Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

Rydym yn croesawu gohebiaeth yn Gymraeg. Rhowch wybod i ni os mai Cymraeg yw eich dewis iaith.
We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.

Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate
Deialu uniongyrchol / Direct line /: 01656 643148 / 643694 / 643513
Gofynnwch am / Ask for: Gwasanaethau Democrataidd

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: Dydd Iau, 16 Ionawr 2025

Annwyl Cynghorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli Hybrid yn Siambr y Cyngor - Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr, CF31 4WB / O Bell Trwu Timau Microsoft ar **Dydd Iau, 23 Ionawr 2025** am **10:00**.

AGENDA

1 Ymddiheuriadau am absenoldeb

Derbyn ymddiheuriadau am absenoldeb gan Aelodau.

2 Datganiadau o fuddiant

Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deuol o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.

3 Ymweliadau Safle

I gadarnhau dyddiad dydd Mercher 05/03/2025 ar gyfer archwiliadau safle arfaethedig sy'n codi yn y cyfarfod, neu nodi cyn cyfarfod nesaf y Pwyllgor gan y Cadeirydd.

4 Cymeradwyaeth Cofnodion

5 - 10

I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 12/12/2024

5 Taflen Gwelliant

Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.

6 Canllawiau Pwyllgor Datblygiad a Rheoli

11 - 14

7 P/23/218/FUL & P/24/788/HAZ - Tir ym Mrynmenyn a Bryncethin, Pen-y-bont ar Ogwr

15 - 16

8 Ymateb CBSP (ACLl) i Ymgynghoriad LlC ar Hyrwyddo Gwasanaeth Cynllunio Gwydn a Pherfformiad Uchel

17 - 86

9 Rhestr Hyfforddiant

87 - 88

10 Materion Brys

I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Nodyn: Bydd hwn yn gyfarfod Hybrid a bydd Aelodau a Swyddogion mynychu trwy Siambr y Cyngor, Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr / o bell Trwy Timau Microsoft. Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643148 / 643694 / 643513 / 643159

Yn ddiffuant
K Watson
Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

Dosbarthiad:

Cynghorwr:
A R Berrow
RJ Collins
C L C Davies
S Easterbrook
RM Granville
H Griffiths
S J Griffiths
D T Harrison
M L Hughes
D M Hughes
M R John

MJ Kearn
W J Kendall
J Llewellyn-Hopkins
J E Pratt
R J Smith
A Wathan
R Williams

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COFNOD O BENDERFYNIAD CYFARFOD O'R PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB AR DYDD IAU, 12 RHAGFYR 2024 10:00

Presennol

Y Cynghorydd RM Granville – Cadeirydd

A R Berrow	RJ Collins	M L Hughes

Presennol – O Bell

S Easterbrook	S J Griffiths	D M Hughes	M R John
W J Kendall	J Llewellyn-Hopkins	J E Pratt	R J Smith
R Williams			

Swyddogion:

Dion Douglas	Pen Swyddog Cynllunio
Craig Flower	Arweinydd Tim Cymorth Thechnegol
Robert Morgan	Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Jonathan Parsons	Rheolwr Grŵp Datblygu
Michael Pitman	Swyddog Gwasanaethau Democrataidd – Pwyllgorau
Oscar Roberts	Prentis Gweinyddol Busnes - Gwasanaethau Democrataidd
Philip Thomas	Prif Swyddog Cynllunio
Leigh Tuck	Swyddog Rheoli Datblygu Trafnidiaeth

72. Ymddiheuriadau am absenoldeb

Y penderfyniad a wnaed	Derbyniwyd ymddiheuriadau am absenoldeb gan yr aelodau canlynol:-

	Y Cynghorydd C Davies Y Cynghorydd H Griffiths Y Cynghorydd D Harrison Y Cynghorydd M Kearn Y Cynghorydd A Wathan
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

73. Datganiadau o fuddiant

Y penderfyniad a wnaed	Nid oedd datganiadau o fuddiannau
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

74. Ymweliadau Safle

Y penderfyniad a wnaed	PENDERFYNWYD: Cadarnhau Dydd Mercher, 22/01/25, ar gyfer yr arolygiadau safle arfaethedig fyddai'n codi yn y cyfarfod, neu fyddai'n cael eu nodi gan y Cadeirydd cyn cyfarfod nesaf y pwyllgor
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

75. Cymeradwyaeth Cofnodion

Y penderfyniad a wnaed	PENDERFYNWYD: Cymeradwyo cofnodion cyfarfod y Pwyllgor Rheoli Datblygu, dyddiedig 31 Hydref 2024, fel cofnod gwir a chywir.
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

76. Siaradwyr Cyhoeddus

Y penderfyniad a wnaed	Siaradodd y siaradwyr cyhoeddus canlynol ar y cais cynllunio a grybwyllir isod:- P/24/513/FUL – B Margereson, gwrthwynebydd – cyflwyniad ysgrifenedig (a ddarllenwyd i'r aelodau) a T

	Mchatton, ymgeisydd (yn bersonol).
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

77. Taflen Gwelliant

Y penderfyniad a wnaed	PENDERFYNWYD: Bod y Cadeirydd yn derbyn Taflen Newidiadau'r Pwyllgor Rheoli Datblygu fel eitem frys yn unol â Rhan 4 (paragraff 4) o Reolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried y diwygiadau angenrheidiol i Adroddiad y Pwyllgor, er mwyn cymryd i ystyriaeth sylwadau hwyr a diwygiadau yr oedd angen eu cynnwys.
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

78. Canllawiau Pwyllgor Datblygiad a Rheoli

Y penderfyniad a wnaed	PENDERFYNWYD: Nodi adroddiad Cyfarwyddwr Corfforaethol – y Cymunedau yn amlinellu arweiniad i'r Aelodau ar faterion Rheoli Datblygu a Chynllunio.
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

79. P/24/45/FUL - Gwesty'r Elderbush, 57 Stryd Fawr, Nantyffylon, CF34 0BS

Y penderfyniad a wnaed	PENDERFYNWYD: (1) O ystyried yr adroddiad, bod yr Ymgeisydd yn ymrwymo i Gytundeb Adran 106 i ddarparu cyfraniad ariannol o £3,000 i hwyluso'r gwelliannau sydd eu hangen megis lloches bws newydd ar y Stryd Fawr, yn unol â chyfarwyddyd Swyddog Trafnidiaeth Gyhoeddus yr Awdurdod Priffyrdd. Y Cynnig: Trosi'r dafarn bresennol yn Dŷ Amlfeddiannaeth 12 ystafell wely (HMO) (2) Rhoi pwerau dirprwyedig i Gyfarwyddwr Corfforaethol y Cymunedau i gyhoeddi hysbysiad o benderfyniad yn rhoi caniatâd amodol mewn perthynas â'r Cynnig hwn, unwaith y bydd yr Ymgeisydd wedi ymrwymo i'r Cytundeb Adran 106 a grybwyllwyd eisoes, yn amodol ar yr Amodau a

	gynhwysir yn ei adroddiad.
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

80. P/24/369/FUL - 26 Ton Rhosyn, Bracla, CF31 2HU

Y penderfyniad a wnaed	PENDERFYNWYD: Caniatáu'r cais uchod yn amodol ar yr Amodau oedd wedi eu cynnwys yn adroddiad Cyfarwyddwr Corfforaethol y Cymunedau:- Y Cynnig: Newid defnydd o Ddosbarth Defnydd C3 (tŷ annedd) i Ddosbarth Defnydd C2 i ddarparu cartref gofal i un plentyn
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

81. P/24/513/FUL - 88 Heol Coety, Pen-y-bont ar Ogwr, CF31 1LT

Y penderfyniad a wnaed	PENDERFYNWYD: Caniatáu'r cais uchod yn amodol ar yr Amodau oedd wedi eu cynnwys yn adroddiad Cyfarwyddwr Corfforaethol y Cymunedau:- Y Cynnig: Newid defnydd o Ddosbarth Defnydd C3 i Ddosbarth Defnydd C4 (tŷ chwe llofft Amlfeddiannaeth (HMO))
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

82. Apeliadau

Y penderfyniad a wnaed	PENDERFYNWYD: (1) Nodi'r Apeliadau a ddaeth i law ers y Pwyllgor Rheoli Datblygu diwethaf , fel y cawsant eu dangos yn adroddiad Cyfarwyddwr Corfforaethol y Cymunedau (2) Bod yr Arolygydd a benodwyd gan Weinidogion Cymru i benderfynu ar yr apêl a ganlyn, wedi

	cyfarwyddo ei CHANIATÁU gydag amodau (Atodiad A yr adroddiad yn cyfeirio) Rhif yr Apêl 2009 – P/23/50/RLX – Testun yr Apêl – Tynnu Amod 3 (Gorffen y Dormerau) P/23/540/FUL: 22 Heol Glynstell Porthcawl. (3) Bod yr Arolygydd a benodwyd gan Weinidogion Cymru i benderfynu ar yr apêl a ganlyn, wedi cyfarwyddo ei GWRTHOD (Atodiad B yr adroddiad yn cyfeirio) Rhif yr Apêl 2009 - ENF/164/23/TAC – Testun yr Apêl – Gwrych uchel: 10 Cypress gardens, Porthcawl.
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

83. Rhestr Hyfforddiant

Y penderfyniad a wnaed	PENDERFYNWYD: Nodi adroddiad Cyfarwyddwr Corfforaethol y Cymunedau yn amlinellu'r hyfforddiant oedd i ddod i aelodau.
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

84. Enwebu a Phenodiad i'r Is-bwyllgor Hawliau Tramwy

Y penderfyniad a wnaed	PENDERFYNWYD: Penodi Aelodau canlynol y Pwyllgor Rheoli Datblygu i ffurfio aelodaeth yr Is-bwyllgor Hawliau Tramwy:- Cadeirydd Is-gadeirydd Y Cynghorydd J Pratt Y Cynghorydd A Berrow Y Cynghorydd J Llewellyn-Hopkins Y Cynghorydd R Collins
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

85. Materion Brys

Y penderfyniad a wnaed	Nid oedd eitemau brys
Dyddiad gwneud y penderfyniad	12 Rhagfyr 2024

Terfynwyd y cyfarfod yn 10:55

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

STANDARD CONDITIONS

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

STANDARD NOTES

a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

   In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

   The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

   Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.

c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

   To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- http://www.bridgend.gov.uk/buildingcontrol

d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development

e. Attention is drawn to the provisions of the party wall etc. act 1996

f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.

g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136

h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)

i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):- http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en

j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)

k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk

l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.

m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-

- re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
- increase in the volume of a building;
- increase in the height of a building;
- changes to the site area;
- changes which conflict with a condition;
- additional or repositioned windows / doors / openings within 21m of an existing building;
- changes which alter the nature or description of the development;
- new works or elements not part of the original scheme;
- new works or elements not considered by an environmental statement submitted with the application.

n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.

p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

THE SITE INSPECTION PROTOCOL
The Site Inspection Protocol is as follows:-

Purpose
Fact Finding
Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

Request for a Site Visit
Ward Member request for Site Visit
Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or

2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits cannot be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

Inappropriate Site Visit
Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

Format and Conduct at the Site Visit
Attendance
Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

Officer Advice
The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

Code of Conduct
Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

Record Keeping
A file record will be kept of those attending the site visit.

Site Visit Summary
In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	PEDW	Planning & Environment Decisions Wales
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan
PINS	Planning Inspectorate		

REFERENCE: **P/23/218/FUL & P/24/788/HAZ**

APPLICANT: Marubeni Europower 95 Gresham Street, London, EC2V 7AB

LOCATION: Land at Brynmenyn and Bryncethin, Bridgend

PROPOSAL: Development of a green hydrogen production facility with electrolysers, hydrogen storage, hydrogen refuelling station, admin building, substation and back-up generator; with access, circulation, parking, lighting, 8-metre-high wall, security fencing, hard and soft landscaping, and drainage infrastructure (hydrogen pipeline omitted) on land at Brynmenyn. Together with the installation of a solar photovoltaic electricity generating station (solar farm), comprising ground-mounted solar panels, inverters, transformer units, control and storage building, switch gear and a substation; with access, circulation, parking, lighting, security fencing, hard and soft landscaping, drainage infrastructure and temporary construction compound, on land at Bryncethin. Sites to be connected via an underground electrical wire - Updated Plans and Documents including Noise Assessments, Landscape Visual Assessment Addendum etc.

Application under the Planning (Hazardous Substances) Act 1990 & The Planning (Hazardous Substances) (Wales) Regulations 2015 (Regulation 7) for the storage of Hydrogen at Brynmenyn, Bridgend.

REPORT

Members will recall that at the 19 September 2024 Development Control Committee (**DCC**) meeting it was agreed to hold a special meeting to determine application reference P/23/218/FUL as described above. This was in view of the scale of the development and the level of public objection which would justify Members considering the proposal at a Special DCC meeting in line with the adopted Code of Practice. The meeting was scheduled for the 17 October 2024, however, following representations from the Health & Safety Executive (**HSE**) regarding the corresponding application under the Hazardous Substances Act 1990 (P/24/82/HAZ), the meeting was postponed. Application P/24/82/HAZ has since been withdrawn and a new application for the storage of hydrogen has been submitted under reference P/24/788/HAZ. Both applications are currently being considered by the local planning authority (**LPA**).

It is proposed to hold a Special DCC meeting on **Thursday, 20 February, 2025**, to determine both applications i.e. P/23/218/FUL and P/24/788/HAZ.

The format for the day of the Special DC Committee has been discussed with the Chair and is proposed as follows:

Times	**Actions**
09:30am	Briefing for all DCC members in the Council Chamber
10:00am	Depart Civic Offices - transport to be arranged
10:30am	Site visit at Brynmenyn (Hydrogen Plant Site)
11:30am	Site visit at Bryncethin (Solar Farm Site)
12:30pm	Return to Civic Offices
14:00pm	Meeting of Special Development Control Committee in the Council Chamber

All timings are approximate at this stage and may be subject to change depending on site conditions, weather and transport arrangements etc.

The Chair of the Development Control Committee has recommended that all DCC members

attend the briefing in person and do not travel to the site independently. The briefing will provide members with details of both applications, the format of the site visits and any transport arrangements.

It is also appropriate when considering major applications or proposals that where there is more than a normal level of public interest to extend the time for public speakers to address the Committee. This in order to allow adequate time to cover more complex matters.

In this case a maximum time of 10 minutes each is proposed for no more than three individual objectors. Correspondingly, the Applicant or agent will also be allowed 10 minutes to respond. The relevant Ward Member and Community Council representative will be allowed 5 minutes each in line with advice on Extraordinary Applications contained within the Notes on Procedure for Public Speaking at Development Control Committee Meetings. This will apply to both applications.

Members are also informed that planning application P/23/218/FUL is subject to a 'call in' request and the Welsh Government (**WG**) has issued a *'holding direction'*. In cases where such a direction has been issued the LPA cannot formally approve an application until such time as WG has notified the LPA that the holding direction has been removed. Notwithstanding the holding direction, the LPA may refuse planning consent. WG may also indicate that it requires the application to be determined by the Welsh Minister in which case the determination will not be made by the LPA.

Application P/24/788/HAZ is not subject to a holding direction.

Officers will liaise with the WG and issue a copy of the draft report prior to the Special Development Control Committee meeting, however, if the holding direction is not lifted or WG decide that Welsh Ministers are to determine it, Members will be requested to indicate if they are minded to approve or, in the case that determination rests with the Welsh Ministers, whether they are minded to refuse the proposal.

RECOMMENDATION: Committee is recommended to agree the following:-

(1) That a Special Meeting of the Development Control Committee should be held to consider Applications P/23/218/FUL and P/24/788/HAZ on Thursday the 20th February 2025.

(2) That the format for the day of the Special DC Committee should be as described in this report but subject to any changes which the Chair agrees with the Director of Communities or Group Manager Planning & Development Services.

(3) That speaking rights for Objectors be extended to 10 minutes each for no more than three individuals and that the time for the Applicant to respond shall also be extended to 10 minutes.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS
None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

23 JANUARY 2025

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

BCBC (LPA's) RESPONSE TO WG's CONSULTATION ON PROMOTING A RESILIENT AND HIGH PERFORMING PLANNING SERVICE

1. Purpose of report

1.1 The purpose of this report is to advise Members of the Local Planning Authority's response to the Welsh Government's (**WG**) Consultation on *'Promoting a Resilient and High Performing Planning Service.'* The consultation document is attached as Appendix 1 and the completed response form is attached as Appendix 2.

2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report refers to the implementation of the statutory Town and Country Planning system, which assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.

2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.

3. Background

3.1 The consultation sought views on improving the resilience and performance of planning authorities by:

- Increasing planning application fees (including proposing a pathway to full cost recovery);
- Measuring and monitoring the performance of planning authorities by re-invigorating and reintroducing the Performance Framework;
- Supporting the resilience, capacity and capability of Local Planning Authorities through skills retention, bursaries and apprenticeships; and,
- Improving resilience and resources by Corporate Joint Committees through shared service delivery, planning skills hubs and extending the Local Development Plan Review period.

4. Proposals

4.1 The Welsh Government acknowledges that there is no simple answer to the challenge of resourcing an effective planning service and a determined and collective effort will be required to make a measurable difference and put our planning service on a stronger footing. Proposals involve:

- Moving towards full cost recovery
- National annual fee increases and indexation
- Changes to variable fee thresholds for residential development Householder fee categories
- Retrospective applications
- Reserved matters
- Renewal applications
- Fees for applications where there is currently no charge
- Ringfencing of fee income
- Appeals
- Refinement of the fee regulations – future proposals
- Re-invigorating the Planning Performance Framework
- Changes to targets and indicators
- Extension of time agreements
- Resilience measures
- Skills recruitment and retention – general
- Bursary and apprenticeship schemes
- Improving resilience and resources by Corporate Joint Committees
- Shared service delivery and planning skills hubs
- Supporting the move to Strategic Development Plans – Extending the statutory review period for Local Development Plans

4.2 As the deadline for responses to the consultation expired on 17 January 2025, the Council's comments have been submitted.

4.3 Generally, Officers are in support of the proposed changes. As highlighted in the consultation response form (attached as Appendix 2), the aim is to eventually achieve full cost recovery for the service in order to improve service delivery.

5. Effect upon policy framework and procedure rules

5.1 The statutory Town & Country Planning system requires Local Planning Authorities must determine planning applications in accordance with the relevant statute, regulations and policy.

6. Equality Impact Assessment

6.1 There are no direct implications associated with this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The statutory Town & Country Planning system is aligned in accordance with the seven Wellbeing goals and the five ways of working as identified in the 2015 Act.

8. Financial implications

8.1 None.

9. Recommendation(s)

9.1 That Members note the content of this report and the LPA's response to the WG Consultation (Appendix 2).

Jonathan Parsons
Group Manager Planning & Development Services
23 January 2025

Contact officer: Rhodri Davies
Development & Building Control Manager

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Email: rhodri.davies@bridgend.co.uk

Postal address: Planning & Development Services
Communities Directorate
Civic Offices, Angel Street
Bridgend
CF31 4WB

Background documents:

Appendix 1 – WG Consultation Document - Promoting a Resilient and High Performing Planning Service

Appendix 2 – BCBC's (LPA's) Response to the WG Consultation

Appendix 1

Llywodraeth Cymru
Welsh Government

Number: WG50622

Welsh Government

Consultation Document

Promoting a resilient and high performing planning service

Date of issue: 15 November 2024

Responses by: 17 January 2025

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

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Overview

This consultation seeks views on improving the resilience and performance of planning authorities by:

- Increasing planning application fees (including proposing a pathway to full cost recovery)
- Measuring and monitoring the performance of planning authorities by re-invigorating and reintroducing the Performance Framework
- Supporting the resilience, capacity and capability of Local Planning Authorities through skills retention, bursaries and apprenticeships
- Improving resilience and resources by Corporate Joint Committees through shared service delivery, planning skills hubs and extending the Local Development Plan Review period

How to respond

The closing date for responses is **17 January 2025** and you can respond in the any of the following ways:

Email: Please complete the consultation response form and send it to: planconsultations-a@gov.wales

Please include WG50622 ‘Promoting a resilient and high performing planning service’ – in the subject line

Post: Please complete the consultation response form and send it to:

WG50622 - Promoting a resilient and high performing planning service

Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Email: planconsultations-a@gov.wales

Tel: Candice Coombs on 0300 025 3882
This document is also available in Welsh: hyperlink

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail: dataprotectionofficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: https://ico.org.uk

Table of Contents

CONSULTATION PAPER

Introduction and Overview

1. A resilient and high performing planning service is essential for a successful and inclusive country. It is fundamental to the delivery of national and local priorities providing certainty to business and communities about how places will grow and change. The planning service finds it hard to meet expectations placed upon it due to significant financial and staffing pressures as a result of public sector austerity.

2. The work undertaken by planning professionals is varied. Planners have a wide range of expertise and skills and in collaboration with associated 'built environment professions' provide a major contribution to supporting the delivery of new homes, economic growth, climate change and nature recovery. They ensure that development is well designed and planned for in a comprehensive manner, supported by the necessary infrastructure and ensure that places are created where people want to live and work both now and in the future. Ensuring that Wales has enough Planners, with the right skills in the right areas is fundamental to the delivery of our collective social, economic and environmental ambitions.

3. Evidence published in recent years by Audit Wales, Welsh Local Government Association (WLGA), and the Royal Town Planning Institute (RTPI) provides a snapshot of the health of planning services in Wales and the issues and challenges surrounding planning resources and resilience. Collectively the evidence shows that there has been a significant decline in resources in the planning system and this has impacted on capacity and the ability of local planning authorities (LPAs) to deliver their statutory responsibilities. Since 2008 there have been significant cuts in expenditure with budgets falling by around 50% in real terms considering inflation. Development management budgets have seen the biggest cuts where budgets have been reduced by around 60%. Despite these reductions in funding, authorities continue to subsidise planning services because the charges made by LPAs for administering and approving planning applications does not reflect the cost of providing these services. The situation is anticipated to have deteriorated further since these reports were published. Hereafter, the combination of research reports listed below, and their recommendations will be referred to as "the evidence" within this consultation document.

- The Effectiveness of Local Planning Authorities in Wales (June 2019) – The Effectiveness of Local Planning Authorities in Wales (audit.wales)

- The Big Conversation: The well-being of planning and the impact on the planning system in Wales (January 2023) - big-conversation.pdf (rtpi.org.uk)

- Building Capacity through Collaboration and Change - Making the most efficient and effective use of existing planning resources in Wales - RTPI | Building Capacity through Collaboration and Change

- Building Capacity through Collaboration and Change - Making the most efficient and effective use of existing planning resources in Wales (Update

Report, November 2023) - rtpi-cymru-building-capacity-through-collaboration-and-change-report-november-2023.pdf

- Building Capacity through Collaboration and Change - Making the most efficient and effective use of existing planning resources in Wales (Update Report, March 2024) - rtpi-cymru-building-capacity-through-collaboration-and-change-update-report-march-2024.pdf

4. In addition to budget cuts, the evidence shows that increasing demands on the planning system has meant that the system has been trying to do more with less. Evidence shows there is a skills deficit in important and specialist areas of planning. Planning officer capacity has been stretched through increases to workloads in recent years and this has in some cases impacted wellbeing. Recruitment and retention is a significant challenge across all areas, with many vacancies having to be advertised multiple times. In addition, there are concerns over the impact of the 'age profile' where skilled and experienced planners are reaching retirement age, which is further compounded by a significant reduction of trainees entering the profession. Planning services are at significant risk of service failure and with key projects not being consented in a timely manner.

5. We will be working with RTPI over the coming months to commission new work looking at workface planning with the aim of reporting in 2025. This will provide a detailed picture of the resource and skills situation across the Welsh planning service, which will allow focused targeting of resources.

The Purpose and Scope of this Consultation

6. There is no simple answer to the challenge of resourcing an effective Welsh planning service. The Welsh Government is committed to working with all stakeholders to ensure the planning system is better equipped to deal with current and future challenges. However, the Welsh Government cannot achieve this on its own. A determined and collective effort will be required to make a measurable difference and put our planning service on a stronger footing. We must be bold and creative and not constrained by existing service delivery arrangements.

7. This consultation sets out a range of options which have the potential to improve the resilience and capacity of planning services and is set out in two parts. **Part 1** sets out our proposals to increase the financial resources available to LPAs through increases to planning application fees. This will ensure local planning services are placed on a more sustainable financial footing going forward. In the past, fee increases have been irregular (updated every 4-5 years) and always playing 'catch up' to the detriment of LPAs and their ability to maintain/resource planning services. Our proposals include a pathway to full cost recovery (based on evidence) with most applications achieving full cost recovery within 3-5 years. We are also proposing to increase fees annually, in line with inflation.

8. Whilst applicants tell us they are prepared to pay for improved planning services they require assurance that the improvements will endure. The Government is only prepared to introduce fee increases if planning performance also improves.

Everyone will have a different way of judging performance but ultimately, we all want a system that is timely, efficient and delivers high quality development. **Part 2** of this consultation proposes the re-invigoration of the Planning Performance Framework which will allow for performance to be more effectively monitored. It is now the appropriate time to consider the existing format of annual performance reports (APRs) and the Planning Performance Framework (PPF), and to consider afresh what we should measure and why, and what knowledge/data/targets do we need to capture to measure the performance and resilience of LPAs in the future. This will ensure greater transparency in service delivery and allow earlier and more targeted support where needed.

9. Our fee proposals are intended to cover the cost of delivering an LPA's development management service effectively. The money on its own, however, is not sufficient to meet all the resource requirements of an effective service. We are also keen to understand how additional resources, including the demand and potential for apprenticeships and bursary schemes can be brought into the system to support skills development and invest in longer term sustainability of local planning services. **Part 2** of this consultation is seeking your views on a variety of measures, proposals and actions that could improve resilience. Welsh Government is of the view that regional delivery options, including by Corporate Joint Committees (CJCS) for planning services and other specialist areas, have an important role to play. LPAs must work better regionally to make sure the benefits of operational scale are achieved through larger services and the pooling of resources.

10. Finally, we are also very keen to hear further ideas for resourcing of the planning system, both now and in the future and to consider and build on any existing best practice. Through the measures and actions proposed in this consultation, we want to ensure that planning services are sustainable and resilient and have the skills and capacity to deliver a high-performing service for applicants and communities.

PART 1: Increasing Planning Fees

Introduction: The purpose of planning fees

11. The planning system manages the development and use of land in the public interest, prioritising long-term collective benefits, as well as contributing to improving the economic, social, environmental and cultural well-being of Wales. To help the planning system deliver these objectives, we need LPAs to have the necessary resources and use these in the most efficient and effective manner.

12. Although planning decisions are made by LPAs in the wider public interest, their outcome is often of private benefit to applicants. For example, a property or development site with planning permission for works and improvements will normally be significantly more valuable than the same site without consent. Because individuals and private business stand to benefit from the grant of planning permission, there is a fee accompanying a planning application, which is intended to reflect the overall cost of handling, administering and determining it. The primary source of funding for the discharge of the development management function of LPAs is the fee income received for determining applications. Fee levels are

intended to include recovery of direct costs arising from this process and an apportionment of related overheads.

13. In 2015, planning fees were increased for most applications by around 15%, and in 2020 (the last update) fees were increased by around 20%. To date, fee increases have been based on a 'general percentage uplift', and not based on the actual cost of processing applications. Fee increases have not kept up with inflation, the direct cost of processing applications or the disproportionate resource consumed to service them.

14. This consultation paper sets out our proposals to change planning application fees in Wales, including changes to how often they are updated.

The legal basis for planning fees

15. Section 303 of the Town and Country Planning Act 1990 ("the 1990 Act") provides the necessary power for the Welsh Ministers to prescribe fees or charges in connection with planning functions. In relation to LPA planning application fees, these are currently detailed in the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 No.1522 (as amended) ("the 2015 Regulations").

16. Section 303ZA of the 1990 Act provides the necessary power for fee charges relating to planning appeals. The Welsh Government does not currently set a fee for appeals and so there are currently no fee regulations in place. However, we wish to obtain views on the introduction of a fee for planning appeals as part of this consultation. (see section 63-72).

17. Sections 303 and 303ZA of 1990 Act currently provide the necessary powers for the Welsh Ministers to prescribe fees or charges in connection with planning authority functions and appeals relating to listed buildings and buildings in conservation areas. The Historic Environment (Wales) Act 2023, which will be commenced shortly, will replace these provisions in sections 167 and 172 of this Act. We wish to obtain views on the appropriateness or otherwise of introducing a fee using these powers as part of this consultation (see section 59-60).

18. Section 303(1) of the 1990 Act allows for fees and charges to be levied for "the performance by the local planning authority of any function they have" and that includes functions relating to tree preservation. The Welsh Government does not currently set a fee for this service and there are currently no fee regulations in place. We wish to obtain views on the introduction of a fee using these powers as part of this consultation (see section 59-60).

19. UK Treasury rules require fees to be set at no more than cost recovery. *WG24091 Managing Welsh Public Money (gov.wales)* In addition, planning fees are currently set on a national basis to achieve a consistent approach across Wales. This means the extent to which cost recovery is achieved will vary across LPAs depending on their cost overheads and efficiency.

Increasing Planning Fees and the Move to Full Cost Recovery

The Issue

20. Paragraphs 1 to 3 of this consultation document explains the current challenges facing planning departments across Wales. The situation is acute and is likely to deteriorate further unless LPAs are placed on a more sustainable financial footing. LPAs are unable to resource their development management services adequately when the fee regime is constantly playing 'catch up'. As a result, LPAs are moving further away from cost recovery. If this situation is allowed to continue, it is likely to have a detrimental impact on the development and management of land in Wales, and our ability to make economic, social and environmental progress as a nation.

21. The evidence suggests there is general support for moving towards Full Cost Recovery (FCR) when setting fee regimes. The evidence highlights that a new approach is necessary to ensure that fee levels better reflect the actual cost of providing development management services. This would ensure that LPAs have the resources to deliver on their statutory duties.

22. Fee increases in the past have disproportionally been applied to larger developments while householder application fees have been kept relatively low, even though householder applications make up the majority of casework, and also consume the most resource on a local basis. The result of this approach is that applications for major development now cross-subsidise the processing of householder applications. LPAs with strong developer interest in larger sites receive a greater number of major applications and come closer to FCR. Work undertaken by the Planning Advisory Service (PAS) for Welsh Local Government Association (WLGA) and Welsh Government found that only two LPAs came close to FCR; Cardiff and Flintshire. This means that the current approach to fees is not fair or equitable across all LPAs in Wales, especially for smaller and more rural LPAs where applications are generally smaller in nature.

23. In summary, we recognise that periodically increasing planning fees by a certain percentage, including the retention of the current imbalance between householder applications and major applications, is no longer sustainable. The current fee regime does not address the changes to, and the complexities of running a development management service at the local level.

24. In 2020 Welsh Government commissioned ARUP to undertake research into the 'Cost of Delivering a Development Management Service in Wales'. The research was informed by detailed modelling and data and was supervised by a Working Group consisting of representatives from Welsh Government, LPAs, the WLGA and the Royal Town Planning Institute (RTPI). ARUP also engaged with the Planning Officers Society Wales (POSW), the representative group of senior planning officers across Welsh LPAs. The key objective of the research was to provide a broad definition of FCR in the context of delivering a development management service in Wales, and to model FCR for a range of scenarios and application types. The report was published in July 2021. This research can be accessed on the following link and provides the evidence for many of the proposals in this consultation paper.

- Research into cost of delivering a Development Service in Wales (July 2021) - Research into the cost of delivering a Development Management service in Wales | GOV.WALES

Our proposals

Moving towards Full Cost Recovery for Planning Applications

25. The ARUP Report sets out target FCR fees for a range of fee categories. 'Scenario 1' of the report sets out the percentage fee increase that would be required to achieve FCR for each application type, and in turn end the cross subsidy between different application types. In summary, the report concludes that to achieve FCR, fee increases are required across almost all 56 existing fee categories.

26. Generally, the proposed fee increase is more marked in relation to minor applications. For example, the ARUP Report found that householder applications would need to increase from a £190 fixed fee to a £475 fee (150% percentage increase) to achieve FCR which is similar to the cost of obtaining building regulations approval. In the case of full applications for more than 25 dwellings (see paragraphs 44 to 46), the model suggests a fee increase of 25% would be required. The fee increases required to achieve FCR against all fee categories range from 25% to 225%. In addition, the research also considered potential fee increases for variable/maximum fee rates for those categories where those provisions exist within the regulations. It is recognised that utilising variable/maximum fees allows for more flexibility in the way in which fees are set.

27. The report acknowledges that there are data limitations on some application types, and in some cases, there is considerable variation. For example, there was a lack of data received on larger non-residential/mixed use development types. Notwithstanding this, we consider that the ARUP report provides a robust basis for our proposed fee changes and its conclusions were broadly supported by all those involved. We have however, made assumptions and adjustments where we have considered it necessary, and these are explained within this consultation paper.

28. The fee model within the Arup Report is based on the fee regulations in place prior to the 2020 fee increase. On this basis, the Arup Report sets out what would represent FCR in 2020 based on the 2015 regulations. To determine what FCR would be in 2024, we updated the Scenario 1 fixed, variable and maximum proposed fee data as follows:

- update the 2015 fee levels to 2020 fee levels (plus 23% inflation), forming our new '2024 baseline position' – this represents the minimum fee increase required based on inflation only (excluding ARUP recommendations)
- update the Arup Scenario 1 fixed, variable and maximum proposed fee by inflation (23%) to create a new and up to date target fee for FCR.
- Compare the two fee levels to establish what percentage fee increase would be required to achieve FCR.

29. Taking account of the 2020 fee inflation derived increase (baseline), in many cases the 'gap' to achieving FCR is now smaller, however most applications still

require fee increases ranging from 3% to 225% to meet the goal of FCR. For example, the target fee increase for householder applications is £585, representing a 107% fee increase above the 2020 adjusted fee level. For residential outline/full applications for development over 1.2ha and 25 dwellings respectively, the fee increase required would be much smaller at 3%.

30. For those categories included in the ARUP report, but where limited data was available to inform a robust FCR fee (paragraph 27), we have applied the minimum percentage increase recommended by ARUP, which is 25%, and then increased this by 23% inflation. This is considered to be a proportionate and reasonable approach. Given these are generally larger and more complex application types, it is not considered appropriate to increase fees by inflation only for these fee categories, given the potential resources involved in processing applications.

31. We have modelled all the fee categories considered by ARUP and have carefully considered the findings. We recognise that setting fee categories to the targeted FCR level from 'Day 1' would, for many categories, represent a significant uplift which could have adverse impacts on those submitting planning applications, particularly in respect of small development types such as householder applications.

32. To mitigate the increases required, we are proposing a phased approach for most fee categories to be placed on a 'FCR Pathway'. We have given careful consideration as to what is most appropriate initial fee increase and how long the pathway to FCR should be. This means that for those categories which are not currently at targeted FCR, fee levels will initially be increased by a further 10% *(or £100, whichever is the highest)* above the 2024 base line.

33. Following this initial fee increase, further increases will occur annually by a maximum of 10% each year *(or £100, whichever is the greater)* plus annual inflation, until the FCR target has been reached. Once the FCR target is reached, annual increases will be linked to inflation only. Section 38-43 of this paper explains our proposed approach to the annual updating of fees in more detail.

34. **Our analysis demonstrates that fees for most application types *(including fixed, variable and maximum fees)* will reach FCR within 3 years, with the remaining application types taking around 5 years.** We consider this to be an appropriate and measured approach, with modest and incremental fee increases, moving towards our objective of FCR. It strikes the correct balance, ensuring applicants plan for and can absorb these costs going forward, whilst providing immediate financial relief to struggling LPAs. Annex B sets out examples of the FCR pathway for a selection of common application types and the timescales for achieving this.

35. For those limited fee categories not considered by the ARUP study, such as mining and landfill site visits, the proposed approach is to set the fees at baseline (23% above 2020 fee levels). The fee level will then increase on an annual basis linked to inflation.

36. In relation to fees for pre-application services, these have not been increased since they were introduced in the 2016. When fees were updated in 2020, it was not

considered appropriate at that time to increase fees as the new system needed time to bed in and fee increases might deter applicants from using the service. Pre-application service fees have now been in place for eight years. To recognise the resources involved in running these services it is proposed to increase fees by around 32% (by inflation since 2016). The fee level will then increase on an annual basis linked to inflation.

37. **The first proposed changes to fees are set out in Annex A.** The new fee schedule sets out the proposed fee increase across all categories contained in the fee regulations. The schedule differentiates which categories are on the FCR pathway, and which are proposed to be increased by inflation only. On average (mean), fees across all categories will increase by approximately 50% compared to current levels. However, this average is influenced by outliers, with some fees rising by as little as 3% and others by more than 200%. Generally higher fee percentage increase occurs where current fees levels are currently below or around £100. The median fee increase across all categories is 32% above 2020 levels

Q1	Do you agree with our proposals to change planning applications fees from a percentage uplift approach to FCR? **Yes/no/don't know. Please give your reasons.**
Q2	Do you agree that the 'FCR Pathway', ensuring most applications reach FCR in 3 to 5 years, is an appropriate approach? **Yes/no/don't know. Please give your reasons.**
Q3	Do you agree that for those fee categories not considered by the ARUP Study they should be increased to the 2024 baseline only and uplifted for inflation annually? **Yes/no/don't know. Please give your reasons.**
Q4	Do you agree with our proposals to increase fees for Pre-Application Services to the 2024 baseline, taking account of inflation only? **Yes/no/don't know. Please give your reasons.**

National Annual Fee Increases and Indexation and Publication

38. This consultation paper has explained that planning fees have not kept up with inflation and instead increases have been made at irregular intervals (around 5 years). This approach is no longer sustainable, with LPAs constantly under pressure.

39. Recommendation 18-9 in the Law Commission Report, "Planning Law in Wales", proposes that provided fees do not exceed the cost of performing the function, then fees should be published rather than prescribed in regulations. The report can be accessed on the below links. The report also sets out that any proposed scale of fees should be appropriately publicised before being formally published. In our response, we agreed with the principle of this approach and this consultation sets out our proposals on how we wish to update and publicise fee increases in the future. In addition to our proposals for achieving FCR, to support greater financial

sustainability and to avoid ad-hoc irregular updates we therefore propose to introduce an annual adjustment of planning fees in line with inflation.

- Planning Law in Wales: Project website - Planning Law in Wales - Law Commission
- Welsh Government Response to the Law Commission Report on Planning Law in Wales - welsh-government-detailed-response-to-the-law-commissions-report-on-planning-law-in-wales-table-november-2020.pdf

40. Following the initial fee increase, we propose to increase fees annually, on 1 April, using the Bank of England Consumer Price Index (CPI) from the previous September. If there is deflation, fees will remain the same and will not be adjusted downwards.

41. As previously set out, for those applications on the FCR pathway, it is proposed that annual fee increases will be capped at 10% (or £100 whichever is higher) plus inflation, until the FCR target is reached. Following this, annual fee increases will be linked to inflation only.

42. Following the initial fee increase, which we anticipate will come into force in Summer 2025, an updated fee schedule will be published on the Welsh Government website, at least one month before 1 April each year. More than one fee increase in any financial year would cause uncertainty for applicants, and therefore the first annual increase to fees past this initial update is planned for 1 April 2027. LPAs and other key stakeholders will be notified at least three months before any fee increase is published, to allow for sufficient time for notification and publication arrangements by LPAs. A hard copy of the updated fee schedule will be made available by Welsh Government on request.

43. Annual publication of fees must be undertaken within the parameters set out in the regulations, as amended. This means that any future changes to fee categories, or the approach to updating fees, would require specific consultation and changes to subordinate legislation. The responses to this consultation will inform our policy on fees and this will be published on our website when the new fee regulations are brought into force.

Q5	Do you agree with the proposals for planning fees to be adjusted annually in line with inflation? **Yes/no/don't know. Please give your reasons.**
Q6	Do you agree that the Bank of England CPI is the most appropriate index measure to use? **Yes/no/don't know. Please give your reasons.**
Q7	Do you agree that publishing fees three months in advance of any fee increase coming into force is enough time for notification and publication arrangements by LPAs? **Yes/no/don't know. Please give your reasons.**

Proposed changes to existing fee categories

Changing variable fee thresholds for residential development

44. To ensure sustainable development, planning applications require extensive information to meet specific requirements and standards. Since the original fee regulations were established, there is greater emphasis on design and placemaking, viability and deliverability, infrastructure, and environmental and drainage requirements, which are now triggered at lower thresholds.

45. The ARUP Report (page 21) recommends lowering the variable fee thresholds for residential development. For outline applications, the threshold should be reduced from 2.5 hectares to 1.2 hectares, and for full applications, from 50 units to 25 units. This change acknowledges the complexity and resources needed to process applications at these lower levels.

46. We propose to amend all relevant fee regulations accordingly and the same threshold adjustments will apply to change of use applications where the proposed use is residential. This will maintain a consistent approach within the regulations.

Q8	Do you agree with our proposals to reduce the variable fee thresholds for residential outline, full and change of change of use planning applications? **Yes/no/don't know. Please give your reasons.**

Householder Applications

47. Most householder development is excluded from the need to apply for planning permission through the existence of Permitted Development Rights (PDR). This includes the ability to undertake an extensive list of works, including the development of extensions, loft conversions, conservatories, outhouses, sheds, renewable energy systems and works to gardens. In addition, where there is uncertainty, a householder may apply for a certificate of lawfulness. This is less expensive than a planning application, and the grant of such a certificate confirms the development is immune to enforcement action. Consequently, a limited proportion of householder development requires an application for planning permission, and only those proposals which are more likely to adversely impact the amenity of others.

48. For house extensions and other alterations to homes set out in paragraph 6 of Part 2 of Schedule 1 to the Fee Regulations, we propose that householder application fees should be increased to FCR levels. To meet FCR levels, the target fee is £585. To achieve this, the initial fee increase will be £383 *(the current fee is £230),* rising to £494 in Year 2, and increased to the £585 target fee in Year 3 (see Annex B). On balance, we consider that the proposed phased increase is proportionate and would not deter development proposals or increase the likelihood of unauthorised development. The fee represents a small proportion of typical development costs and is comparable to other professional charges needed for development.

49. Paragraphs 7 of Part 2 of Schedule 1 to the Fee Regulations deals with householder development within the curtilage of the home including car parks, service roads and access matters. The ARUP study considered this paragraph together paragraph 6. However, we consider that applying the same fee to both types of householder application is not proportionate. For example, we do not consider it appropriate to apply the same fee for a double storey home extension to an application for a wall or fence alongside a highway. This does not in our view reflect the resources involved in determining these applications and could lead to negative impacts by deterring applicants from submitting applications, thus resulting in more inappropriate development and the need for enforcement activity.

50. While we are proposing to apply the FCR pathway to 'Paragraph 6' householder application types (explained in paragraph 48), for those householder applications covered by 'Paragraph 7a', we are proposing a much lower fee of £85 *(current fee is £230).* This fee category will be increased by inflation each year only.

51. Minor changes may be required to the drafting of the regulations to improve clarity and to ensure there are no unintentional consequences from these changes. This potentially includes unintentionally encouraging more habitable garden rooms which would be subject to the lower fee.

Q9	Do you agree with our proposals to increase householder application fees to meet cost recovery? **Yes/no/don't know. Please give your reasons.**
Q10	Do you agree with our proposals to introduce a lower fee of £85 for those householder application types covered by Part 2 (Schedule 1) Paragraph 7a. **Yes/no/don't know. Please give your reasons.**
Q11	Do you think householders will be encouraged to build habitable garden rooms rather than build an extension to their homes because of the lower fee? **Yes/no/don't know. Please give your reasons.**

Retrospective Applications

52. 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. However, LPAs may incur additional costs in respect of these types of application. This is because in many cases they are likely to have commenced investigating the suspected breach of planning control and are considering the need for enforcement action.

53. Where an LPA serves an enforcement notice in respect of unauthorised development a fee is charged if the notice is subsequently appealed on the grounds

that planning permission ought to have been granted. The fee is currently double that which would apply for corresponding planning applications. We propose to bring the fee for retrospective applications in line with the fee charged where there is an appeal against an enforcement notice.

Q12	Do you agree with our proposals to double the fee for retrospective planning applications? **Yes/no/don't know. Please give your reasons.**

Reserved Matters Applications

54. Currently, reserved matters applications are charged at the full rate until the total amount paid by the applicant is equal to the fee that would have been paid if approval of all reserved matters involved had been sought at once for the whole development. The ARUP report considered FCR for reserved matters applications. The proposed fee is set out in Annex A and the FCR pathway is set out in Annex B. In relation to reserved matters applications following outline approval and those applications relating to variation and discharge of conditions, we are seeking your views as to whether the proposed fixed fee (Annex A) is an appropriate approach.

55. Large development sites that take a long time to develop may have a large number of reserved matters applications submitted as the scheme is built out. We are seeking your views on whether the fees currently proposed represent a fair reflection of the costs involved in processing these applications, or whether a different approach is required. For example, should the 'fee ceiling' be removed in favour of charging reserved matters applications as if each one was an application for full planning permission.

Q13	Do you consider that our proposed fees for reserved matters applications is an appropriate reflection of the resources/costs of processing these applications? If not, what fee structure should be used instead? **Yes/no/don't know. Please provide evidence.**

Renewal Applications

56. Planning permission is granted subject to a deadline before which the development must be begun (section 91 of the TCPA). It is possible to apply to extend the deadline (also known as renewing the permission) using an application under section 73 of the TCPA to develop land without compliance with conditions previously attached. When considering a section 73 application, a local planning authority is constrained in its consideration to only the question of the conditions subject to which planning permission should be granted. While some section 73 applications may therefore be narrow in scope, an application to extend the commencement deadline usually involves full re-consideration of the material considerations originally taken into account, to check that the passage of time has not changed the merits of the proposal.

57. The level of information that will need to be considered by a planning officer in considering these applications may be substantial, especially in cases where there has been a significant change in the national or local policy context.

58. The ARUP report looked at applications for removal or variation of a condition following grant of planning permission, which includes renewal applications. The fee proposed for FCR is set out in Annex A. However, we are seeking your views on whether the proposed fee is appropriate and reflects the costs involved in processing renewal applications.

Q14	Do you consider that our proposed fee for Renewal Applications in Annex A is a robust reflection of the costs of processing these applications? **Yes/no/don't know. Please provide evidence.**
Q15	Would it be more appropriate for a renewal application to have the same fee as the original application for planning permission being renewed (either the full or outline permission fee)? **Yes/no/don't know. Please provide evidence**

Fees for applications where there is currently no charge

59. There are some applications which are not currently subject to fees. These include listed building consents (LBC), consent to undertake relevant demolition in a conservation area (CAC) and works to trees that are protected because they are in a conservation area or protected by a Tree Preservation Order (TPO). Fees are not charged for these applications, principally because owners cannot opt out of these designations and the additional burdens of preservation and maintenance that they entail. For LPAs, each of the applications incur processing costs. They often require additional publicity, and consideration by technical experts such as heritage and conservation or tree officers. This cost burden is felt most strongly in LPAs with a high proportion of these applications.

60. At present we do not have sufficient data to identify what the costs are for the processing and determination of these application types. If you consider that a fee is appropriate, we require evidence regarding the volume of applications processed, and the resources and costs associated with processing and determination. A fee could be set to cover the full cost or a small flat fee only to cover the administration, consultation and publicity costs of applications.

Q16	Do you consider that a fee should be charged for applications relating to LBCs or CACs? **Yes/no/don't know. Please give your reasons and submit data/evidence.**
Q17	Do you consider that a fee should be charged for applications relating to TPOs? **Yes/no/don't know. Please give your reasons and submit data/evidence.**

Q18	Are there any application types for which fees are not currently charged but which should require a fee? **Yes/no/don't know. Please give your reasons and submit data/evidence.**

Ringfencing of fee income

61. The purpose of planning application fees is to enable LPAs to perform their statutory function of processing planning applications. However, we recognise that planning budgets are not currently ringfenced which means that planning fees may be used to offset wider local authority budget pressures. This can limit any benefit of increases to planning fees.

62. To ensure that the proposed additional fee income directly supports the resourcing and resilience of planning departments, it has been suggested that planning fees should be ringfenced. This would enable direct improvements in service delivery but does not undermine the general flexibility afforded to LPAs and their wider financial management and responsibilities. We are seeking your views on LPA experiences and the challenges of ringfencing planning fee income. Depending on the responses submitted as part of this consultation, we are willing to consider that planning fee increases should only be brought into force if there is a commitment from all LPAs in advance of implementation.

Q19	Do you consider that the additional income arising from proposed fee increases should be ringfenced for spending within LPA planning departments? **Yes/no/don't know. Please give your reasons.**
Q20	What are the current challenges/barriers to the ringfencing of planning fees in planning departments? **Please explain and give your reasons.**
Q21	Do you consider that to support LPAs in ringfencing planning fees, Welsh Government should only implement fee increases where there has been a written commitment from an LPA to do so? **Yes/no/don't know. Please give your reasons.**

Charging for Appeals

63. At present there is no charge for planning or enforcement appeals in Wales. Planning and Environment Decisions Wales (PEDW) undertakes work on behalf of the Welsh Ministers and the cost of approximately £3m annually is borne by the Welsh taxpayer. This contrasts with most planning applications where the applicant pays a fee. It is important to ensure that the planning system is appropriately resourced. Welsh Ministers, through PEDW play a crucial role in determining applications through appeals.

64. Appellants enjoy the benefit of an appeal right where the planning merits are considered afresh on appeal by an independent decision maker. We consider that potential beneficiaries of a successful appeal should bear a reasonable and proportionate share of such costs. By comparison, charging fees for appeals has been common practice in the civil court system for many years.

65. We do not consider that, in the case of an appeal being upheld, the fee should be reimbursed. Firstly, because PEDW as the receiver of the fee could be accused of bias that would undermine the independence of the appeal if there were a perception that the outcome would benefit or alternatively disadvantage the decision-making body. Secondly, there already exists a system for awarding costs to any party in an appeal who has incurred additional costs because of unreasonable behaviour, which could be invoked by appellants if such circumstances were apparent. This could include reimbursement of the appeal fee where it is judged that the original planning permission was withheld unnecessarily which has necessitated an appeal

66. There are important considerations to take into account when considering the introduction of charges for appeals. Important considerations are that the level of the fee imposed does not impede access to justice by discouraging meritorious appeals nor discourage sustainable development in Wales. We believe that introducing charges for appeals can help to build trust in the planning system with communities and applicants/appellants.

Fee Proposal

67. Fees for planning appeals would be an innovation compared to the present position, in this context, we would like to invite views in principle on how any fee should be set. We consider that there are 3 main options for setting the fee:

- A percentage of original application fee – maintaining a link between original application and appeal and ensuring that the appeal fee increases in line with any application fee increases.
- Standard fee which is set by either the type/category of application or the hierarchy.
- Flat Rate Fee for all types of appeal.

68. Our preferred approach would be a percentage of the original application fee which we consider would provide a degree of consistency for applicants. It would provide a fair system which is equitable, transparent, and ensures that the fee is proportionate to the proposed development, linked to the original fee and the likely resources required to determine the appeal.

69. Given the level of planning application fees in Wales and the actual cost of dealing with planning appeals, it is proposed to set an appeal fee based on 50% of the original planning application fee. The table below illustrates what this would look like based on our proposed fee structure (Annex A). At this rate, planning appeals fees could generate approximately £303,973 per year which represents only 10% of the costs of running the planning appeals service in Wales. We consider 50% to be a reasonable and modest amount that will contribute to the resource and resilience of our appeal service, accepting that for many application types, the amount proposed will fall significantly short of the cost of processing them. On the basis of current costs, the least complex appeals determined under written representation procedure,

such as householder appeals, cost the Welsh Ministers approximately £1,305. In the case of more complex appeals determined by Hearing or Inquiry costs start in the region of £6,000 and can reach upwards of £50,000 in the most complex cases.

Type of Application	**Application Fee**	**Proposed Appeal fee (based on 50% application fee)**
Householder	£383	£192
Full application Residential (up to 25 dwellings) (more than 25 dwellings)	£667 £29,274 + £154/dwelling up to £406,761	£334 £14,637 - £203,380
Full application Non-Residential <40sqm 40-75sqm >75sqm	 £383 £667 £585-£406,761	 £192 £334 £292 - £203,380
Outline application (site exceeding 1.2 ha	£14,637 and £154 per 0.1ha of the site up to £203,380	£7,318 – £101,690
Change of Use	£667	£334
Variation / Removal of condition	£383	£192
Advertisements	£248 or £667	£124 or £333
Prior Notification (Agricultural / Forestry / Demolition) (Telecommunications)	£223 £667	£112 £334

Type of Appeals

70. The types of applications (noting the exceptions listed below) where we consider a fee should be payable for submitting an appeal are:

- Appeals made under section 78 of the TCPA e.g. full and outline planning applications, appeals against conditions etc.
- Appeals made under section 106B of the TCPA e.g. to discharge or vary a planning obligation/contribution/good neighbour agreement
- Advertisement consent
- Certificate of Lawful Use or Development

It is considered that the above reflects the most common appeal types processed by PEDW. We do not consider a fee should be payable (subject the views sought/proposals in this consultation relating to exemptions at section 56-67) for the following application types:

- Non-validation
- Applications already exempt from a planning application fee e.g. development that would be permitted development, means of access for disabled persons, Listed Building Consent, Conservation Area Consent, Tree Works Consent
- Applications for 'Appeal Costs'

71. With the exception of ground (a) enforcement appeals where the provision to pay a fee already exists and should remain, we do not consider it appropriate to require a fee for appeals against Enforcement Notices, because this could lead to injustice.

Appeals for non-determination

72. To ensure consistency of approach and we are also proposing to introduce fees for appeals against non-determination of planning applications at a rate of 50% of the original fee for the following application types:

- Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
- Section 106B of the Town and Country Planning Act 1990 against a failure to determine that a planning obligation should be [discharged] [modified].

Q22	Do you agree that appellants should pay a fee to submit an appeal? **Yes/no/don't know. Please give your reasons.**
Q23	Do you agree that the 'costs' system provides a suitable mechanism to recover costs, which may include the appeal fee, following unreasonable behaviour by any party? **Yes/no/don't know. Please give your reasons.**
Q24	Do you agree that a percentage of the planning application fee is the best way to set fees for planning appeals? **Yes/no/don't know. Please give your reasons.**
Q25	Do you agree that 50% of the original planning application fee is fair and proportionate charge for planning appeals? **Yes/no/don't know. Please give your reasons.**

Q26	Do you agree with the proposed exceptions to a Planning Appeal fee? Are there any other appeal types that could be included as exceptions? **Yes/no/don't know. Please give your reasons.**
Q27	Do you have any other comments in relation to Planning Appeal Fees? **Please give your reasons.**

Refinement of the fee regulations – our future proposals

73. Previous work carried out by the Welsh Local Government Association and the Planning Advisory Service has found that current approach for calculating fees is too complex and that there is a need to reform the current fee regulations. The ARUP Report contains initial recommendations of how future fee categories could be structured in a simpler way. There was general agreement within the group involved in the ARUP study that more simple fee categories would be the most preferable way forward in the longer term.

74. The ARUP Report acknowledges that refinement of existing fee categories is a complex task with many disparities and interactions between categories that will need to be carefully considered. However, we are of the view that the findings of the report represent a good starting point for further consideration. On that basis we are seeking your views on the following options of what a simplified charging schedule could look like based on the end use of land to which the application is submitted. There are currently 56 fee categories, and both options represent a significant simplification of the current regulations.

75. It is our intention, subject to Ministerial agreement and priorities, to let our current proposals 'bed in' before considering future reforms to the fee regulations. Information and views gathered as part of this consultation will provide us with an evidence base for future changes. Any changes to the fee regulations, development management processes and procedures will be subject to further consultation.

Option 1 - Simplified Charging Schedule (Arup Scenario 2)	**Option 2** – Extremely Simplified Charing Schedule (Arup Scenario 3)
Reserved Matters	Householders
Householders	Minor - Dwellings
Housing – Minor	Minor - Land
Housing – Major	Minor - Buildings
Agriculture – Minor	Major - Dwellings
Agriculture – Major	Major - Land
Industrial	Major - Buildings
Other – Buildings	Other – Buildings
Other – Fixed	Other – Fixed
Other – Land	Other – Land
Exemptions	Exemptions

Q28	Do you agree that fee categories should be simplified in the future? **Yes/no/don't know. Please give your reasons.**
Q29	What are your views on the options proposed? **Please give your reasons.**

The preparation of regulatory and other impact assessments

76. To support amendments to fee regulations, the financial and resource implications of our proposals and any potential impacts on a range of stakeholders will need to be assessed. LPAs will receive increased revenue as part of these measures, and it anticipated that a fee increase will have a positive effect. Conversely, applicants will have to pay more when submitting planning applications. To measure the impact of our proposals, please provide any information both positive and negative, to assist with the preparation of relevant impact assessments. See also paragraphs 106-107 relating to impacts on the Welsh Language.

Q30	What is the current 'gap' in monetary/percentage terms between revenue received from current fee levels to the costs of running the development management service in your LPA area? **Please provide data.**
Q31	What impact, positive or negative, will our proposals have on the income received in monetary and percentage terms, and the relationship to the costs of running a development management service both now and in the next 3-5 years until FCR is achieved? **Please provide data and explain reasons.**
Q32	In relation to householder applications, what are the current costs associated with a "typical" householder application vs fee income (including officer time, admin time (registration, validation, comms), statutory notices etc)? **Please provide data.**
Q33	For applicants using planning services, do you consider that our proposals will improve service delivery? **Yes/no/don't know. Please give your reasons.**
Q34	For applicants using planning services, what are your general views on the impacts, either positive or negative, of our proposals? **Please give your reasons.**

Annex A - Proposed Fee Schedule

Proposed amendments to the 2015 Regulations and the proposed fee payable:

- (FCR) Denotes fee categories covered by ARUP and placed on the Full Cost Recovery Pathway
- (FCR*) Fee Categories included in ARUP but insufficient data received. WG assumptions on proposed FCR target (see paragraph 30)
- (*) Fee Categories not included in ARUP and have been increased by inflation only (see paragraph 35 and 36)
- Note that fees will be rounded when published.

Fee Category / Regulation with the 2015 Regulations	**Proposed fee payable**
10. Fees in respect of deemed applications	
4(a) where an application would have been made to the relevant authority, twice the amount of the fee which would have been payable in respect of the application	Twice the amount of the fee which would have been paid *(FCR)*
11. Fees for applications for certificates of lawful use or development	
11(3)(a). In the case of an application under section 191(1)(a) or (b) (or under both paragraphs)	The amount that would be payable for the use specified in the application *(FCR)*
11(3)(b). An application made under section 191(1)(c) of the Town and Country Planning Act 1990.	**£667** *(FCR)*
11(3)(c). In the case of application under section 192(1)(a) or (b) (or under both paragraphs)	Half the amount that would be payable for the use specified in the application *(FCR*)*
11(9) Where an application is made by or on behalf of a community council, the fee payable is one half of the amount that would otherwise be payable	One half of the amount that would otherwise be payable *(FCR)*
13. Fees for certain applications under the General Permitted Development Order	
13(1)(a). Where an application is made to a local planning authority for their determination as to whether the prior approval of the authority will be required in relation to development under Schedule 2 to the GDPO, a fee must be paid to the authority for applications under Part 6 (agricultural buildings and operations), applications under Part 7 (forestry buildings and operations) and applications under Part 11 (demolition).	**£223** *(FCR)*
13(1)(b). Where an application is made to a local planning authority for their determination as to whether the prior approval of the authority will be required in relation to development under Schedule 2 to the GDPO, a fee must	**£667** *(FCR)*

be paid to the authority for applications under Part 24 (communications).	
14. Fees in respect of the monitoring of mining and landfill sites	
14(4). Where the whole or part of a site is active.	***£493 per visit (subject to a maximum of 8 visits per 12 months)**
14(5). Where the site is inactive.	***£166 per visit (subject to 1 visit per 12 months)**
15. Fees for applications made under planning condition	
15(1)(a). Where an application is made to a local planning authority under Article 23 of the DMP(W)O 2012 and where the application relates to a permission for development which falls within category 6 or 7 specified in the table set out in Part 2 of Schedule 1.	**£123** *(FCR)*
15(1)(b). Where an application is made to a local planning authority under Article 23 of the DMP(W)O 2012 in any case other than those specified under paragraph15(1)(a).	**£242** *(FCR)*
16. Fees for non-material changes to planning permission	
16(1)(a). Applications made under section 96A(4) of the Town and Country Planning Act 1990 and the application is a householder application.	**£123** *(FCR)*
16(1)(b). Applications made under section 96A(4) of the Town and Country Planning Act 1990 and the application is anything other than a householder application.	**£242** *(FCR)*
16A. Fees for post-submission amendments to major development	
16A (3). Where an amendment to a valid application for major development is submitted to a local planning authority in accordance with Article 22(1A) of the DMP(W)O 2012 a fee must be paid.	***£283.50**
16B Fees for applications for certificates of appropriate alternative development	
16B (2) Fees for applications for certificates of appropriate alternative development	***£283.50**

Schedule 1

Fees in respect of applications and deemed applications for planning permission or for approval of reserved matters

Part 1: Fees payable under regulation 3 or regulation 10

Fee Category / Regulation with the 2015 Regulations	**Proposed fee payable**
Paragraph number of Schedule 1 Part 1	

2. Where an application or deemed application is made or deemed to be made by or on behalf of a community council.	50% of original fee
3(1). Where an application or deemed application is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation.	**£475** *(FCR)*
4. Application for approval of one or more reserved matters. ***Note: The consultation is seeking your views at paragraphs 54-55)***	**£592** *(FCR)*
5. Applications made under section 73 of the Town and Country Planning Act 1990. ***Note: The consultation is seeking your views at paragraphs 56-58)***	**£383** *(FCR)*
5A(3)(a). Applications made under section 73 of the Town and Country Planning Act 1990, following refusal of a non-material change, or where the local planning authority have not given notice of their decision in respect of an earlier application with the time specified in article 28A(7) of the DMP(W)O 2012, for householder applications.	The fee set out is the difference between the cost of a s.73 application and a s.96A application for householder applications. *(FCR)*
5A(3)(b). Applications made under section 73 of the Town and Country Planning Act 1990, following refusal of a non-material change, or where the local planning authority have not given notice of their decision in respect of an earlier application with the time specified in article 28A(7) of the DMP(W)O 2012, for any other case.	The fee set out is the difference between the cost of a s.73 application and a s.96A application in any other case. *(FCR)*
6(a). An application relating to development carried out without planning permission. ***Note: The consultation is seeking your views at paragraphs 52-53)***	**Double the fee specified in Part 2 of Schedule 1** *(FCR)*
6(b). An application relating to any other case.	***£283.50**
7. Applications for planning permission to extend a time limit under sections 91 or 92 of the Town and Country Planning Act 1990, where planning permission has previously been granted for development which has not yet begun.	***£383** *(FCR*

Note: The consultation is seeking your views at paragraphs 56-58)	
13(2)(a). Applications for outline planning permission for development falling into more than one category, where the site area does not exceed 2.5 hectares.	**£667 per 0.1ha** *(FCR)*
13(2)(b). Applications for outline planning permission for development falling into more than one category, where the site area does exceed 2.5 hectares.	**£14,637 base fee** **£154 per 0.1ha above 2.5ha** **£203,380 maximum fee** *(FCR)*

Part 2 – Scale of Fees in Respect of Applications Made or Deemed to be Made:

Fee Category / Regulation with the 2015 Regulations	**Proposed fee payable**
Category of Development	
I. Operations	
1. The erection of dwellinghouses (other than development within category 6 below).	(a) where the application is for outline planning permission and – (i) the site area does not exceed 1.2 hectares, **£667** for each 0.1 hectare of the site area, (ii) the site area exceeds 1.2 hectares, **£14,637** and an additional **£154** for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum total of **£203,380**; (b) in other cases – (i) where the number of dwellinghouses to be created by the development is 25 or fewer, **£667** for each dwellinghouse, (ii) where the number of dwellinghouses to be created by the development exceeds 25, **£29,274** and an additional **£154** for each dwellinghouse in excess of 25 dwellinghouses, subject to a maximum in total of **£406,761** *(FCR)*

2. The erection of buildings (other than buildings in categories 1, 3, 4, 5 or 7)	(a) Where the application is for outline planning permission and – (i) the site area does not exceed 2.5 hectares, **£667** for each 0.1 hectare of the site area, (ii) the site area exceeds 2.5 hectares, **£14,637** and an additional **£154** for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of **£203,380**; (b) in other cases – (i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development does not exceed 40 square metres, **£383** (ii) where the area of the gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, **£667**, (iii) where the area of gross floor space to be created by the development exceeds 75 square metres, **£585** for each 75 square metres (or part thereof), subject to a maximum in total of **£406,761**. *(FCR)*
3. The erection, on land used for the purpose of agriculture, of buildings to be used for agricultural purposes (other than Buildings in category 4).	(a) Where the application is for outline planning permission and— (i) the site area does not exceed 2.5 hectares, **£667** for each 0.1 hectare of the site area, (ii) the site area exceeds 2.5 hectares, **£14,637** and an additional **£154** for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of **£203,385**. (b) in other cases— (i) where no floor space is to be created by the development or where the area of gross floor space to be created by the development

	does not exceed 465 square metres, **£205**, (ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, **£667**, (iii) where the area of gross floor space to be created by the development exceeds 540 square metres, **£585** and an additional **£585** for each 75 square metres (or part thereof) in excess of 540 square metres, subject to a maximum in total of **£406,761**. *(FCR)*
4. The erection of glasshouses on land use for the purposes of agriculture.	(a) Where the gross floor space to be created by the development does not exceed 465 square metres, **£205**; *(FCR)* (b) where the gross floor space to be created by the development exceeds 465 square metres, **£3,313**. *(FCR*)*
5. The erection, alteration or replacement of plant or machinery.	(a) Where the site area does not exceed 5 hectares, **£667** for each 0.1 hectare of the site area; *(FCR)* (b) where the site area exceeds 5 hectares, **£31,185** and an additional **£197** for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of **£406,761**. *(FCR*)*
6. The enlargement, improvement or other alteration of existing dwellinghouses. ***Note: The consultation is seeking your views at paragraphs 47-50)***	a) Where the application relates to one dwellinghouse, **£383**; *(FCR)* (b) where the application relates to 2 or more dwellinghouses, **£667**. *(FCR)*
7. (a) the carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or	***£85** in each case

(b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land. ***Note: The consultation is seeking your views at paragraphs 47-50)***	£383 *(FCR)*
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	(a) Where the site area does not exceed 7.5 hectares, **£667** for each 0.1 hectares of the site area; (b) where the site area exceeds 7.5 hectares, **£46,777** and an additional **£197** for each 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of **£406,761**. *(FCR*)*
9. The carrying out of any operations not coming within any of the above categories.	(a) In the case of operations for the winning and working of minerals— (i) where the site area does not exceed 15 hectares, **£374** for each 0.1 hectare of the site area, *(FCR*)* (ii) where the site area exceeds 15 hectares, **£46,777** and an additional **£197** for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of **£108,470**; *(FCR*)* (b) in any other case, **£296** for each 0.1 hectare of the site area, subject to a maximum of **£406,761**. *(FCR)*
I. Uses of land	
10. The change of use of a building to use as one or more separate dwellinghouses	(a) Where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses— (i) where the change of use is to use as 25 or fewer dwellinghouses, **£667** for each additional dwellinghouse, *(FCR)* (ii) where the change of use is to use as more than 25 dwellinghouses, **£31,185** and an additional **£197** for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of **£406,761**; *(FCR*)*

	(b) in all other cases— (i) where the change of use is to use as 25 or fewer dwellinghouses, **£585** for each dwellinghouse, *(FCR*)* (ii) where the change of use is to use as more than 25 dwellinghouses, **£31,185** and an additional **£197** for each dwellinghouse in excess of 25 dwellinghouses, subject to a maximum in total of **£406,761**. *(FCR*)*
11. The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land, or for the storage of minerals in the open.	(a) Where the site area does not exceed 15 hectares, **£374** for each 0.1 hectare of the site area; (b) where the site area exceeds 15 hectares, **£46,777** and an additional **£197** for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of **£108,470** *(FCR*)*
12. The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories).	**£667** *(FCR)*

Schedule 2 – Fees for Advertisements – Scale of Fees in Respect of Applications for Consent to Display Advertisements

Fee Category / Regulation with the 2015 Regulations	**Proposed fee payable**
Category of development	
1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters— (a) the nature of the business or other activity carried on the premises; (b) the goods sold or the services provided on the premises; or (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	**£248** *(FCR)*
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which	**£197** *(FCR*)*

the advertisement is to be displayed but which are not visible from that site.	
3. All other advertisements.	**£667** *(FCR)*

Schedule 4 – Scale of Fees in Respect of Requests for Pre-Application Services

Fee Category / Regulation with the 2016 Regulations	**Proposed fee payable**
Part 1 - (Fees payable under Regulation 2A)	
Householder Applications	***£33.20**
Part 2 - (Fees in Respect of Requests for Pre-Application Services	
1. The erection of dwellinghouses	(a) Where (i) the number of dwellinghouses to be created by the proposed development is one to nine, ***£332,** (ii) the number of dwellinghouses to be created by the proposed development is 10 to 24, ***£796.80,** (iii) the number of dwellinghouses to be created by the proposed development exceeds 24, ***£1,328;** (b) where the number of dwellinghouses to be created is not known and (i) the proposed site area does not exceed 0.49 hectares, ***£332,** (ii) the proposed site area is 0.5 to 0.99 hectares,* **£796.80,** (iii) the proposed site area exceeds 0.99 hectares,* **£1,328.**
2. The erection of buildings (other than dwellinghouses)	(a) Where (i) the area of the gross floor space to be created by the proposed development does not exceed 999 square metres, ***£332,** (ii) the area of the gross floor space to be created by the proposed development is 1,000 to 1,999 square metres, ***£796.80,** (iii) the area of the gross floor space to be created by the proposed development exceeds 1,999 square metres, ***£1,328;**

	(b) where the gross floor space to be created by the proposed development is not known and (i) the proposed site area does not exceed 0.49 hectares, ***£332,** (ii) the proposed site area is 0.5 to 0.99 hectares, ***£796.80,** (iii) the proposed site area exceeds 0.99 hectares, ***£1,328.**
3. The making of a material change in the use of a building or land	(a) Where the request for pre-application services relates to a proposed application for permission for a material change in the use of a building and (i) the area of the gross floor space of the proposed development does not exceed 999 square metres, ***£332,** (ii) where the area of the gross floor space of the proposed development is 1,000 to 1,999 square metres, ***£796.80,** (iii) where the area of the gross floor space of the proposed development exceeds 1,999 square metres, ***£1,328,** (b) where the request for pre-application services relates to a proposed application for permission for a material change in the use of land and (i) the site area does not exceed 0.49 hectares, ***£332,** (ii) the site area is 0.5 to 0.99 hectares, ***£796.80,** (iii) the site area exceeds 0.99 hectares, ***£1,328.**
4. The winning and working of minerals or the use of land for mineral- working deposits	***£796.80**
5. Waste development	***£796.80**

Exemptions and Concessions

Description	**Changes proposed**
Exemptions:	
Listed Building and Conservation Area Consents	Exemption to remain. ***The consultation is seeking your views at paragraphs 59-60***

If the proposal relates to works that require planning permission only by virtue of an Article 4 direction	Exemption to remain. ***The consultation is seeking your views at paragraphs 59-60***
Works to a Tree covered by a TPO or in a CA hedgerow removal	Exemption to remain. ***The consultation is seeking your views at paragraphs 59-60***
Alterations/extensions to a dwelling house for the benefit of a disabled person	Exemption to remain. No changes proposed.
An application solely for the purposes of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted.	Exemption to remain. No changes proposed.
If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation	Exemption to remain. No changes proposed.
If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made on behalf of the same person.	Exemption to remain. No changes proposed.
If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the Control of Advertisements Regulations 1992 dis-applying deemed consent under Regulation 6 to the advertisement in question.	Exemption to remain. No changes proposed.
If the application is for alternative proposals for the same site by the same applicant, to benefit from the permitted development right in Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995.	Exemption to remain. No changes proposed.
Revised applications following withdrawal, refusal, or non-determination which qualify under the terms of Regulation 8 (the 'free go')	Exemption to remain. No changes proposed.
Concessions:	
Applications submitted on behalf of Town and Community Councils	50% of the normal fee for the application in question. No changes in approach proposed.
Applications made on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or	***£475.** *(FCR)*

conducted for profit and whose objects are the provision of facilities for sport or recreation including the making of a material change of use to the land as a playing field or the carrying our of operations for purposes ancillary to the use of land as a playing field (other than the erection of a building)	

Annex B – Indicative Full Cost Recovery Pathway (Examples)

Note: Year 2 onwards is based on our proposed 10% uplift plus average annual inflation of 2.73% over 10 years. In practice actual increases may differ slightly from the rates shown as they will be based on actual inflation (see paragraph 40 of the consultation paper)

Example 1: Outline Application (no more than 1.2 ha)

2020 Fee	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target variable fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**	Year 2	Year 3	Year 4	Year 5	Year 6
£460	£567	£1,171	**£667**	**£785**	**£907**	**£1031**	**£1163**	£1194

Example 2: Outline Application (more than 1.2 ha)

2020 Fee **'Fixed Fee element'**	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**	2020 Fee **'Maximum Fee element'**	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**	Year 2
£11,500	£14,175	£14,637	**£14,637**	£150,000	£184,891	£221,500	£203,380	221,500

Example 3: Householder Applications

2020 Fee	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target variable fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**	Year 2	Year 3
£230	£283	£585	**£383**	**£494**	**£585**

Example 4: Full Application (up to and including 25 units)

2020 Fee	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target variable fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**	Year 2	Year 3	Year 4
£460	£567	£1171	**£667**	**£785**	**£907**	**£1172**

Example 5: Full Application (more than 25 dwellings)

2020 Fee **'Fixed Fee element'**	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target fee *(Arup target fee plus inflation)*	Year 1: 2024 Proposed Fee increase	2020 Fee **'Maximum Fee element'**	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**	Year 2
£23,000	£28,350	£29,274	**£29,274**	£300,000	£369,782	£442,969	£406,761	£442,969

Example 6: Reserved Matters

2020 Fee	2020 Fee *(plus inflation)* '2024 Baseline'	FCR Target variable fee *(Arup target fee plus inflation)*	Year 1: **2024 Proposed Fee increase**
£460	£567	£592	£592

PART 2: The Performance, Resilience and Capacity of Local Planning Authorities

Measuring and monitoring the performance of local planning authorities

Overview

77. The performance of the planning service is an important priority for all stakeholders. Everyone has different ways of judging performance, but ultimately, all service users expect a system which is timely, efficient and delivers the high-quality development which we all need. Fee-paying applicants can reasonably expect a better service, if they are paying more for it and LPAs are able to properly resource themselves.

78. The Planning Performance Framework (PPF) is the current overarching system for reporting on the performance of planning services. Our existing PPF is made up of three elements:

- **The Performance Framework Indicators** – the baseline list of indicators and targets agreed with LPAs and refreshed annually.
- **Annual Performance Reports (APRs)** - prepared by each LPA, reflecting on its performance over the previous financial year against the Performance Framework's indicators and targets, providing local context for performance (both positive and where improvement is needed), and identifying areas of best practice.
- **All Wales Annual Performance Report** – prepared by Welsh Government. The All-Wales APR seeks to provide an overview of the operation of the system and identify any need for legislative or operational change based on the performance of the planning service over a 12-month period. It considers the performance of the entirety of the Welsh planning system, including LPAs, WG itself, Planning and Environment Decisions Wales and statutory consultees.

79. The existing PPF is based on a suite of 19 indicators looking at both plan-making and development management services, including targets related to efficiency, quality, engagement and enforcement. It categorises LPAs' performance against these targets into one of three performance bands, "improve", "fair" and "good". These indicators were drawn almost entirely from datasets already being collected and shared by LPAs, for development plan or development management performance reporting purposes, and the timing of submission of annual reporting was previously agreed to coincide with this – for example, APRs were required to be submitted at the same time as LPAs were required to publish LDP Annual Monitoring Reports (AMRs), because a number of PPF indicators drew on performance metrics considered in the AMRs. The existing indicators can be accessed below:

- Planning Performance Framework: Indicators and Targets - planning-performance-framework-indicators-and-targets-in-detail.pdf (gov.wales)

80. The first all-Wales APR was published in 2015, with the most recent report published in December 2019. The preparation and publication of the PPF and APRs was paused due to the pandemic where resources within WG and LPAs were

deployed elsewhere. Some LPAs continued to publish APRs, but the picture is now inconsistent across Wales.

Our proposals

Re- invigorating the Planning Performance Framework

81. Increasing planning fees will bring additional resources to planning services. This should bring with it continued improvements to the performance of local planning authorities. We are proposing the re-invigoration of the Planning Performance Framework and consider that the framework focuses the assessment against the attributes of a high-performing and resilient planning authority.

82. Our vision for the PPF is that it is valued as an essential and proactive tool to monitor the performance and resilience of planning services and that it is recognised as a key mechanism for delivery, reflection and improvement and the sharing of best practice. We also consider that the framework should be designed in such a way that it is proportionate, avoids duplication (where possible) with other monitoring regimes.

83. Moving forward we consider that there needs to be a refocus and prioritising of performance monitoring within LPAs. Any fee increases to create resource within LPAs must be matched by a demonstrable increase in performance against agreed targets. We will continue to bring forward fee increases (as proposed) but in return we require commitment to the submission of regular and up to date information in the form prescribed.

84. Relaunching the PPF will ensure issues around performance and resilience are captured on a national basis and will enable us to provide early support, and to develop solutions in partnership with stakeholders, where required. It will also provide a grounded framework for LPAs to develop and share best practice.

85. We recognise LPAs will need time and resources to adjust to the reintroduction of the framework and any new measures. We propose the next round of APRs be submitted in October 2026, for the reporting period April 2025 to March 2026. It is our intention that responses received as part of this consultation will assist us in devising a revised set of indicators and targets in collaboration with relevant stakeholders.

Q35	Do you agree with that the Planning Performance Framework should be re-introduced? **Yes/no/don't know. Please give your reasons.**
Q36	Do you think that future planning application fee increases should be specifically linked to performance? **Yes/no/don't know. Please give your reasons.**

Changes to targets and indicators

86. We consider that the existing framework includes relevant and valuable quantitative indicators and targets which should, for the most part, be retained and we do not propose to deviate substantially from the existing format. Much of the information collected by the Development Management Quarterly Survey, which

forms the majority of PPF datasets, is automatically reported by ICT systems, thus reducing the resource burden on LPAs.

Q37	Do you have any comments on the proposed content of APRs? **Yes/no/don't know. Please give your reasons.**
Q38	What are the key indicators which you think the performance of authorities should be measured against? **Please explain and give your reasons.**
Q39	What are your views on the current performance bands - Improve (red), Fair (yellow) and Good (green)? Do you think they should be changed? **If yes, please give your reasons.**
Q40	Are there any quantitative metrics not included which should be? **Yes / no / don't know. Please indicate what additional quantitative metrics you consider should be included and explain why.**
Q41	Are there any qualitative metrics not included which should be? **Yes / no / don't know. Please indicate what additional qualitative metrics you consider should be included and explain why.**
Q42	Do you think the current targets and indicators are the correct ones in relation to the performance of the development management service? **Yes/no/don't know. Please give your reasons.**
Q43	Do you think the current targets and indicators are the correct ones in relation to the performance of the development plan service? **Yes/no/don't know. Please give your reasons.**

Extension of time agreements

87. 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.

Q44	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.**

Resilience Measures - Qualitative and Quantitative

88. We are seeking your views on how APRs can more adequately capture and monitor the resilience of planning services. We consider that it is vital moving forward for all parties to understand the impacts of fee increases on service delivery. It is also necessary to understand why there are performance issues in some areas, and whether these are cultural or systematic or impacted by resources and capacity matters, both financial and in terms of staffing.

89. We are proposing to introduce a requirement for APRs to include the following broad measures that will be subject to refinement through a working group. It is not proposed that these measures will have targets associated with them, but they will provide an essential snapshot of the resilience of planning services across Wales and where support may be required. Resilience and performance are intrinsically linked. Future fee increases will only be considered where we have this important contextual data and evidence. APRs should include a general contextual summary of the 'state of the planning service' covering the below proposed measures:

- Planning Service Budgets – increase or decrease on previous year(s)
- Total annual fee income received – to what degree is fee income funding the development management service, percentage increase/decrease on previous year(s). This was a recommendation of the ARUP Report.
- Percentage of fee income being 'ring fenced' to the development management service.
- Staff and Structures (total number staff in the planning service) – increase/decrease from previous year(s), including the split between development management and plans teams and other areas (where appropriate).
- Specialist skills availability and gaps - does the LPA have the relevant skills necessary to deliver planning services including specialist applications/large projects?
- Vacancies and recruitment – number of current vacancies including a comparison to previous years and information on any recruitment campaigns and issues arising.
- Graduates/Students/apprenticeships – The use and take up of these entry level schemes.
- Improvement and best practice of 'resilience initiatives' that can be reported on and shared more widely – e.g. shared service arrangements, joint working arrangements, sharing of staff and specialist skills

Q45	Do you think that introducing resilience measures into APRs is a useful addition to performance reporting? **Yes/no/don't know. Please give your reasons.**
Q46	Do you agree with the broad measures proposed? If not, why and what others should be included? **Yes/no/don't know. Please give your reasons.**

Increasing resources in the planning system – supporting the resilience, capacity and capability of LPAs

Skills Recruitment and Retention

General

90. To deliver an effective, high performing public sector planning service, there is a need to ensure that the planning workforce is equipped to meet the demands placed on it, both now and in the future. There are many interconnected pressures on the Welsh Planning System. The preparation of Strategic Development Plans, the increasing complexity in planning applications including those related to infrastructure delivery and renewable energy, resourcing pressures within authorities due to austerity, and the challenges of recruitment and retention of staff are all impacting on the capacity and capability to deliver on national and local priorities. These challenges cannot be solved with a single simple solution.

91.To assist us in devising a strategy/package of support 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 Welsh Government, working with local authorities and professional bodies, can boost capacity and capability.

92. It is our intention to commence an important piece of work in the coming months relating to workforce planning in conjunction with the RTPI which will provide us all with a more in-depth understanding of issues of resilience, capacity and capability of our planning services. In the meantime, we would welcome any data and insight that you would like to provide both generally, and on the specific proposals set out below.

Q47	What do you consider to be the greatest skills and expertise gaps in local planning authorities and what impact is this currently having on service delivery? **Please provide examples/evidence.**
Q48	What do you consider to be the main barriers faced by LPAs in recruiting and retaining staff? **Please provide examples/evidence.**
Q49	Are current salaries and career structures sufficient to retain planning staff? **Yes, No, Don't Know. Please provide examples/evidence.**
Q50	Does your LPA currently offer opportunities for early career planners? Have you had success in retaining staff? **Please provide examples/evidence.**
Q51	In addition to increasing planning fees, in what other ways could Welsh 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.**

Q52	Do you have any other ideas to help resource the planning system? **Please set out how you think the proposal could help resources.**

Bursary and apprenticeship schemes

93. We are currently exploring potential options for providing financial support to increase the pipeline of planners. This includes support for undergraduate/ postgraduate funded opportunities, apprentices and/or bursaries. We are aware of similar schemes operating in England and Scotland and note some Welsh Planning LPAs have taken up the opportunity to recruit staff from the pilot WLGA "Pathways to Planning" Scheme.

94. Apprenticeship and bursary schemes require financial and resource obligations from employers, for salaries, minimum contracts (i.e. 3-5 years), mentoring support and experience. For us to explore the feasibility and viability of these schemes, we first need to ensure there is sufficient demand in Wales. Our initial view is that post-graduate bursary schemes will be the quickest and most effective way to increase the supply of planners in the short term.

95. Apprenticeships schemes (both undergraduate and postgraduate) have longer lead-in times to develop suitable accredited courses in conjunction with universities and professional bodies. Such schemes will also need to provide guarantees on the minimum cohort numbers to make courses financially viable. Apprenticeship schemes also require much longer financial and resource commitment from employers.

96. We are seeking your views on the demand for undergraduate/post graduate apprenticeship and bursary schemes in Wales, including an assessment of where in LPA planning services, including CJCs, you consider these resources should be directed and could add most value.

Q53	Is there demand for undergraduate/post graduate bursary schemes in Wales? If responding on behalf of an LPA how many individuals would you wish to put forward and how often? **Yes/no/don't know. Please give your reasons.**
Q54	Is there demand for undergraduate/post graduate apprenticeship schemes in Wales? If responding on behalf of an LPA how many apprentices would you wish to employ and how often? **Yes/no/don't know. Please give your reasons.**
Q55	Where do you consider additional staffing resources secured via bursary/apprenticeship schemes should be directed to have the most impact? For example, within LPA planning services and or the delivery of CJC strategic and specialist planning functions. **Please provide evidence and explain your reasons.**

Improving Resilience and Resources by Corporate Joint Committees

97. We strongly believe that regional delivery options for planning services, delivered by Corporate Joint Committees (CJCs) should be the primary mechanism for responding to the significant resource and skills challenges both now and in the future. We all need to think constructively about how we can work smarter and more effectively with the professional and financial resources and structures available. We need to be bold, and not be constrained by existing service delivery arrangements.

Shared Service Delivery and Planning Skills Hubs

98. We consider that LPAs/CJCs should be considering shared-service delivery models. There are already good examples of joint working service delivery in relation to minerals and waste planning arrangements in Wales. We consider that this approach could be expanded to include other specialist planning disciplines where expert skills are required and are in short supply, such as biodiversity, built heritage, and urban design, and possibly be used to combine existing less than full-time equivalent (FTE) posts into larger teams of FTE posts, serving a number of planning committees. This is likely to be of particular benefit to smaller LPAs as it reduces costs, whilst increasing resilience and providing greater career progression opportunities for staff, aiding in recruitment and retention for the Welsh planning service.

99. In addition, we also consider there is merit in exploring the potential for the establishment of planning skills hubs. Planning skills hubs could act as a means for LPAs to access skilled staff at short notice to help respond to a variety of pressures. A central/regional resource hub could allow LPAs to quickly and easily access a variety of special and technical skills to bolster and support their staff. The hub approach could play a variety of roles, providing flexibility to suit the individual needs of LPAs or CJCs, providing consistency of approach and the sharing of technical knowledge. We consider that the key benefits of a hub would be to:

- Providing technical expertise and advice in new or evolving areas, such as energy, biodiversity, large infrastructure projects and climate change
- Providing technical support/advice on a topic where an authority has lost or does not have the expertise, e.g. urban design, demography, viability, heritage
- Providing additional support and expertise to process large or complex applications
- Specialist support for the preparation of LDP and SDPs
- Embedding and imparting good practice, training and CPD
- Helping to provide additional capacity when LPAs are facing staff shortages

100. Our preferred approach is that planning skills hubs are run by CJCs. We consider that the hub approach could be one central hub, or multiple hubs depending on the skills. In addition, we have set out our proposals for higher planning fees. We also consider that it is feasible that a proportion of planning fees should be directed towards planning skills hubs.

101. We are seeking your views on both the merits, challenges, feasibility and delivery of setting up shared services and planning hubs to deliver specialist planning services.

Q56	What are your views on merits and challenges of establishing regional/larger than local shared services? **Please provide evidence and give your reasons.**
Q57	Do you agree that planning skills hubs should be located within CJCs? **If not, why not, please give your reasons.**
Q58	How do you think a planning skills hub(s) could be resourced considering governance, financial and staffing requirements? **Please provide evidence and give your reasons.**
Q59	Do you agree that planning skills hubs could potentially be funded by a proportion of fee income from each LPA be used to resource the hub? **Yes/no/don't know. Please give your reasons.**

Supporting the move to Strategic Development Plans

102. We are in a strong position in Wales with full Local Development Plan (LDP) coverage and this is a significant achievement. Furthermore, four LPAs have adopted a replacement LDP, and a further eighteen LPAs have formally commenced a revision of their adopted plans.

103. In comparison, progress on Strategic Development Plans (SDPs) has been slow. There are no procedural barriers stopping SDPs coming forward with the relevant legislation being in force since 2020. We are expecting the first Delivery Agreements to be submitted by CJCs later this year.

104. Our vision for the development plan system in Wales is to ensure the most expedient and efficient way of maintaining LDP coverage, while facilitating a move to a regional approach through SDPs. Revisions to LDPs will be the short/medium term building blocks for an SDP which will provide the longer-term vision and direction of travel. We envisage this to be a split of technical resources (work and staff) between the two tiers of plans, avoiding duplication. It is therefore important there is strong co-ordination between those LPAs reviewing their LDP and SDPs being progressed in parallel. However, considering this we recognise the resource challenges faced by LPAs/CJCs and understand that delivering both tiers of plans in the current resource climate will be challenging.

Extending the statutory review period for LDPs

105. To ensure that LDPs are kept up-to-date, local planning authorities are required to commence a full review of their LDPs at least once every four years following adoption, or sooner if the findings of the Annual Monitoring Reports (AMR) indicate significant concerns with a plan's implementation.

106. To support LPAs moving towards regional planning we are considering amending the statutory review period in LDP Regulations (Regulation 41) 4 years to

6 years. We have continued to reform our planning system since 2015 through many legislative and policy changes. On this basis more recent LDPs have been subject to more complex legislative, policy and guidance requirements. In addition, the 'frontloading' principle' has meant that recently adopted LDPs are underpinned by and contain a significant amount of evidence and detail. The preparation of LDPs is resource intensive, with a significant amount of financial and staffing resources needed to prepare them. We also know that significant resource is required by communities and stakeholders in the LDP process.

107. Now that we have full LDP coverage in Wales, it is the right time to reflect on whether the current four-year statutory review period is fit for purpose and to consider whether it adequately reflects the current legislative, policy and resource context associated with the preparation of LDPs.

108. We consider that amending the LDP review period from four to six years could free up staffing and financial resources in LPAs to better support the move towards SDP preparation. It will also provide LPAs with more time to focus on the delivery and implementation of the plan.

109. If the four-year review period were to be extended to six years, this would not preclude an LPA commencing a review/revision of its LDP sooner, if it resolved to do so based on AMRs and any Review Report.

Q60	Do you agree with our proposal to change the statutory review period for LDPs from 4 to 6 years? **Yes/no/don't know. Please give your reasons.**
Q61	Do you think that a shorter or longer review period would be more appropriate? **Yes/no/don't know. Please give your reasons.**
Q62	What would be the resource implications, both staffing and financial, if the statutory review period was changed to 6-year review period? **Please provide data and evidence.**
Q63	To what extent would a six-year review period assist LPAs in moving towards the regional delivery agenda? **Please give your reasons?**

Effects on the Welsh Language

110. We have considered the proposals in this paper and are not aware of any effects, positive or negative on any business, group or individual. Part 1 of this consultation paper is primarily concerned with monetary measures. The new fee regulations will be available in both Welsh and English. This will improve their accessibility to all those living and working in Wales.

111. Part 2 of this paper contains proposals that are in the early stages and are not yet firmed up. We do not anticipate there to be any negative impacts on any business, group or individual. But we are particularly interested in discovering any

effects our proposals may have on opportunities to use the Welsh language, and on not treating the Welsh language less favourably than English.

Q64	What, in your opinion, would the likely effects of our proposals have on the Welsh Language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English? Do you think there are opportunities to promote any positive effects? Do you think there are opportunities to mitigate any adverse effects? **Please explain and give your reasons**
Q65	In your opinion, could any of our proposals be formulated or changed so as to: - have positive effects of more positive effects on using the Welsh language and not on treating the Welsh language less favourably than English; or - mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English? **Please explain and give your reasons**

Appendix 2

WG50622

Promoting a resilient and high performing planning service

Consultation response form

Your name: **Rhodri Davies**

Organisation Name (if applicable): **Bridgend County Borough Council**

Organisation type:

- Business/Consultant ☐
- Local Planning Authority x
- Government Agency/Other Public Sector ☐
- Professional Bodies/Interest Groups ☐
- Voluntary Sector/Community Groups ☐
- Other Group or Individual (not listed above) ☐

email/telephone number: rhodri.davies@bridgend.gov.uk

Your address:
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Responses should be returned by **17 January** to:

mailto:planconsultations-a@gov.wales

Or sent by post to:

Welsh Government
Planning Directorate
Cathays Park
Cardiff
CF10 3NQ

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to be anonymous, please tick here ☐

Question 1: Do you agree with our proposals to change planning applications fees from a percentage uplift approach to FCR?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

This is the most measurable and equitable way of appropriately resourcing the system and acknowledges the time spent on different types of application. The percentage increase approach is more arbitrary and reactive that can be more difficult to justify to developers/applicants.

Question 2: Do you agree that the 'FCR Pathway', ensuring most applications reach FCR in 3 to 5 years, is an appropriate approach?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

This approach is reasonable and justifiable and is likely to be accepted by developers and householders. The key is to ensure that the calculation of FCR is robust in terms of the resources required to process different applications.

Question 3: Do you agree that for those fee categories not considered by the ARUP Study, they should be increased to the 2024 baseline only and uplifted for inflation annually?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

-

Question 4: Do you agree with our proposals to increase fees for Pre-Application Services to the 2024 baseline, taking account of inflation only?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

The level of advice that is required to be provided with statutory pre-application advice should stay the same even with an increase of 32% as most LPAs offer the option of more detailed/bespoke non-statutory advice for an increased fee.

Question 5: Do you agree with the proposals for planning fees to be adjusted annually in line with inflation?

- Yes **X**
- No ☐
- Don't know ☐

Please give your reasons

This is the most reasonable approach.

Question 6: Do you agree that the Bank of England CPI is the most appropriate index measure to use?

- Yes ☐
- No ☐
- Don't know **X**

Please give your reasons

Has there been any research into utilising the Retail Price Index instead of the Consumer Price Index in case we are not maximising the rate of inflation?

Question 7: Do you agree that publishing fees three months in advance of any fee increase coming into force is enough time for notification and publication arrangements by LPAs?

- Yes **X**
- No ☐
- Don't know ☐

Please give your reasons

This is a reasonable period of warning. It is unlikely that the larger developments will be able to be rushed through before the fees are increased due to pre-app, PAC and GIS requirements.

Question 8: Do you agree with our proposals to reduce the variable fee thresholds for residential outline, full and change of use planning applications?

- Yes **X**
- No ☐
- Don't know ☐

Please give your reasons

This is a reasonable approach bearing in mind the ever-increasing number of issues that need to be addressed in considering and processing applications for residential developments.

Question 9: Do you agree with our proposals to increase householder application fees to meet cost recovery?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

Quite often, a significant amount of time and resources are expended on dealing with householder apps beyond the £230 fee. However, one possible consequence of the h/h fee increase is that householders could decide to reduce their schemes to permitted development levels.

Question 10: Do you agree with our proposals to introduce a lower fee of £85 for those householder application types covered by Part 2 (Schedule 1) Paragraph 7a.

- Yes ☐
- No **x**
- Don't know ☐

Please give your reasons

It is quite often the case that dealing with applications for fences etc. is more complicated and contentious than an extension and the fee should remain at £230 increasing with inflation.

Question 11: Do you think householders will be encouraged to build habitable garden rooms rather than build an extension to their homes because of the lower fee?

- Yes ☐
- No **x**
- Don't know ☐

Please give your reasons

Householders in this climate would still prefer an extension to their dwelling rather than an outbuilding and the increased fee would not be sufficient to dissuade them from doing so, particularly as the fee would still be miniscule compared to the actual build costs.

Question 12: Do you agree with our proposals to double the fee for retrospective planning applications?

- Yes ☐
- No ☐
- Don't know **x**

Please give your reasons

Whilst a deterrent would be useful, particularly for developers/commercial developments, there is a risk that householders could be penalised for an innocent misinterpretation of permitted development rights or as a result of bad advice from their architect/builder etc.

There is also the risk that householders would either simply not apply for retrospective consent or wait until they have to pay double the fee at the Enforcement Notice stage.

There could be an option of charging 1 ½ times the fee for householders if an application is received within 28 days of receiving a letter from the LPA (and double the fee for everything else) in order to persuade householders to regularise their unauthorised works.

Question 13: Do you consider that our proposed fees for reserved matters applications is an appropriate reflection of the resources/costs of processing these applications? If not, what fee structure should be used instead?

- Yes ☐
- No **x**
- Don't know ☐

Please give your reasons

The proposed fee is not sufficient to cover the costs of dealing with RM applications and should be based on the equivalent fee for a full application.

Question 14: Do you consider that our proposed fee for Renewal Applications in Annex A is a robust reflection of the costs of processing these applications?

- Yes ☐
- No **x**
- Don't know ☐

Please provide evidence

The fee should be a proportion of the full application fee (perhaps a quarter of the fee) and there should only be scope to extend a consent once.

Question 15: Would it be more appropriate for a renewal application to have the same fee as the original application for planning permission being renewed (either the full or outline permission fee)?

- Yes ☐
- No **x**
- Don't know ☐

Please provide evidence

See answer to Q.14 above.

Question 16: Do you consider that a fee should be charged for applications relating to LBCs or CACs?

- Yes ☐
- No ☐
- Don't know **x**

Please give your reasons and submit data/evidence

Whilst full support is offered for an attempt to sustain the LPA conservation service and make it more resilient and efficient, charging for LBC's/CAC's could potentially disproportionately benefit those Local Authorities with a greater number of Listed buildings and turnover of LBC applications, whilst in contrast in more deprived areas of South Wales, possibly with fewer designations, the introduction of fees may result in a reluctance to engage in pre-application discussions and potentially an increase in unauthorised works (due to spiralling costs associated with chargeable pre app/preparation of heritage impact statements/architects fees/bat surveys/planning application fees etc and therefore have a negative impact on heritage assets. **Full cost recovery would not benefit those authorities with a lower number of applications and pre-apps and ultimately may put conservation posts under further pressure to be removed from structures.** **There is currently little consistency in local authorities in charging fees for non-statutory pre-application advice for LBC's/CACs. If fees are introduced, then where pre-application advice is also chargeable there is a risk that requests for pre-application advice on LBC's/CAC's will decline thus affecting the quality of applications/HIA's and the potential efficiency of determination.** **If WG are minded to introduce fees, it is considered appropriate that, in parallel with Planning applications, the fee should be relative to the size and complexity of the scheme e.g. householder/major residential/major commercial and for LPA's to consider possibly reducing or removing pre-app fees or considering a 2 stage approach as a packaged service. Discharge of condition applications should also attract a fee to encourage details to be included in the original LBC submission.**

Question 17: Do you consider that a fee should be charged for applications relating to TPOs?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons and submit data/evidence

There is likely to be a requirement for LPAs to update their TPO registers before a fee can be charged. However, assessing and processing a TPO application or an application for works to a tree in a Conservation Area can be time consuming and requires specialist advice. A fee should

be sought even if there is a risk that landowners will undertake unauthorised works to protected trees (despite that being an offence) and may seek to remove their trees from the register.

Question 18: Are there any application types for which fees are not currently charged but which should require a fee?

- Yes ☐
- No ☐
- Don't know ☐

Please give your reasons and submit data/evidence

Requests for screening/scoping opinions.

Discharge of conditions applications relating to LBCs.

Question 19: Do you consider that the additional income arising from proposed fee increases should be ringfenced for spending within LPA planning departments?

- Yes ☐
- No ☐
- Don't know **x**

Please give your reasons

There is a risk that Council's will expect LPAs to be fully self-sufficient in terms of funding and the amount of fee income per year can fluctuate substantially depending on the LDP plan period. Each Council would also need to agree to this change in their standing orders/constitution through the S.151 Officer and it is unlikely to be supported as extra planning fee income is sometimes used to bolster other services.

Question 20: What are the current challenges/barriers to the ringfencing of planning fees in planning departments?

Please explain and give your reasons

See answer to Q.19 above.

Question 21: Do you consider that to support LPAs in ringfencing planning fees, Welsh Government should only implement fee increases where there has been a written commitment from an LPA to do so?

- Yes
- No x
- Don't know ☐

Please give your reasons

Whilst this may be a way to achieve consistency and buy-in across all Councils, it may prejudice LPAs who are unable to provide such a guarantee

Question 22: Do you agree that appellants should pay a fee to submit an appeal?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

This is likely to reduce the number of frivolous appeals and reduce the resource taken up in defending the LPA's decisions.

Question 23: Do you agree that the 'costs' system provides a suitable mechanism to recover costs, which may include the appeal fee, following unreasonable behaviour by any party?

- Yes
- No ☐
- Don't know x

Please give your reasons

This is the most equitable way to recover costs, however Inspector's decisions on costs is only the start of the process. From an LPA perspective Appellants often try to include cost that are not part of the appeal or are highly inflated and subsequent negotiations can incur more costs to either party. The Inspector needs to be more specific on what can be claimed and there needs to be some form of mediation service.

Question 24: Do you agree that a percentage of the planning application fee is the best way to set fees for planning appeals?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

This is probably the most equitable way of setting the appeal fees.

Question 25: Do you agree that 50% of the original planning application fee is fair and proportionate charge for planning appeals?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

This would appear reasonable but will need further analysis to see if it will meet costs incurred.

Question 26: Do you agree with the proposed exceptions to a Planning Appeal fee? Are there any other appeal types that could be included as exceptions?

- Yes **X**
- No ☐
- Don't know ☐

Please give your reasons

Seems to be reasonable no further comment.

Question 27: Do you have any other comments in relation to Planning Appeal Fees?

Please give your reasons

N/A

Question 28: Do you agree that fee categories should be simplified in the future?

- Yes **X**
- No ☐
- Don't know ☐

Please give your reasons

To ensure clarity for developers and LPAs.

Question 29: What are your views on the options proposed?

Please give your reasons

Option 1 would provide sufficient simplification of the fees.

Question 30: What is the current 'gap' in monetary/percentage terms between revenue received from current fee levels to the costs of running the development management service in your LPA area?

Please provide data

TBC however, the costs of running a planning service is not limited to DM - it also should include strategy, legal, highways, ecology etc.

Question 31: What impact, positive or negative, will our proposals have on the income received in monetary and percentage terms, and the relationship to the costs of running a development management service both now and in the next 3-5 years until FCR is achieved?

Please provide data and explain your reasons.

The increased fees will allow more scope for LPAs to retain and recruit staff and eventually improve performance due to an increase in resources and experienced staff. This will however take some time.

Question 32: In relation to householder applications, what are the current costs associated with a "typical" householder application vs fee income (including officer time, admin time (registration, validation, comms), statutory notices etc)?

Please provide data

TBC

Question 33: For applicants using planning services, do you consider that our proposals will improve service delivery?

- Yes **X**
- No ☐
- Don't know ☐

Please give your reasons

Service delivery will eventually improve as long as support is also provided to internal consultees/sections.

Question 34: For applicants using planning services, what are your general views on the impacts, either positive or negative, of our proposals?

Please give your reasons

N/A

Question 35: Do you agree with that the Planning Performance Framework should be re-introduced?

- Yes ☐
- No ☐
- Don't know x

Please give your reasons

The PPF should only be re-introduced once FCR is achieved as it will take some time for the increased fees to take effect. April 2025 to March 2026 is too early.

Question 36: Do you think that future planning application fee increases should be specifically linked to performance?

- Yes ☐
- No **x**
- Don't know ☐

Please give your reasons

It should remain a national set of fees and they should increase in line with inflation as referred to above. Any penalties due to poor performance would only penalise the LPAs which need the fee increases. This was the case with the previous Planning Improvement Fund/Grant.

Question 37: Do you have any comments on the proposed content of APRs?

- Yes ☐
- No **x**
- Don't know ☐

Please give your reasons

This can be specifically addressed as part of a future consultation process.

Question 38: What are the key indicators which you think the performance of authorities should be measured against?

Please explain and give your reasons

Given considerable current resource constraints, having a functioning planning service should been seen as a good indicator in itself.

Question 39: What are your views on the current performance bands - Improve (red), Fair (yellow) and Good (green)? Do you think they should be changed?

- Yes ☐
- No **x**
- Don't know ☐

If yes, please give your reasons

The framework needs a complete overhaul, it is not fit for purpose and does not reflect current issues affection development in Wales. No reference to carbon reduction? Further discussion with planners is required before setting any indicators.

Question 40: Are there any quantitative metrics not included which should be?

- Yes ☐
- No ☐
- Don't know x

Please indicate what additional quantitative metrics you consider should be included and explain why

Further consultation needed.

Question 41: Are there any qualitative metrics not included which should be?

- Yes ☐
- No ☐
- Don't know x

Please indicate what additional quantitative metrics you consider should be included and explain why.

Further consultation needed.

Question 42: Do you think the current targets and indicators are the correct ones in relation to the performance of the development management service?

- Yes ☐
- No ☐
- Don't know x

Please give your reasons

Further consultation needed.

Question 43: Do you think the current targets and indicators are the correct ones in relation to the performance of the development plan service?

- Yes ☐
- No ☐
- Don't know x

Please give your reasons

Further consultation needed.

Question 44: 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 **x**
- Don't know ☐

Please give your reasons

The current 8 week statutory determination period is not sufficient and should be extended. This is due to the fact that Officers have to consider more and more issues in the determination of a planning application. The LPA is also dependent on the quality of the submission as well internal and external consultees to allow the efficient processing of an application.

Question 45: Do you think that introducing resilience measures into APRs is a useful addition to performance reporting?

- Yes **x**
- No ☐
- Don't know ☐

Please give your reasons

These measures would be useful to contextualise the state of play within each LPA but would differ within years and between LPAs making it difficult to compare services.

Question 46: Do you agree with the broad measures proposed? If not, why and what others should be included?

- Yes ☐
- No ☐
- Don't know **x**

Please give your reasons

The income related measures are likely to fluctuate between the years as LPAs cannot control the number of applications being made.

In addition, the number of staff in the planning service would have to be clearly defined as LPAs operate differently and have different resources.

The measure for uptake of Graduates/Students/apprenticeships is reliant on the availability of suitable candidates.

Question 47: What do you consider to be the greatest skills and expertise gaps in local planning authorities and what impact is this currently having on service delivery?

Please provide examples/evidence

Ecology, legal, drainage, design expertise.

Question 48: What do you consider to be the main barriers faced by LPAs in recruiting and retaining staff?

Please provide examples/evidence

Uncompetitive salaries and potentially a lack of scope for promotion. Also inability to invest in the service and provide incentives such as post entry training.

Question 49: Are current salaries and career structures sufficient to retain planning staff?

- Yes ☐
- No **x**
- Don't know ☐

Please provides examples/evidence.

Salaries are not universal across planning services in Wales - individual job evaluation settlements have severely hampered LPA's ability to recruit and retain staff particularly in respect of competition with the private sector.

Question 50: Does your LPA currently offer opportunities for early career planners? Have you had success in retaining staff?

Please provide examples/evidence

Bridgend CBC recently benefitted from a 2 Year Graduate Planner post and we have been able to retain the candidate through an internal vacancy. However, this was a one-off funding opportunity and there is no budget for a further graduate programme. There is also an emphasis on graduate programmes rather than non-graduate entry. Non graduates have an important role to play in the planning service and can also benefit from or offer considerable experience. You don't need a planning degree to be a planner.

Question 51: In addition to increasing planning fees, in what other ways could Welsh 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

Promote and support more educational courses in T&CP and offer suitable incentives for part time learning combined with real life experience.

Question 52: Do you have any other ideas to help resource the planning system?

Please explain how you think the proposal could help resources

Planning is a public service and should be adequately resourced through normal public funding, however, if this cannot be achieved then the risk is that services will become part or fully privatised. Commercialisation may not necessarily improve service delivery and will lead to greater costs to the user at the expense of the built environment. Joint venture partnerships may provide some solutions on a part commercial basis but this subject area needs more research and consultation.

Question 53: Is there demand for undergraduate/post graduate bursary schemes in Wales? If responding on behalf of an LPA how many individuals would you wish to put forward and how often?

- Yes ☐
- No ☐
- Don't know **x**

Please gives your reasons

More research and consultation are needed. It is difficult to provide a figure at this stage without knowing more about how it would work.

Question 54: Is there demand for undergraduate/post graduate apprenticeship schemes in Wales? If responding on behalf of an LPA how many individuals would you wish to put forward and how often?

- Yes ☐
- No ☐
- Don't know **x**

Please gives your reasons

See above. More research is needed in this area.

Question 55: Where do you consider additional staffing resources secured via bursary/apprenticeship schemes should be directed to have the most impact? For example, within LPA planning services and or the delivery of CJC strategic and specialist planning functions.

Please provide evidence and explain your reasons

LPA planning services provide the core public sector planning functions. CJCs are likely to draw from the pool of LPA planners, at least initially, and LPAs may lose experienced staff to the regional bodies. As such, additional resources should be directed to LPAs.

Question 56: What are your views on merits and challenges of establishing regional/larger than local shared services?

Please provide evidence and give your reasons

This needs more research and consultation. It may appear to make sense in theory but the practicalities of service regionalisation must be thoroughly investigated.

Question 57: Do you agree that planning skills hubs should be located within CJCs

- Yes ☐
- No ☐
- Don't know x

Please gives your reasons

This needs more research and consultation. Whilst this suggestion may have some merit from a regional perspective it should not be at the expense of LPA resource.

Question 58: How do you think a planning skills hub(s) could be resourced considering governance, financial and staffing requirements?

Please provide evidence and give your reasons

This needs more research and consultation but a proportion of planning fee income could be directed towards a hub based service, this would have some merit but should not be at the expense of LPAs.

Question 59: Do you agree that planning skills hubs could potentially be funded by a proportion of fee income from each LPA be used to resource the hub?

- Yes ☐
- No ☐
- Don't know x

Please gives your reasons

This needs more research and consultation. Whilst it would provide a level of funding this should not be at the expense of LPAs.

Question 60: Do you agree with our proposal to change the statutory review period for LDPs from 4 to 6 years?

- Yes x
- No ☐
- Don't know ☐

Please give your reasons

A six-year cycle allows for better synchronisation with the longer preparation and adoption timeframe of the SDP. It reduces the risk of overlapping and conflicting timelines that could hinder SDP progress.

Question 61: Do you think that a shorter or longer review period would be more appropriate?

- Yes ☐
- No ☐
- Don't know ☐

Please give your reasons

See answer to Q.60 above.

Question 62: What would be the resource implications, both staffing and financial, if the statutory review period was changed to 6-year review period?

Please provide data and evidence

While no specific evidence is available, it is reasonable to conclude that adjusting the review period is unlikely to generate significant cost savings for the Local Planning Authority (LPA). Regardless of the timing, plan reviews require substantial resources for research, consultation, drafting, and examinations. Extending the review timeline would only shift these expenses forward.

Question 63: To what extent would a six-year review period assist LPAs in moving towards the regional delivery agenda?

Please give your reasons

A six-year cycle allows for better synchronisation with the longer preparation and adoption timeframe of the SDP. It reduces the risk of overlapping and conflicting timelines that could hinder SDP progress.

Question 64: What, in your opinion, would the likely effects of our proposals have on the Welsh Language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English?

Do you think there are opportunities to promote any positive effects?

Do you think there are opportunities to mitigate any adverse effects?

Please explain and give your reasons

No comments.

Question 65: In your opinion, could any of our proposals be formulated or changed so as to:

- have positive effects of more positive effects on using the Welsh language and not on treating the Welsh language less favourably than English; or

- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Please explain and give your reasons

No comments.

Question 66: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Hopefully the salient points have been addressed above but it is requested that the matter of planning fees be addressed as a matter of urgency in order to allow LPAs to set budgets and to plan ahead.

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TRAINING LOG

All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.

Subject	Date
Affordable Housing SPG	23 January 2025
Public Rights of Way / Bridleways	To be arranged.
Tree Policy - Green infrastructure	

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

Recommendation:

That the report of the Corporate Director Communities be noted.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS
None

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