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

Thank you for the opportunity to respond to the consultation on the stronger performance of local planning authorities supported through an increase in planning fees.

London Borough of Haringey

Haringey's Planning Service has been on a journey of continuous improvement from being designated as one of the worst performing in 2013 to one of the best in terms of Development Management and Planning Enforcement culminating in being Highly Commended in the category of Planning Team of the Year at the Planning Awards in 2018 and a Local Government Chronicle awards finalist in 2020. However maintaining this level of performance has been a challenge as statutory planning income has not increased whilst costs, funding challenges and performance measures have.

Additional fee income and ringfencing

Despite significantly increasing discretionary income the service's budget is under severe pressure and this inevitably affects our ability to rapidly deliver high quality development that is appropriate for Haringey. As such the recognition of the need to increase and ring fence planning funding is welcome to allow Haringey to continue to invest in our service, ensure continued engagement with communities and deliver transformative development.

Whilst the increases proposed are welcome they do not go far enough and fee increases should provide full cost recovery including the costs of delivering Local Plans and other planning policy statutory responsibilities.

Furthermore implementing the level of change expected in the Levelling Up and Regeneration Bill and emerging new National Planning Policy Framework (NPPF) will require significant additional resource to implement new initiatives such as assessing the track record of delivery of developers.

Discretionary and bespoke planning services

Haringey has maximised discretionary services to raise income and already provides fast track services for simple applications and through Planning Performance Agreements (PPAs) to allow developments to be determined within desired timescales.

Local planning authority capacity and capability

Recruiting and retaining staff can be a challenge so Haringey has consistently sought out graduates to increase staffing numbers and achieve good value for money. There are a surprising number of capable people with planning degrees who have been unable to enter the profession and more needs to be done centrally to attract graduates into LPA roles. This will in turn increase the diversity of people in planning roles.

Further resources are needed to allow Planning Teams to increase skills in community engagement, sustainability, design and ecology ahead of biodiversity net gain.

Local planning authority performance

There is already too great a focus on quantitative measures and not enough focus on the quality of outcomes for customers and residents. Haringey's current planning application feedback survey provides a template for a national feedback survey.

As one of the top performing enforcement teams in the country Haringey would welcome a greater focus on planning enforcement performance which will highlight the quality of work carried out by this team.

Conclusion

Whilst it is positive that resource and capability challenges have been recognised and steps taken to address this, they do not go far enough and there must be a greater focus on the quality of outcomes for customers and on the ground.

With greater central support Haringey could lead on increasing the number of people entering the profession as well as the diversity of the planning profession.

The Council broadly welcomes the suite of proposals put forward by the Government, subject to the caveats listed.

Please find the Council's responses to the individual questions on the following pages.

Should you require further information or clarification. Please contact Robbie McNaugher Head of Development Management and Planning Enforcement.

Yours faithfully



Cllr Dana Carlin
Cabinet Member for Housing Services, Private Renters and Planning

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

Yes. However Haringey would like to see further increases to achieve full cost recovery for Development Management Planning Enforcement and Local Plan preparation.

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

Yes. However Haringey would like to see further increases to achieve full cost recovery for Development Management Planning Enforcement and Local Plan preparation.

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. However Haringey would like to see further increases to achieve full cost recovery for Development Management Planning Enforcement and Local Plan preparation.

We note that DLUHC intends 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 which is welcome.

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, for works to trees in Conservation Areas, works to Tree Preservation Order (TPO) Trees and Listed Building Consents, a fee should be payable for each condition discharge submission rather than paid per batch of conditions. Requests for amendments to S106 agreements can be costly and do not attract a fee. There should be provision to charge for changes made that require re-consultation to encourage proactive engagement and costs recovery.

Discretionary and bespoke planning services

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?

Haringey has been providing fast-track services for a number of years generating several thousand pounds of additional income each year. We charge £500 for a decision within 2 weeks for certificates of lawfulness for proposed development and the same for a householder planning application within 6 weeks. We have just introduced the same service for prior approval for larger household extensions.

We also have used PPAs to provide faster decisions on major, minor and approval of detail applications. The response from customers have been very positive and it has allowed the team to work proactively with applicants to meet their timescales for a decision, whilst not prejudicing that decision.

Indexation

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

Yes

Ringfencing of additional fee income

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, with expectations of greater performance, fees must be ringfenced.

Fees for retrospective applications

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 this is appropriate for non-householder applications. It may make it more difficult to resolve enforcement complaints where a retrospective application would resolve a breach of permission. A strengthening in the appeal costs regime to indicate that where an applicant has chosen to appeal a notice rather than submit a retrospective application and the appeal is dismissed they are liable for costs and the retrospective fee would avoid this unintended consequence.

Removal of the 'free-go' for repeat applications

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

Whilst there is a risk this will increase refusal rates and it will become more efficient to refuse applications, with appropriate qualitative performance measures in place such as measuring the % of refusals for LPAs this unintended consequence should be avoided.

This will encourage applicants to undertake pre-application engagement and front-load discussions on applications. The current free-go provisions

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

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?

No comment

Local planning authority capacity and capability

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

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

Community engagement, sustainability, design, transport, landscape design and ecology / biodiversity net gain.

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?

A centralised work experience and graduate placement programme in conjunction with the private sector. With funding support and a standardised training programme this would reduce the burden on LPAs while opening pathways in planning. Too many private sector planners have no experience of the realities and politics of local government it would be mutually beneficial for LPAs to provide graduate placement for future planners across all sectors. The current National Graduate Development Programme scheme provides a template for this.

Haringey has provided a large number of placements and graduate roles. These have largely been placed through word of mouth or contact with Universities and found a surprising number of graduates drifting away from the profession due to lack of opportunities. Taking on these new recruits has been beneficial by bringing in new voices to the team but it can be time consuming to embed basic training.

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

Outreach to local schools and universities. Haringey is a diverse borough and is proud of the diversity of the area. There is a shocking number of students with an interest in the built and natural environment who are not aware of the planning profession. LPA resources are scarce so there needs to be a funding incentive and further support from professional bodies for LPAs to engage with local schools that target those studying geography or interested in climate change.

Local planning authority performance

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

Tightening the Planning Guarantee

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?

No, the planning guarantee is drain on LPA resources with applicants able to seek a refund of their fee even when a positive decision has been reached following discussion and amendments, reducing this time will encourage negative decisions on applications.

The regulations also require further improvement to clarify the position if an Extension of Time (EOT) is agreed but a decision not made within this time and a period after which the fee cannot be refunded to allow LPAs to control their budget.

Extension of time agreements and Planning Performance Agreements

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?

No unless a 'stop the clock' provision is put in place to allow for amendments and negotiation with applicants to turn unacceptable proposals into acceptable proposals. LPAs with the highest performance figures often have higher refusal rates. So removing EOTs will lead to a greater number of refusals, delaying housing development.

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

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

Yes, these assessments seem fair.

Broadening the planning performance framework

Metric Measurement

A. Average Speed of decision-making

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

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

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

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

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

1. Percentage of delegated decisions and committee decisions
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. Average determination periods, total number of EOTs and time take to validate applications.

Whilst Haringey already measures average decision times to assess our own performance, these figures can be skewed by a small number of outlying decisions where often the applicant can be slow to respond. To avoid such outliers LPAs will be encouraged to refuse such applications where the applicant is not engaging. Completing S106 on Major applications can take a prolonged period of time through no fault of the LPA.

Extensions of time enable amendments to be sought and avoid refusals on unacceptable applications so measuring the use of EOTs will be unfair on proactive LPAs. Using the number of EOTs as measure of performance would only be appropriate if the reason is also recorded.

Unless a 'stop the clock' procedure is put in place as suggested above these figures can be an unfair assessment of LPAs' performance particularly where they seek to work to find solutions and resolve outstanding issues for positive outcomes.

Haringey's approach to validation is to combine this with an initial review of the proposal by a planning officer which results in longer periods for validation but still achieves statutory deadlines. Measuring validation times would be an unfair assessment of Haringey performance.

Haringey already measures planning enforcement performance so would support the introduction of such measures to highlight our good performance. However measure E3 can be outside of LPAs' control if a remedy has been sought or a notice served so must include a measure of whether formal action has been taken or an appeal submitted.

Haringey has an appropriate level of delegated decisions so would support such measures to indicate the efficiency of our service relative to others in the country.

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

No, there are already too many quantitative metrics when there should be a great focus on qualitative outcomes which measure customer experience and delivery on the ground.

If the 'free go' is removed rates of refusal should be measured.

Measuring customer experience

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

Yes. Striving to meet targets can negatively impact on customer service. LPAs with the highest performance figures often have higher refusal rates. Haringey's focus is on a positive customer experience which also provides high quantitative and qualitative performance levels and is more efficient by avoiding refusals and customer complaints whilst ensuring high quality development through early engagement. This is the model for how to ensure stronger performance from LPAs and should be better reflected in performance measures.

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

A standardised customer experience questionnaire would provide for a fair comparison of LPA customer experience across the country. Haringey has 7 questions it asks which could be a template for such a national questionnaire.

1. How quickly did the planning officer make contact with you to discuss your application?

Very quickly

Quickly

Neither quickly nor slowly

Slowly

Officer did not make contact

2. Please let us know how much you agree or disagree with the following statements:

I felt well informed about how my application would be dealt with

I received clear advice about the reasons for the decision or recommendation on my application

My application was dealt with promptly

3. If you answered disagree or disagree strongly to Q2 please can you explain why?

4. Putting aside the outcome, how satisfied are you overall with how we dealt with your application?

5. If you answered dissatisfied or very dissatisfied to Q4 please can you explain why?

6. What is the reference number of your planning application? If you prefer you do not have to answer this question but it will be very helpful to us in improving the service if you do

7. Finally, do you have any comments about the service or ideas about we can improve it?

However it is key that customer experience looks at end to end processes from when the applicant first submits a valid planning application to when they receive a decision for their development whether that be the first, second or third planning application and when all pre-commencement conditions are discharged. If the standard planning application form could record links between applications and record this information it would give a better picture of how customer friendly LPAs' planning processes are.

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

There is a range of good practice taking place in local authorities to use technology to reach a wider audience but there needs to be a great sharing of resources to make best practice standard practice.

Haringey has recently won a RTPI Award for Planning Excellence 2022 for its Local Plan Engagement with the judges noting the ability to roll out this approach across the country to improve the diversity of responses.

Haringey has also created a bespoke notification system within our website to notify neighbours of planning applications within their area.

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.

No, fee exemptions would still apply to people seeking to modify their home to meet their accessibility needs.