

[Department for Levelling](#)

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Open consultation

Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees

Published 28 February 2023

Applies to England

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Personal data



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This publication is available at <https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees>

Scope of the consultation

Topic of this consultation:

This consultation seeks views on improving performance of local planning authorities by:

1. Increasing planning fees
2. Building capacity and capability
3. Introducing a more robust performance regime

Scope of this consultation:

Planning.

Geographical scope:

These proposals relate to England only.

Impact assessment:

No.

Basic information

Body/bodies responsible for the consultation:

Department for Levelling Up, Housing and Communities.

Duration:

This consultation will last for 8 weeks from 28 February 2023 to 25 April 2023.

Enquiries:

For any enquiries about the consultation please contact:

PlanningFeesPerformanceConsultation2023@levellingup.gov.uk

How to respond:

You may respond by completing an [online survey](https://consult.levellingup.gov.uk/planning/fees-and-performance/) (<https://consult.levellingup.gov.uk/planning/fees-and-performance/>).

Alternatively you can email your response to the questions in this consultation to:

PlanningFeesPerformanceConsultation2023@levellingup.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Planning Fees and Performance Consultation Team
Planning – Development Management
Department for Levelling Up, Housing and Communities
Third Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including postcode), and
- an email address

Introduction

1. Levelling Up is the government's central mission to spread opportunity across the whole of the country. Wide-ranging reforms introduced in the Levelling Up and Regeneration Bill will devolve power and give local leaders and communities the tools they need to make better places after Royal Assent.

2. All users of the planning system, whether they are local communities or homeowners, small builders or large developers should experience a quality and timely planning service. It is therefore essential that planning authorities have the resources they need to deliver a service that people expect as well as meeting our ambitions for planning reform.

3. The government has heard consistent feedback from all sectors that the core planning application service is not consistently performing at the level it should and one of the root causes is, for many local planning authorities, an absence of adequate resources and capability. Planning profession, local government and development industry representatives including The Royal Town Planning Institute (RTPI), Local Government Association (LGA) and the British Property Federation (BPF) are amongst many organisations calling for an increase in resources for local planning authorities. The government recognises that this needs to be

addressed in order to maximise the benefits of the planned changes in the Levelling Up and Regeneration Bill and elsewhere.

4. Through the Levelling Up and Regeneration Bill, the government intends to take powers to apply a more consistent, streamlined and digitally enabled approach to the way planning applications are made, which is proportionate to the scale and nature of the development proposed, to ensure faster and better decision making.

5. The powers being taken in the Bill are designed to allow a transformation in the use of high-quality data and modern, digital services across the planning system to support faster and more efficient decision making, whilst reducing the administrative burdens felt by local planning authorities, statutory consultees and other users of the system. We are also working with the PropTech sector to develop tools so that communities can engage with planning services through digital means alongside traditional forms of engagement.

6. The Levelling Up and Regeneration Bill has been drafted to deliver changes to introduce greater flexibility to varying planning permissions which will provide a clearer and more proportionate approach to allow permitted schemes to evolve where amendments are required following the grant of planning permission. The Levelling Up and Regeneration Bill is also due to make permanent existing powers to regulate pre-application engagement with applicants, communities and other stakeholders permanent. This will ensure that more communities have a meaningful say earlier on in the planning process.

7. These changes to the planning system will create a more consistent, streamlined and digitally enabled approach to the way planning applications are made and processed, as well as increasing the opportunities for communities to engage. In advance of this, the government has a threefold strategy for addressing existing and future resource demands on local planning authorities:

8. **Financial support:** The government accepts that local planning authorities need more resource in order to perform their critical social, economic and environmental functions on planning effectively. Given that Parliament has decided that planning fees should be regulated nationally, this consultation proposes an increase in planning application fees for major applications by 35% and for all other applications by 25%, together with an indexation proposal for fees to be adjusted annually in-line with inflation.

9. **Additional resource:** Money is not enough; we know that many local planning authorities are struggling to recruit and retain enough staff to deliver the planning service. We want to provide local planning authorities with additional resources to deliver an effective planning service, facilitated by skilled and experienced planners and other technical specialists. The government recognises the significant role that local authority planners and other built environment professionals (urban designers, ecologists, landscape architects and highways engineers for example) have in supporting our levelling up missions, delivering regeneration and economic development and creating beautiful places. This consultation outlines how we are working with representatives across the planning and development sector to design and deliver a programme of support for building planning capacity and

capability within local planning authorities and to seek views on how we can increase capacity and capability in the planning system as quickly as possible.

10. Improved performance: The government is only prepared to introduce fee increases if planning performance also improves. We want to ensure that all applicants experience a high-quality and timely service. This consultation therefore also proposes a new approach to how the performance of local planning authorities is measured across a broader set of quantitative and qualitative measures. This will provide greater transparency of service delivery and earlier and more targeted support to local planning authorities where needed.

11. Through the measures proposed in this consultation, we want to ensure that local planning authorities are sustainable and resilient and have the skills, capacity and capability to deliver a high performing service for applicants and local communities.

Planning fees

Increasing local planning authority fee income - Enabling the delivery of a planning service for the 21st Century

12. Planning application fees provide local planning authorities with an income which contributes to their costs of providing a planning service. However, most fees do not cover the costs to the local planning authority of processing the application. For example, householders pay £206 for an application, whereas the cost to the local planning authority of determining the application can be double that. There are also some application types for which no fee is currently charged, such as listed buildings consent, works on protected trees and some repeat applications, which add to the financial pressure on local planning authorities.

13. In addition to the applications for which fees are not currently charged, there are other planning services which local planning authorities carry out without a fee. These include enforcement activity and assessing potential local plan site allocations. Providing these services are a cost burden on local authorities.

14. Parliament has provided that planning fees are regulated nationally for the purpose of contributing to the cost to local planning authorities to process planning applications. We last increased planning fees in January 2018. However, we know that the overall cost of the planning application (development management) service (approximately £675 million annually) remains more than the income received from planning fees (approximately £393 million), with local planning authorities relying mainly on taxpayers, or through additional paid-for discretionary services, to fund the difference. It is also acknowledged that householders and businesses also contribute local planning authority services through the payment of council tax and business rates.

15. Overall, the funding shortfall for the planning application service is [currently estimated \(https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-](https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-)

[and-financing-england-2020-to-2021-individual-local-authority-data-outturn](#)) to be in the region of £225 million annually (approximately 33%). We want to reduce this funding shortfall and create greater financial sustainability for all local planning authorities, but we also want local planning authorities to be more efficient, to lower the costs of delivering the planning application service.

16. Our proposal is to increase planning fees for major applications (which represent [approximately 3% of all applications](#) (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>)) by 35% and increasing planning fees for all other applications by 25%, so that the planning application service is principally funded by the beneficiaries of planning gain – landowners and developers – rather than the taxpayer. To support greater financial sustainability, we also propose to introduce an annual adjustment of planning fees in line with inflation, so that they maintain their value year on year. Additionally, to discourage unauthorised development, we propose to double planning fees for retrospective applications.

17. The government considers that an increase at this level strikes the right balance between ensuring that costs are reasonable, with larger developers paying more than smaller businesses or householders, whilst providing additional fee income for local planning authorities to support the delivery of the planning application service.

Proposals

Fees increase

18. We propose to raise planning fees for major applications by 35%, and fees for all other applications by 25%. The table below sets out examples of the current and new fees.

Application	Current fee	Proposed fee (35% major applications, 25% all other applications)
Prior Approval	£96	£120
Householder	£206	£258
Non-major (residential - less than 10 dwellings, or sites of less than 0.5 hectares; non-residential, less than 1,000 sqm gross floorspace, or sites less than 1 hectare)	£462 per dwelling or per 75 sqm of non-residential floorspace	£578 per dwelling or per 75 sqm of non-residential floorspace

Application	Current fee	Proposed fee (35% major applications, 25% all other applications)
Major (residential - 10 or more dwellings or sites of 0.5 hectares or more; non-residential, 1,000 sqm or more gross floor space or sites of 1 hectare or more)	£462 per every dwelling or every 75 sqm of non-residential floorspace	£624 per every dwelling or every 75 sqm of non-residential floorspace
10 to 50 dwellings and commercial non-residential between 1,000 and 3,750 sqm of floorspace		
Major (residential - 10 or more dwellings or sites of 0.5 hectares or more; non-residential, 1,000 sqm or more gross floor space or sites of 1 hectare or more)	£22,859 + £138 for each additional dwelling in excess of 50 dwellings or additional 75 sqm in excess of 3,750 sqm up to maximum of £300,000	£30,860 + £186 for each additional dwelling in excess of 50 dwellings or additional 75 sqm in excess of 3,750 sqm up to maximum of £405,000
Over 50 dwellings or more than 3,750 sqm commercial floorspace		

19. The proposed increase in planning fees would apply to all applicants, unless other existing exemptions apply. The proposed fee increase is considered to represent a proportionate approach that provides additional income for local planning authorities, whilst not unfairly introducing disproportionately high fee increases for householders and small businesses who may be more sensitive to charges than other groups. However, we recognise that any remaining shortfall will, in effect, continue to be subsidised by the general taxpayer. For all planning applications, the increased fee levels represent a small proportion, less than 1%, of overall development costs.

20. If increased by 25%, householder planning applications fees would increase by £52, from £206 to £258. This is still less than the estimated cost to local planning authorities to process these applications. It is often a matter of choice whether to submit a planning application. The fee for that application represents a one-off cost to the applicant and represents a very small proportion of overall development costs. It is therefore considered that a fee increase of 25% is justified. We recognise, however, that many households are currently experiencing cost of living pressures and already contribute to the services provided by their local authority through payment of council tax. We are therefore interested in views on whether

the proposed 25% increase for householder planning application fees is appropriate.

21. Subject to the outcome of this consultation and Parliamentary approval, we intend to introduce this fee increase in summer 2023. We intend to review fee levels no later than three years following implementation. This would allow an assessment of the effectiveness and impact of the fees increase to be undertaken and ensure that a reliable and up-to-date evidence base for costs of the planning system is available that also considers the outcome of planning reform measures including greater digitisation of the planning system.

22. We also intend to introduce a new fee structure for the variation of planning permissions to take account of the proposed new route to make minor variations to permissions in the Levelling Up and Regeneration Bill once the provisions come into force. We will consult separately on the detail of this measure following the passage of the Bill.

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

Yes/no/don't know. Please give your reasons.

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

Yes/no/don't know. Please give your reasons.

Question 3. Do you agree that fees for all other planning applications should be increased by 25%? If not, please include in the comments box the particular application types where you believe the proposed increase is too high or too low. Your comments should be accompanied with evidence/costs if possible.

Yes/no/don't know. Please give your reasons.

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?

Yes - please explain / No.

Discretionary and bespoke planning services

23. In addition to statutory planning application fees, local planning authorities have the ability to charge for bespoke or additional services above the level or standard that the local planning authority has a duty to provide, so long as these charges do not exceed the cost of providing the service. These services can include pre-application advice, Planning Performance Agreement and premium or 'fast track' planning application services. Such services are encouraged where it adds value and speed to the overall process and the experience of the applicant.

24. We want to retain the flexibility that local planning authorities have to set their own fees for pre-application advice, Planning Performance Agreements and other bespoke services. We want local planning authorities to be more transparent in the discretionary fees that they charge and the service that applicants can expect in return. We are interested in expanding options around planning fees if these would facilitate a more expedited service.

25. We would like to hear of your experience of bespoke or 'fast track' services for which an additional fee is or could be charged and how this has assisted in supporting faster decision-making, or any other suggestions on how local planning authorities could deliver a more efficient planning application service for an additional fee.

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?

Indexation

26. Planning fees have not kept up with inflation. Increases have been made at irregular intervals, with the last increase in January 2018. Prior to that, planning fees had not increased since November 2012. Increasing fees in this ad hoc way does not provide financial sustainability for local planning authorities.

27. In order that the fee level does not fall behind again, and to help local planning authorities better manage their costs, we propose to introduce legislation when parliamentary time allows for all planning fees to be adjusted annually in line with inflation. An indexation mechanism calculated on the basis of the 12-month Consumer Price Index rate is currently used to increase fees in the Nationally Significant Infrastructure Planning regime. Subject to the views expressed through this consultation we will consider further the most appropriate inflation measure to use.

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

Yes/no/don't know. Please give your reasons.

Ringfencing of additional fee income

28. The purpose of planning application fees is to enable a local planning authority to perform the statutory function of processing planning applications. However, we recognise that planning budgets are not ringfenced which means that planning fees often can be diverted as part of a wider corporate budget priorities to support other council services. This can limit the benefit of any increase in planning fees.

29. To ensure that the proposed additional fee income directly supports increased resourcing of local authority planning departments, it is sometimes suggested that planning fees should be ringfenced to planning services only. This would enable direct improvements in service delivery but does undermine the general flexibility afforded to local authorities on their wider financial management. We are seeking views on whether the additional income arising from the proposed fee increase (35% for major applications, 25% for all other applications) should be ringfenced for spending within the local authority planning department. Past increases have required a written commitment from all local planning authorities in advance of implementation.

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?

Yes/no/don't know. Please give your reasons.

Fees for retrospective applications

30. Where someone has deliberately or inadvertently carried out development without first obtaining the necessary planning permission, they are able to submit a retrospective planning application. At present, the fee for such an application is the same as it would have been if the application had been submitted before the development had taken place.

31. However, local planning authorities may incur additional costs in respect of these types of application. This is because in many cases they are likely to have started down the route of investigating the suspected breach of planning control and considering the need for enforcement action.

32. Where a local planning authority serves an enforcement notice in respect of unauthorised development a fee is charged if the notice is subsequently appealed on the ground that planning permission ought to be granted (known as a ground a) appeal). The fee is currently double that which would apply for a corresponding planning application. We therefore propose to double the fee payable for retrospective applications. This should discourage unauthorised development and would reflect the additional work carried out by local planning authorities in respect of such applications. It would also bring the fee for retrospective planning

applications into line with the fee charged where there is a ground a) appeal against an enforcement notice.

33. It is recognised that the retrospective planning application process is there to give those who have made a genuine mistake the opportunity to rectify the situation. This is often in relation to householder development, where the householder can take immediate action to regularise development that has occurred. For this reason, it is proposed that householders do not have to pay double the fee where the application relates to householder development, but would still be expected to pay the standard planning application fee.

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?

Yes/no/don't know. Please give your reasons.

Removal of the 'free-go' for repeat applications

34. Currently where applicants reapply within 12 months of submitting an application, subject to certain conditions, they can do so without paying a fee. In some cases, the existence of the 'free-go' is a useful quality driver as there is a greater incentive for the applicant to act on the authority's advice and resubmit an improved application. However, there remain instances where a free-go is used as a substitute for pre-application discussions, as a first attempt to get an application through with limited information or as an attempt to test lower quality or larger proposals. This is a growing cost burden for local planning authorities who still incur costs for processing revised applications but receive no fee.

35. In order to encourage applicants to engage in pre-application discussions and support the submission of high-quality applications first time round, we are considering whether there would be any scope for increasing cost-recovery in this area by a partial or full removal of the 'free go' for repeat applications. We would have to balance carefully the costs and benefits of the free-go to applicants and local planning authorities as well as consider any potential adverse consequences, for example an increase in the number of applications that might go to appeal. Options that we may explore include charging the full fee for all applications, regardless of when they are submitted, or charging a reduced fee for re-applications within 12 months.

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

Please give your reasons.

Introduction of a prior approval fee for the permitted development right allowing development by the Crown on a closed defence site

36. In December 2021 the government introduced [a new permitted development right \(https://www.legislation.gov.uk/uksi/2021/1464/contents/made\)](https://www.legislation.gov.uk/uksi/2021/1464/contents/made) allowing development by the Crown on a closed defence site under Class TA of Part 19 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The right allows the Ministry of Defence (MOD) to both extend and alter existing buildings and erect new buildings within the perimeter of a site, subject to certain limitations and conditions.

37. Under the following circumstances the applicant must apply to the local planning authority as to whether prior approval is required:

a. in regard to siting and scale where the total footprint of buildings added to the site (via extension or erection) exceeds, or would as a result of the proposed development exceed, 4,000 square metres,

b. in regard to external appearance where the development height is above 10 metres, visible from a highway and where the new erection or extension for single living accommodation will be higher than the highest existing single living accommodation on the site, or for a non-residential building which will be higher than the highest existing non-residential building on the site,

c. there may be cases where both circumstances apply (under a and b) and prior approval is then required in relation to siting, scale and external appearance.

38. We consider that a single fee of £96 (or £120 if the proposed fee increase comes forward) should be introduced where any of the above circumstances apply. This fee reflects the cost incurred by local planning authorities to determine a prior approval application and would be consistent with other prior approval application fees.

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

Yes/no/don't know

Local planning authority capacity and capability

Increasing resources in the planning system - Supporting the resilience, capacity and capability of local planning authorities

39. Our proposals to increase planning fees will help local planning authorities to meet their costs and provide a better service for applicants. However, as noted by many bodies representing the planning profession such as the [RTPI](https://www.rtpi.org.uk/policy/2019/november/resourcing-public-planning/) (<https://www.rtpi.org.uk/policy/2019/november/resourcing-public-planning/>), increasing fees by the proposed amount or in isolation is not enough to address the capacity and capability challenges faced by local planning authorities.

40. In a [survey of local planning authorities in 2021](https://www.planningresource.co.uk/article/1720094/planning-town-hall-resources-survey) (<https://www.planningresource.co.uk/article/1720094/planning-town-hall-resources-survey>) by Planning Resource with the Planning Officers Society (POS) and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT), more than half of respondents identified difficulties in recruiting principal planners. In addition, the survey identified a significant shortfall in specialist skills particularly in viability, digital, design, conservation and heritage, climate change and ecology.

41. As part of the work to address future intake of planners, we also need to consider how we can create a more diverse and inclusive planning profession. The [RTPI's 2019 report](https://www.rtpi.org.uk/research/2019/june/the-uk-planning-profession-in-2019/) (<https://www.rtpi.org.uk/research/2019/june/the-uk-planning-profession-in-2019/>) on the size and makeup of the planning profession workforce estimated that around 40% of planners are women. It also estimated that only 3-4% of planners were from ethnic minority backgrounds (compared to 12% in society). We want the planning profession to become more representative of the communities it is seeking to enhance.

42. While there are many dedicated and expert colleagues in local government planning departments, we also recognise that there are significant challenges in recruiting and retaining planning professionals and other technical experts with the right skills and experience most acutely at senior and principal planner level. As a result, many local planning authorities are looking at alternative ways of working, such as through shared service models or external consultants, or to retain and grow expertise in-house through planning apprenticeship or graduate training programmes. In addition, many local authorities do not have a recognised chief planner who can promote planning at a senior strategic level.

43. We want to support and work with local planning authorities to make sure that planners and the planning system are valued, and that there is a culture of proactive delivery, pride in performance and a clear understanding of high-quality customer service; as well as being ready to adapt to the new measures and ways of working methods proposed in the Levelling Up and Regeneration Bill.

44. We must also promote a broader understanding of the value of planning in supporting the country in its Levelling Up ambitions as a positive driver of sustainable economic growth and the development and building of homes and places that communities can be proud of.

45. We have created a cross-sector working group with representatives from local government, the private sector and professional bodies to design and deliver a programme of support to build capacity and capability strategy across local planning authorities. This programme will seek to provide the direct support that is needed now, deliver upskilling opportunities and further develop the future pipeline into the profession in order to continually improve the quality of service delivered and resilience of local planning authorities.

46. To support the development of our planning capacity and capability strategy and programme we would like to hear your views and experience of the specific challenges in recruiting and retaining planning professionals with the right skills and experience and the best ways in which government, working with professional bodies, can boost the capacity and capability of local planning authorities. It is our intention to carry out numerical research in the coming months to support this important strand of work, but in the meantime we would welcome any data and insight that you would like to provide.

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

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.

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

Local planning authority performance

Improving the performance of local planning authorities - Our ambition for a high-quality planning service.

47. Increasing planning fees will bring additional resources to planning services and should bring with it continued improvements to the performance of local

planning authorities. Many reports by industry representatives such as the [Home Builders Federation](https://www.hbf.co.uk/news/state-play-challenges-and-opportunities-facing-sme-home-builders/) and the [Federation of Master Builders](https://www.fmb.org.uk/resource/house-builders-survey-2020.html), as well as feedback from past consultations, suggest that the time taken to get a planning application decided consistently takes much longer than the statutory period.

48. As we propose to introduce measures to increase fee income relating to planning services specifically, we want to amend the existing metrics that measure performance of local planning authorities for speed of decision-making so that local planning authorities are primarily held to account for the number of applications that are determined within the statutory determination periods rather than through an extension of time agreement. We also propose to tighten the Planning Guarantee period for non-major applications.

49. Extension of time agreements are useful in exceptional circumstances to allow additional time for unforeseen issues to be resolved to the benefit of all parties. However, the reasons should be legitimate. Currently, extension of time agreements do not count against a local planning authority's performance figures for speed of decision-making and therefore can mask instances where local planning authorities are not determining applications within the required statutory periods.

50. We understand that the existing metrics and the use of extension of time agreements do not adequately reflect performance of planning departments or the experience of customers. Asking local planning authorities to account for performance on a wider range of metrics would aim to encourage improvements to the overall quality of the service being provided. It would also allow us to identify authorities that are most in need of additional targeted support to ensure improvement where necessary.

51. It is proposed that a broadened planning performance framework would continue to focus on development management activity only and would exist alongside other performance monitoring regimes, for example in relation to local plan progress.

52. Subject to the responses received to this consultation we will consider further the specific performance thresholds for each metric, appropriate assessment periods, the process for data collection and transitional arrangements from the current performance regime. We will consult on these details, as we further develop the planning performance framework following the comments received through this consultation.

53. We recognise that local authorities need time and resources to adjust to any new planning performance framework, and that sufficient advance notice will need to be given before any relevant assessment period is applied. It is not our intention to introduce a new planning performance framework until such time as we have introduced an increase in planning fees and invested in supporting the capacity and capability of planning departments. The timescales for introducing any new

planning performance framework will be considered further following the comments received through this consultation.

Proposals

Tightening the Planning Guarantee

54. The Planning Guarantee allows for an applicant to secure a refund of the planning fee where a planning decision has not been made within 26 weeks of submitting a valid application if an extension of time has not been agreed with an applicant.

55. We recognise that there are applications where there are good reasons why an extension to the statutory determination period may be required. As such we would retain existing exemptions from the Planning Guarantee. However, it is proposed to introduce new metrics that more closely monitor local authority performance against statutory determination periods, as well as those including extension of time agreements, in order to drive improved performance.

56. Given that there are differences in the statutory timeframes for deciding planning applications, we propose that the Planning Guarantee should better reflect these differences. Therefore, we propose that where the statutory determination period is 8 weeks the Planning Guarantee should be set at 16 weeks and where the statutory determination period is 13 weeks (or 16 weeks for Environmental Impact Assessment developments) the Planning Guarantee should be retained at 26 weeks.

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?

Yes/no/don't know. Please give your reasons.

Extension of time agreements and Planning Performance Agreements

57. Extension of time agreements and Planning Performance Agreements can serve a valid purpose to support constructive negotiations between the local planning authority and an applicant. However, they are also sometimes used in a way that masks poor performance by a local planning authority. We propose that the performance of a local planning authority for speed of decision making should be primarily assessed on the percentage of applications that are determined within the statutory determination period, not an agreed extended period of time. We also believe that the performance of local planning authorities for speed of decision-making should be assessed separately for the following application types:

- Major applications (10 or more new dwellings, or site area of 0.5 hectares or more and the number of dwellings is unknown; provision of a non-residential building or buildings where the floor space created by the development is 1000sqm or more; development on a site with an area of 1 hectare or more)
- Non-Major applications (excluding householder applications) (anything smaller than the criteria for major development, including residential development of between 1 and 9 new dwellings on a site with an area less than 1 hectare, or site area is less than 0.5 hectares and the number of dwellings is unknown; non-residential development where the floor space created is less than 1000sqm or where the site area is less than 1 hectare; or other types of non-major development such as change of use)
- Householder applications (development within the curtilage of a dwelling house which requires an application for planning permission and is not a change of use)
- Discharge of conditions
- County matters (minerals and waste) applications

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?

Yes/no/don't know. Please give your reasons.

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

- (a) Major applications - Yes / no / don't know**
- (b) Non-Major applications (excluding householder applications) - Yes / no / don't know**
- (c) Householder applications - Yes / no / don't know**
- (d) Discharge of conditions - Yes / no / don't know**
- (e) County matters applications - Yes / no / don't know.**

Please give your reasons. If no, please indicate which application types should be and should not be assessed and give your reasons for this.

Broadening the planning performance framework

58. When considering a local planning authority's performance, we believe it would better to base our assessment on a wider range of metrics beyond just the speed and quality of decision-making. This would provide a more comprehensive and balanced picture of the planning service being provided. The following table lists

possible quantitative metrics that could be used in a broader performance framework in addition to the proposed revised speed of decision-making metric set out above. We are seeking views on the suitability of these individual metrics.

Metric	Measurement
A. Average Speed of decision-making	<ol style="list-style-type: none"> 1. Average time taken to determine majors (inc. Extension of Time (EoT) and Planning Performance Agreements (PPAs)) 2. Average time taken to determine non-majors (inc. EoT and PPAs) 3. Average time taken to determine householders (inc. EoT and PPAs) 4. Average time taken to determine discharge of conditions (inc. EoT and PPAs) 5. Average time taken to determine county matters (inc. EoT and PPAs)
B. Quality of decision-making	<ol style="list-style-type: none"> 1. Major appeals allowed by Planning Inspectorate as percentage of all appeal decisions. 2. Non-major appeals allowed by Planning Inspectorate as percentage of all appeal decisions. 3. Householder appeals allowed by the Planning Inspectorate as percentage of all appeal decisions
C. Extension of Times	<ol style="list-style-type: none"> 1. Total number of EoTs as percentage of all decisions majors 2. Total number of EoTs as percentage of all decisions non-majors 3. Total number of EoTs as percentage of all decisions householders
D. Backlog	<ol style="list-style-type: none"> 1. Average time taken to validate planning applications 2. Total number of cases beyond the Planning Guarantee period (currently 26 weeks for all applications but proposed to change to 16 weeks for non-major applications)
E. Planning Enforcement	<ol style="list-style-type: none"> 1. Average number of weeks taken to respond to suspected breaches of planning and determine the appropriate course of action. 2. Average number of weeks to take action where a breach of planning has occurred, having decided it is expedient to do so. 3. Total number of cases over 6 months old as percentage of all open cases.
F. Planning Committee	<ol style="list-style-type: none"> 1. Percentage of delegated decisions and committee decisions

Metric	Measurement
	2. Percentage of committee decisions to refuse against officer recommendation that are subsequently allowed at appeal

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

Yes/no/don't know. Please give your reasons and, if appropriate, state the metric letter(s) and number(s) that you believe should not be included.

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

Yes / no / don't know. Please indicate what additional quantitative metrics you consider should be included.

Measuring customer experience

59. In order to provide a more holistic picture of a local planning authority's performance, we are considering whether to include a qualitative measure as part of any new planning performance framework through a 'customer experience' metric. This could allow for satisfaction of recent users of an authority's planning service to be captured. A 'customer experience' measure could be based on a standardised customer satisfaction survey which focuses on the overall quality and timeliness of both the pre-application service and the decision-making service. It could also be used as a measure for community engagement, including the volume and diversity of people who participate in the planning application process.

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

Yes/no/don't know. Please give your reasons.

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

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

improved?

Public Sector Equality Duty

60. The objective of the proposals covered in this consultation is to increase planning application fees to support the service improvement of local planning authorities, for the benefit of all people. We would like to hear about any potential impacts of these new proposals on businesses, or of any differential impacts on persons with a relevant protected characteristic as defined by the Equalities Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding the final policy approach in due course.

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?

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Levelling Up, Housing and Communities will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the consultation principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure) (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

Data Protection Officer
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this

data for any other purpose.

Sensitive types of personal data

Please do not share special category personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

DLUHC may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:

dataprotection@levellingup.gov.uk or

Knowledge and Information Access Team
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for two years before it is deleted.

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