

**Committee: Cabinet**

**Date: 30  
November 2017**

**Title: Draft Statutory Instrument The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017**

**Portfolio Holder: Councillor Susan Barker, Cabinet Member for Environmental Services**

**Key decision: Yes**

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## **Summary**

1. The Government white paper 'Fixing our broken Housing Market' includes a proposal to allow each Local Authority to increase the nationally set planning fee by 20% subject to a Statutory Instrument. The Draft Statutory Instrument has now been published and includes the proposed fees. The additional fee income is for councils to invest in their planning department in order to help deliver housing. All councils have committed to use the additional funding for this purpose.
2. The council needs to determine whether to exercise its discretion to charge the fees permitted, subject to parliamentary approval of the draft regulations.

## **Recommendations**

3. The Cabinet approves a 20% increase in planning application fees as set out in the Draft Statutory Instruments 2017 No. (see link below) with effect from the date to be set out in the regulations, and commits to investing the additional income in the planning service.

## **Financial Implications**

4. The potential to increase to the nationally set planning fees by 20% only applies if the Council commits to invest the additional fee income in their planning department.
5. The estimated outturn for planning fees income for 2017/2018 is £850,000.00, Had the 20% increase been applied to the full year, the estimated additional fee income to invest in the planning department would have been £170,000.00. If the increase applies to Q4, the estimated additional income is £25,000.
6. Foregoing the option of increasing income would involve risks to performance in the face of increasing workloads. That in turn would carry consequent risks of designation as a poorly performing authority, appeals against non-determination of applications and delays in dealing with matters arising from planning conditions. If these consequences materialised, there would be significant financial implications

## 7. Background Papers

8. The following papers were referred to by the author in the preparation of this report and are publically available.
9. Fixing Our Broken Housing Market - The Government's Housing White Paper:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590463/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_accessible\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590463/Fixing_our_broken_housing_market_-_accessible_version.pdf)  
A Guide to Fees for Planning Applications in England:  
[https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
10. Draft Statutory Instrument The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017:  
[http://www.legislation.gov.uk/ukdsi/2017/9780111160749/pdfs/ukdsi\\_9780111160749\\_en.pdf](http://www.legislation.gov.uk/ukdsi/2017/9780111160749/pdfs/ukdsi_9780111160749_en.pdf)

## Impact

11.

Communication/Consultation	There has been an all Member briefing on the Housing White Paper, including the proposed increase in fees. The draft Regulations were informed by government consultation on the White Paper.
Community Safety	None
Equalities	Everyone will be equally affected.
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	The additional income would provide resources to invest in workforce capability, capacity and productivity.

## Situation

12. Although the White Paper stated that the government would permit authorities to increase fees from 1 July 2017, it was not possible for the Statutory Instrument to

be approved before Parliament rose for the general election. However, the Draft Statutory Instrument has now been published with a view to it moving through the parliamentary process.

13. Exercising the opportunity to raise additional income for investment in the planning service provides an opportunity to make increase capacity and productivity leading to better services, improved performance and enhanced ability to deliver growth as set out in the 'Fixing our broken housing market'. The proposals enable the council to take steps to secure the financial sustainability of the planning service to ensure that the planning system has the skilled professionals and other resources it needs to deliver growth.
14. The development industry has made it clear that one of the bars to the delivery of housing and growth generally is the lack of resources within the planning departments. At present, in order to try and meet the pressures for growth and meet performance targets, the council uses agency staff and consultants funded mainly by drawdown from an earmarked reserve. Agency staff and consultancy is expensive and significant reliance on such resources on an ongoing basis is not financially sustainable. Access to a continuous additional income stream will enable the council to recruit to new permanent positions. Following review of salary scales, the council has been able to attract good staff with the necessary skills and experience when vacancies in the existing establishment have arisen.
15. If the discretion to increase planning fees is not used, the council's capacity to deliver the growth set out in the Housing White Paper would be restricted. This risks the council becoming a designated Authority, with the possibility that the Government could bring someone else in to determine planning applications, take the fees and yet the council would still need to bear the administration costs involved in the processing of the applications. This would clearly have a significant financial burden on the council whilst removing decision making from the local level.
16. In addition, an adequately resourced service with the necessary capacity and skills is essential in achieving quality development, which will maintain Uttlesford as an attractive place to invest, in accordance with the council's corporate objectives. It will also reduce the risks of appeals, including non-determination appeals, with the consequent additional costs, not only in defending the appeals but also from appellant's costs where awarded against the council.
17. The fee increase does not affect pre-application fees which are set locally by each authority.
18. The exemptions and reductions set by government remain. For example if the application is being made on behalf of a parish or community council then the fee is discounted by 50%.

## Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
Fee income does	2 Uttlesford's	2 Agency and	Vacancy management

<p>not increase despite increase in charges because of external economic factors</p>	<p>location in the LSCC is likely to mean that it will continue to attract investment in new homes and business development</p>	<p>consultancy fees are variable costs which can be readily managed in response to demand. Fixed costs involved in permanent posts may not be removed so readily</p>	<p>as appropriate and other potential measures if necessary</p>
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.