis, question by question, and sets out how the government intends to take each proposal forward in light of the consultation responses.

Planning fees

8. In this section we asked questions about our proposals to:

- increase planning fees by 35% for major applications and 25% for all other applications
- additional fees for bespoke or 'fast track' services
- make an annual inflation-related adjustment to planning fees
- ringfence additional fees income
- double fees for retrospective applications
- remove the 'free-go' for repeat applications
- introduce a prior approval fee for the permitted development right allowing the Crown to develop sites within the perimeter of a closed defence site

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

9. A total of 453 respondents answered this question. There was strong support for this proposal: 77% agreed with the proposed 35% increase in fees for major applications, 20% disagreed and 3% did not know. Support was higher among local authorities, at 92%, compared to other groups, but even among developers and businesses, there was 62%

support. Some respondents who did not agree wanted a higher increase in fees. Others did not agree with the 35% increase but would accept a smaller increase.

10. Other views that were frequently expressed in the responses included: the need to ringfence the increase; increased fees must lead to the improved performance of local planning authorities; fees should be set at a level to fully cover the cost of processing applications; each individual local planning authority should set their own fees; and planning decisions were regularly held up awaiting a response from statutory consultees.

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

11. A total of 429 respondents answered this question. There was considerable support for this proposal: 65% said they agreed with the proposal to increase fees for householder planning applications by 25%, 29% disagreed and 6% did not know.

12. Respondents also said: the increase in householder fees would provide a boost to local planning authority income; householder fees should be increased by more than 25%; local planning authority performance would have to improve; there would still be a shortfall between the fee income and cost of processing the applications; some householder applications could still be complex and burdensome.

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

13. A total of 432 respondents answered this question. There was considerable support for fees for non-major applications to be increased by 25%: 63% said they agreed with this proposal, 31% disagreed and 6% did not know. Some respondents wanted a greater increase than 25%.

14. Other comments made by respondents included: recognition that local planning authorities were underfunded so an increase in fees was needed; the additional income should result in better performance by local planning authorities; local authorities should be able to set their own fees; and certain applicants, such as community or non-profit organisations, or types of development, such as renewable energy, should benefit from reduced fees.

Government response to Questions 1 to 3

15. We welcome the considerable support for proposals to increase fees by 35% for major applications and 25% for all other applications including householder applications, which we have taken forward through draft regulations laid on 20 July. The increased fees will provide additional income for local planning authorities. We recognise that the fee for householder applications will remain below the cost of determining these applications but we consider that this represents a proportionate approach. It is also acknowledged that householders contribute to the local planning authority planning services through the payment of council tax. Local planning authorities will benefit from additional income and householders will not be disproportionately impacted by a high fee increase. Following an increase in planning fees, it is expected that the performance of local planning authorities will improve. This will be monitored through a new planning performance framework.

Question 4. Are there any other application types or planning services which are not currently charged for but should require a fee or for which the current fee level or structure is inadequate?

16. 354 respondents provided comments on this question, suggesting new fees that could be charged or for which the current fee was inadequate. Among those who commented, there was support for introducing a fee for listed buildings consent, ranging from a nominal fee, such as £50, to the fee for a full planning application. However, it was noted that a fee could dissuade applications for consent. Similarly, with applications for works on protected trees, there was support for a fee, with some suggesting a nominal fee of £50 so as not to disincentivise applicants.

17. Some respondents considered that fees for s73 applications were too low because they could involve almost as much work as a full planning application. It was suggested that the fee could be charged as a proportion of the original planning application, perhaps as much as 75%, or that there could be a scale of fees. Some respondents also considered that the fee for applications to discharge planning conditions were too low, with suggestions that there could be a fee per condition or related to the number of conditions in an application.

18. There were comments on fees for prior approval and prior notification applications, which were considered inadequate and did not reflect the amount of work required by the local planning authority. Some suggested the fee should be the same as that for an equivalent full planning application, because the outcome was the same and the timescales shorter.

19. Other respondents suggested that: there needed to be a fee for EIA screening and scoping opinions, which were resource intensive; there should be a fee for requests to vary or remove s106 obligations, which were time consuming and often needed technical expertise; pre-application fees and the service provided varied greatly between authorities, with some suggesting that pre-application fees should be standardised or set nationally; and, appeal fees should be introduced, which could reduce the number of speculative appeals and associated resource demands on local planning authorities.

Government response to Question 4

20. We welcome respondents' contributions to this question. We will use this information to inform our work on a fees review, which we intend to carry out within three years. Respondents may also wish to note that there are measures in the Levelling Up and Regeneration Bill for minor variations to permissions.

Question 5. Please can you provide examples of bespoke or 'fast track' services which have worked well, or you think could be introduced for an additional fee? Are there any schemes that have been particularly effective?

21. 372 respondents commented on this question. A number of respondents cited good examples from a range of named local planning authorities of the fast-track services they provide. There was a mixed response from respondents on the success of using Planning Performance Agreements, with those in favour commenting on their effectiveness in speeding up decisions and those against highlighting the lack of local planning authority resources to make decisions quickly.

22. Some respondents considered that pre-application services and Planning Performance Agreements can be effective and their use by local planning authorities should be encouraged and given greater weight. A significant number of respondents from across the different groups said that fast-track services should not be allowed as they are unaffordable for most members of the public and they risk creating a two-tier system.

23. Respondents from across all groups highlighted the lack of resources in many local planning authorities which prevented the provision of fast-track services and they suggested better resourcing of local planning authorities to enable this.

Government response to Question 5

24. We are grateful for the views provided to this question. Local planning authorities already have the power to be able to charge additional fees for discretionary or bespoke planning services. As we introduce measures to support additional resourcing and increased capacity and capability, local planning authorities are encouraged to explore opportunities to provide additional services to support more timely decisions. We will continue to review the effectiveness of such services and the ways in which best practice can be more widely shared.

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

25. 453 respondents answered this question. There was strong support for this proposal to adjust planning fees in line with inflation, with 83% agreeing, 12% disagreed and 5% did not know. There was overwhelming support among local planning authorities (96%) and strong support from developers and landowners (76%), and 71% support from other businesses.

26. Comments on this question included: the planning service must improve as a result of the fee increase; there should be a cap on any annual increase; fees should not be reduced if there is deflation; fee increase could be linked to performance; add an additional % to the annual inflation related increase to build capacity into the planning system; other suggestions to using CPI; and, increase fees less frequently than annually.

Government response to Question 6

27. We welcome the strong support for this proposal which we have taken forward through draft regulations laid on 20 July. We intend to increase fees annually, on the 1 April each year, from 1 April 2025, using the Consumer Prices Index (CPI) from the previous September. Any annual fee increase will be capped at 10%. In the event that there is deflation, the fee will not be adjusted. This measure will ensure that the fee levels retain their value and will give local planning authorities greater financial sustainability.

Question 7. Do you consider that the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department?

28. A total of 457 respondents answered this question. There was strong support for this proposal to ringfence the additional income generated by the increase in fees. 88% agreed with the proposal, 8% did not and 4% didn't know.

29. Respondents considered that ringfencing was needed to justify the increase in fees and to ensure the additional resources directly lead to improvements in performance. The extra income could be used to expand planning teams (by providing higher salaries to attract planners from private sector, training and development of planners) and improve IT systems. Many suggested that all fee income should be ringfenced for planning. On the implementation of ringfencing, others commented that resources were needed across other areas of the local authority which provided input into planning decisions, including highways, environmental health, ecology, design, drainage and heritage, so any ringfencing conditions needed to be flexible enough to allow these to be funded too.

30. Those who did not agree were concerned that ringfencing removed flexibility over spending decisions from local authorities. Some were concerned that ringfencing could be difficult to implement and monitor. Some considered that local planning authorities may not end up with more resources if the projected additional fee increase was netted off the baseline budget.

Government response to Question 7

31. We welcome the strong support for this proposal. We want to ensure that the fee increase results in additional funds being available to local authority planning departments, but we will not take ringfencing forward through legislation as this would impose a restriction on local authorities when they are best placed to make decisions about funding local services, including planning departments. However, we would expect local planning authorities to protect at least the income from the planning fee increase for direct investment in planning services.

Question 8. Do you agree that the fee for retrospective applications should be doubled, i.e. increased by 100%, for all applications except for householder applications?

32. A total of 369 respondents answered this question. 60% agreed that the fee for retrospective applications should be doubled, except for householder applications, and 36% disagreed, with 4% not knowing. There was more support from local authorities (71%) compared to businesses, of whom 56% opposed it. 401 respondents commented on the question.

33. There was strong support across all groups for householders to be included in the doubling of retrospective fees. Respondents suggested that the doubling of the fees would act as a deterrent to breaches of planning and the increased income could be used for enforcement. However, with the proposed increase in planning fees, it was considered that there could be a rise in unauthorised development, which would put pressure on enforcement teams. There was concern over penalising applicants who had made a genuine mistake.

Government response to Question 8

34. We acknowledge the considerable support for this proposal. Respondents raised various issues, such as whether retrospective fees for householder applications should also be doubled and whether doubling retrospective fees would result in an increase in unauthorised development, which require further consideration. In order to ensure that the introduction of the national fee increase is not delayed, we will continue to develop proposals to double fees for retrospective applications for delivery through regulations at the next available opportunity.

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

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

35. A total of 418 respondents answered this question. 38% agreed with the removal of the free-go for repeat applications, 18% considered that it should be subject to a reduced fee, 34% thought it should be retained, 7% disagreed with all these options and 3% did not know.

36. There was a wide mix of views on this proposal. A greater proportion of local authorities supported the removal of the free-go for repeat applications than other groups, considering this as a way to encourage improved use of the pre-application advice and submission of better quality applications. Charging a fee would also reflect the work that goes into the determination of repeat applications. Those who disagreed with the proposal considered that the free-go provided a route for negotiation with the local authority to reach a positive outcome. Respondents highlighted its benefit in facilitating withdrawal and resubmission of applications without another fee to allow issues to be addressed, encouraging continued negotiation and reducing refusals. There was concern that the removal of the free-go could lead to more appeals, for which there is no fee, with a consequential unfunded resource pressure on local authorities.

37. A larger proportion of developers and businesses supported the retention of the free-go compared to other groups, particularly local planning authorities. It was considered that it provided a mechanism for continued negotiations between the local authority and applicants, allowing proposals to be withdrawn, amended and resubmitted without having to pay an additional fee, which is particularly valuable where local authorities are struggling to provide timely pre-application advice due to resourcing issues.

Government response to Question 9

38. We recognise the range of views on the use of the free-go for repeat planning applications. Whilst it is recognised that a free-go does enable applicants and local planning authorities to facilitate amendments and improvements to schemes, it is considered that this is best undertaken at the pre-application stage to ensure that high-quality schemes are submitted first time round. Removal of the free-go for repeat applications recognises the resource impacts that these applications have on local planning authorities.

39. We consider that this approach complements our measure to tighten the Planning Guarantee for non-major applications (Question 14), which together should lead to faster local decision-taking. If we had only removed the free-go without tightening the Planning Guarantee for non-major applications, applicants may be more likely to submit an appeal to the Secretary of State, with decision-making moving away from the local planning authority. We have therefore taken forward measures to remove the free-go through draft regulations laid on 20 July.

Question 10. Do you agree that a fee of £96 (or £120 under the proposed fee increase) should be charged for any prior approval application for development by the Crown on a closed defence site?

40. A total of 364 respondents answered this question. 52% agreed that a fee should be charged for prior approval applications for development by the Crown on a closed defence site, 10% disagreed and 38% did not know. Many who supported this proposal considered it was fair that a fee was charged to bring it in line with similar fees for other prior approval applications. Others considered that the fee should be higher to better reflect the work involved for the local planning authority.

Government response to Question 10

41. We have considered the feedback raised to this question and consider that it is fair to introduce a fee for prior approval applications relating to development by the Crown on a closed defence site (under Class TA of Part 19 of the General Permitted Development Order 2015), to reflect the work required by local authorities in determining applications. We have taken forward this proposal forward as consulted on through draft regulations which were laid on 20 July.

Local planning authority capacity and capability

42. In this section we asked questions about capacity and capability within local authorities including challenges in recruitment and retention of staff, and how these can be addressed.

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

43. 445 respondents provided comments on this question. A range of skills and expertise gaps were highlighted across a number of policy areas and specialisms which included: ecology and biodiversity, particularly related to Biodiversity Net Gain; design and heritage; urban design; landscape; digital skills; flooding; sustainability and viability. Some responses highlighted expertise gaps in services that support planning but are outside of the local planning authority, either within the wider local authority or in statutory consultees. Other responses highlighted gaps in broader skills areas such as project management, commercial skills, negotiation and communication skills.

44. Responses also highlighted gaps in experienced planners at senior and principal level more generally and difficulties in recruiting and retaining planners at this level, including those with technical knowledge. Some responses suggested this was due to competition with the private sector. Concern was also raised in some responses around challenges in recruiting enforcement officers.

Question 12. In addition to increasing planning fees, in what other ways could the government support greater capacity and capability within local planning departments and pathways into the profession? Please provide examples of existing good practice or initiatives if possible.

45. 420 respondents provided comments on this question. Responses highlighted the need for positive messages around the benefits that planning provides in order to promote the planning profession and raise its profile. Responses also highlighted the importance and success of apprenticeships and suggested greater support and funding for them. Some responses also highlighted the importance of career paths and included examples of 'grow your own' schemes. There were also responses which included comments around providing more grant funding to local authorities to be used for purposes such as addressing resourcing or training needs.

46. Responses also raised points around training more generally, including the need for greater funding and greater choice. There were also responses that included comments around salaries in local planning authorities and the need to ensure these are competitive. Some responses also raised the importance of improvements in technology, software and digital tools in the planning system. Other responses highlighted the need to simplify wider planning policy processes and requirements. There were also responses that highlighted the importance of doing more to promote planning in schools and colleges.

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

47. 359 respondents provided comments on this question. A range of approaches to encouraging people from under-represented groups, including women and ethnic minority groups, to become planning professionals were reflected in respondents' comments. Responses highlighted the need for greater promotion of the importance and value of planning to help build awareness and understanding of the planning profession. Responses particularly highlighted the need to do this in schools and engage with people early in their education, including doing school visits and giving presentations.

48. Responses also raised the need for additional routes into the profession, including more apprenticeships aimed at under-represented groups and funding of planning courses. Some responses highlighted the need for joint working between national government, local authorities and other organisations to help promote the value and benefits of planning. Some responses suggested the need for a campaign around these themes. Consideration of recruitment processes and where jobs are advertised were also raised in some responses.

Government response to Questions 11 to 13

49. We welcome respondents' contributions to these questions on skills and capacity in local planning authorities, including suggestions for ways that we can support capacity and capability in local planning authorities and encourage people from under-represented groups to become planning professionals. We recognise the challenges that local planning authorities are facing and have developed a wide programme of support, working with partners across the planning sector and local government, to ensure that local planning authorities have the skills and capacity they need, both now and in the future.

50. The capacity and capability programme, and recent funding announcements, emphasise the importance that we place on supporting capacity and capability in local planning authorities. To date we have announced funding to Public Practice, a social enterprise in the built environment sector, as well as funding to the RTPI Future Planners Bursary Scheme and the Local Government Association (LGA) to provide a new pathways in to planning programme. We have also announced the Planning Skills Delivery Fund, which will help planning authorities deal with the backlog of planning applications as well as provide support with developing skills and expertise ahead of the forthcoming changes to the planning system. We have also launched for the first time, a comprehensive survey on skills and resourcing in local planning authorities in England, the results of which will be used to help further target our support.

51. We will reflect on respondents' valuable contributions to these questions as we continue to develop our capacity and capability programme.

Local planning authority performance

52. In this section we asked questions about local planning authority performance, including reducing the Planning Guarantee for non-major applications and improving the timeliness and quality of the local authority planning service by monitoring more performance measures.

Question 14. Do you agree that the Planning Guarantee should better mirror the statutory determination period for a planning application and be set at 16 weeks for non-major applications and retained at 26 weeks for major applications?

53. A total of 402 respondents answered this question. 42% agreed with the proposal to reduce the Planning Guarantee for non-major applications from 26 weeks to 16 weeks, 44% disagreed and 14% did not know.

54. Respondents' comments on this question reflected the mixed views held. Some considered that decision-making needed to be speeded up and that mirroring statutory determination times was sensible. Others said that minor applications can also be complicated and felt that the statutory determination periods did not reflect the complexities of today's planning system. Respondents widely recognised the current resourcing challenges within local authorities and considered this would not be helped by reducing the Planning Guarantee period.

55. There were suggestions that some delays were outside of a local planning authority's control and that reducing the Planning Guarantee would decrease the opportunity for negotiation, which could potentially result in an increase in poor quality decisions and an increase in refusals. Reducing the Planning Guarantee for non-major applications would remove much needed funding from local authorities if more refunds were requested. Some questioned the effectiveness of the Planning Guarantee in speeding up decision-making if extension of time agreements were frequently used.

Government response to Question 14

56. We recognise that there were mixed views on the proposal to reduce the Planning Guarantee for non-major applications from 26 weeks to 16 weeks. The Planning Guarantee for major applications is around double the statutory determination period (usually 13 weeks). We want a similar relationship for non-major applications, so we intend to reduce the Planning Guarantee for non-majors to 16 weeks, which is twice as long as the usual statutory determination period of 8 weeks. This measure has been taken forward through draft regulations laid on 20 July.

57. We recognise that the tightening of the Planning Guarantee for non-major applications may be initially challenging for some local planning authorities. However, we consider that alongside the removal of the free-go for repeat applications (Question 9), which should drive the use of pre-application services and see the improved quality of planning applications first time round, local planning authorities should be able to make decisions on non-major applications within 16 weeks. Local planning authorities will still have the option of using extensions of time, should those be necessary, but these should only be used in exceptional circumstances.

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be assessed on the percentage of applications that are determined within the statutory determination period i.e. excluding Extension of Times and Planning Performance Agreements?

58. A total of 425 respondents answered this question. Over a third were supportive of the proposal (36%), 57% disagreed and 7% did not know. A range of views were reflected in respondents' comments. Some felt that assessing speed of decision-making against statutory timeframes would provide a more accurate picture of service delivery and could increase efficiency. Those against made the point that speed does not mean quality, and that the proposal would place the focus on meeting deadlines rather than proactive collaboration to deliver positive outcomes through mutually agreed time extensions. Respondents also highlighted that Extension of Time agreements can be required for reasons outside of the

local planning authority's control. The role of Planning Performance Agreements as important project management tools for more complex schemes was highlighted.

59. Concern was raised that removing these mechanisms from performance data would lead to quick refusals to meet deadlines, where negotiated solutions could have been found, resulting in more resubmissions and appeals. Some respondents felt that statutory timeframes needed updating to reflect the complexities of the modern planning system. Some felt that the usage of these tools required monitoring; with suggestions to distinguish between Extension of Time agreements allowing for constructive dialogue between applicants and officers, from those used to mask underperformance; and for more transparency on adherence to pre-agreed timescales where Planning Performance Agreements are involved.

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

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

60. There was strong support for assessing performance separately for major applications (87%), non-major applications (excluding householders) (81%) and Householder applications (80%), and considerable support for assessing performance separately for Discharge of Condition applications (69%) and County Matters applications (69%).

61. Those in support of assessing performance across a wider range of application categories as proposed felt that this was sensible, acknowledging that different application types have different complexities and issues. Respondents highlighted the importance of transparency in planning performance, and that the focusing on different application categories could enable areas of strength and underperformance to be more easily identified and addressed. However, some felt that the proposal would place the emphasis on the speed of decision-making, rather than outcomes, which could lead to target-driven refusals. Current resourcing issues were raised, and there were concerns about additional reporting burdens this would place on local planning authorities.

62. Comments were also received on the achievability of current statutory determination periods, particularly in relation to more complex applications, and some respondents cited upcoming changes that could add to demand, such as requirements for Biodiversity Net Gain. Some respondents felt that increasing the categories against which performance would be assessed would add to complexity within the system, however others thought that the proposed categories remained broad and should be broken down further. A range of views on the benefits and challenges of assessing performance on Discharge of Condition applications was received.

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

63. A total of 370 respondents answered this question. Over a third of respondents (39%) answered yes, that they considered quantitative metrics had been proposed that should not have been included, 33% answered no, and 29% did not know. A range of comments against the inclusion of the proposed metrics was received, which included:

A. Average Speed metrics: outliers can distort performance data, particularly where sample sizes are small, and that this wouldn't account for delays that are outside of local planning authorities' control.

B. Quality of Decision-making metrics: does not measure the quality of all decisions, planning decisions can be finely balanced, data can be distorted by small volumes of appeals.

C. Extension of Times metrics: their usage should not be discouraged as they facilitate positive collaboration and high-quality outcomes and assessing performance against this could lead to more refusals.

D. Backlog metrics: validation delays can be often caused by the applicant, and monitoring cases beyond the Planning Guarantee should not include those with mutual performance agreement in place and that it could lead to more refusals.

E. Planning Enforcement metrics: enforcement varies significantly across local planning authorities and that an authority's approach to enforcement is better guided by their local enforcement plan.

F. Planning Committee metrics: concern was raised that they could be seen as undermining local democracy and could also result in reporting difficulties.

64. Respondents in support of a greater range of metrics felt that this would provide a more accurate picture of planning performance, whilst others felt that there were too many metrics proposed, disproportionate to the proposed fee increases. Some respondents raised concern about resourcing burdens for reporting and monitoring, with need to consider capabilities of IT systems, and some felt that a new performance framework should be delayed until the benefit of fee increases had been felt.

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

65. A total of 378 respondents answered this question. 29% answered yes, they thought other quantitative metrics should be included, 39% said no, and 33% did not know. A wide range of suggestions was received for additional performance metrics, which included: monitoring the performance of consultees in relation to the speed and quality of consultation requests; the speed and quality of pre-application advice; average caseloads and workforce information; delays at the validation stage; timeframes for processing legal agreements, and more detailed appeals data, such as the proportion that have been successfully defended or lost and cases where behaviour has been considered unreasonable, leading to the award of costs.

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

66. A total of 407 respondents answered this question. 51% agreed with the proposal to introduce a qualitative metric measuring customer experience, 31% disagreed and 18% did not know.

67. Developers, landowners and other businesses showed particular support for the measure, compared to respondents from local planning authorities where views were split. 56% of all respondents were worried about a link between application outcomes and customer service ratings, for example that those whose applications are refused are likely to provide negative customer service ratings. Other concerns were raised about defining who the 'customer' is; general negative bias in surveys; how to obtain a representative sample; resources to implement the metric; and creating a fair and comparable metric.

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

68. A total of 305 respondents provided comments on this question. As with other questions in this section, a range of concerns were raised about the appropriateness and applicability of any customer service metric. However, a wide range of proposed metrics were suggested. A form of customer survey was a popular measure, and a range of comparator surveys or methodologies were suggested. Quantitative measures were also proposed, such as various time bound measures of the planning application process or numbers of complaints upheld, as well as qualitative measures such as the consistency of decision making, and measures of officer engagement and openness to negotiation.

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

69. A total of 299 respondents provided comments to this question. Key themes included ways to improve the planning system overall, in terms of improved digital tools; simplifying the planning system; or improved guidance or clarity for users of the planning system. Better engagement between local planning authorities and developers was recommended, for example through agent forums or greater co-operation at the pre-application stage. It was also suggested that better training and changes to the roles of both officers and councillors, as well as more consistent decision making would improve local planning authority performance.

Government response to Questions 15 to 21

70. In relation to planning performance, we are grateful for the wide range of comments that have been received, relating to how we can better assess the speed of decision-making through both amending existing metrics and introducing new ones, and in response to proposed new quantitative metrics which could allow performance to be measured more widely across a range of important planning functions. We are also grateful to hear a range of feedback on our proposals to introduce qualitative metrics, including customer experience, which could capture a more holistic picture of the quality of service delivery within planning departments. This feedback is highly valued and will be drawn upon as we develop our proposals for a new planning performance framework.

71. We are clear that an increase in planning fee income and resourcing to local planning authorities must lead to improved performance. It is our intention to introduce a new planning performance framework once we have increased planning fees and invested in supporting the capacity and capability of planning departments. However, we recognise that local planning authorities need a period of adjustment to any new planning performance framework, and we would reiterate our commitment to consult further on detailed proposals, including thresholds, assessment periods and transitional arrangements from the current performance regime.

Public Sector Equality Duty

Question 22. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

72. 116 substantive comments were provided in this section, mostly covering the wider impacts of the suggestions in the consultation. There were 40 responses about matters relating to the Public Sector Equality Duty. 20% of these responses suggested that the proposals in this consultation would not affect people with certain protected characteristics. Key points raised included retaining and/or expanding fee exemptions for groups with certain protected characteristics; proposals to improve access to the planning profession for those from under-represented backgrounds, including changes to the structure of work roles or professional training pathways to make them more accessible. Some responses highlighted the potential impacts of doubling retrospective fees for gypsies and travellers as a group with protected characteristics.

Government response to Question 22

73. We are grateful for the responses that provided views on any potential implications of the proposals in this consultation on people with protected characteristics. These comments have been taken into consideration in preparing a Public Sector Equality Duty assessment regarding the proposals which have been taken forward through draft regulations, which were laid on 20 July, and will continue to be reviewed as we develop policy and proposals in relation to fees for retrospective applications, the capacity and capability of local planning authorities and the new planning performance framework.