

Stronger performance of local plan authorities through an increase in fees

Technical Consultation

About us

Since 1978, Solar Energy UK has worked to promote the benefits of solar energy and to make its adoption easy and profitable for domestic and commercial users. A not-for-profit association, we are funded entirely by our membership, which includes installers, manufacturers, distributors, large-scale developers, investors, and law firms.

Our mission is to empower the UK solar transformation. We are catalysing our members to pave the way for 40GW of solar energy capacity by 2030. We represent solar heat, solar power and energy storage, with a proven track record of securing breakthroughs for all three.

- Respondent details (for consultations)
- Respondent Name: Rachel Hayes
- Email Address: rhayes@solarenergyuk.org
- Contact Address: The Conduit, 6 Langley Street, London, WC2H 9JA
- Organisation Name: Solar Energy UK
- Would you like this response to remain confidential? No
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Introduction

Solar Energy UK welcomes the opportunity to respond to the Government's technical consultation on 'Stronger performance of local planning authorities supported through an increase in fees added.

Local Authorities will and must play a critical role in the delivery of net zero by 2050 and in reaching the Government's commitment to deploy 70GW of solar by 2035. The planning framework is a key area of regulation that can support these goals. However, the deterrent of a complex planning system, which is under-resourced, can significantly discourage developers from investing in renewable energy projects across the UK.

We have responded to the questions below. Thank you for taking our comments into consideration.

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

We do not agree. To meet climate change targets, renewable energy projects should be actively encouraged and supported (in accordance with national planning policy and wider climate obligations). As it stands, a 35% increase in planning fees would be disproportionate for solar developments in comparison to other types of major applications. In addition, the current planning fees are not reflective of the true complexity or cost to a Local Authority of processing a solar planning application. In order to address this, we recommend that Government create a bespoke fee category for solar and other renewable energy projects to create a more proportionate planning fee structure. Please also see our response to question 3 below regarding fee structures.

Whilst it is clear that the proposed planning fee uplift has been set with the intention to address the issues in the planning system (e.g., inadequate resourcing, administrative burdens, and resulting poor performance) the consultation fails to set out how the 35% planning fee has been calculated. Indeed, a 35% uplift is likely to make the fee for solar applications higher than many other types of development considered as major applications. As such, without evidence or background information, it is challenging to determine whether a 35% increase in planning fees would directly correlate to an increase in performance. We ask that DLUHC publish additional information and evidence as to why a 35% uplift has been proposed for major applications.

We are aware that one of the contributing issues to poor performance in the planning system is the lack of ringfencing for planning fee income that is received by the Local Authority. As a result, the income generated from planning application fees is being used to subsidize shortfalls in other departments.

This has led to inadequate resourcing of planning departments, which has resulted in an inability to determine planning applications within statutory timescales and consequent delays in planning decisions. If there is an increase in revenue from planning application fees it must be delivered directly to the planning department, so that they are able to receive a real-term funding increase to promote improved service.

Lastly, it is important that the cost of preparing and submitting a planning application does not serve to stifle renewable energy development opportunities. The high application fees for solar developments represent a risk for developers as the cost cannot be recovered should a project stall. Increasing the fee would further increase this risk and may deter developers.

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

We do not agree with a 25% increase in householder application fees unless these fees are ring-fenced for use only within Local Authority planning departments, and only if further justification for this increase is provided, as stated in response to the previous question.

Until all roof-mounted solar installations fall under permitted development rights, many homeowners in listed buildings, or in conservation areas, will be required to submit planning applications to install solar panels. We believe that the proposed increase in planning fees will deter such applications – which contribute to decarbonisation, increased energy security, and energy cost reduction for householders.

3. Do you agree that fees for all other planning applications should be increased by 25%? If not, please include in the comments box the particular application types where you believe the proposed increase is to high or low.

We disagree. The Government should be encouraging the transition to green technologies, however, increasing planning application fees by 25% will act as a deterrent to new solar deployment. SEUK members have reported that planning application fees are already too high, particularly for solar PV (as opposed to solar thermal) applications.

As discussed in our response to question 1, the Government could seek to rework the planning fees structure, to be technology specific and based on the actual workload for the local planning authorities. A good example of this is the planning fee structure used in Scotland which separates out energy generation from residential and non-residential development. Within the energy generation category, solar has its own fee schedule where fees are capped over a certain threshold. We believe an approach along these lines would be sensible for England and Wales.

Planning fees should be simple to calculate and clearly evidenced as to how the end planning fee has been calculated.

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

We would discourage Government from introducing fast-track services as it is unlikely to improve the performance of the planning system. There are two main reasons for this: firstly, fast-track services cannot obligate external statutory consultees to provide timely advice and formal responses to Local Planning Authorities (LPAs).

Secondly, one member from SEUK reports that external planning consultants have advised that the existing system of Planning Performance Agreements (PPAs) – previously brought in to address this same issue – is not worth pursuing. This is because a PPA does not provide any greater certainty of a timely determination, given that formal time extensions are common occurrences for applications considered under this mechanism.

Further, it is likely to put greater administrative pressure on LPAs which are already struggling with being unsourced.

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

We do not support annually adjusting fees in line with inflation principally because, unlike speculative residential developments, utility-scale solar projects are often initiated several years prior to planning applications being submitted (and the period between these two stages is getting longer given grid connection constraints) and thus, reducing the certainty of another significant development cost, i.e. planning application fees, might deter some solar projects coming forward at a time when should be maximising solar deployment (and other renewable energy installations) to reach our climate targets and commitments.

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

We do not agree with the proposed fee structure set out within the consultation. However, if the planning fees were to be increased, ring-fencing the additional fee income for planning departments is a reasonable measure. As such, this would ensure that the planning division of the Local Authority is able to deal with planning applications in a timely manner, improving the quality of service for the applicant.

9. Do you consider that that ability for a ‘free-go’ for repeat applications should be either:

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

We would recommend that a ‘free-go’ is retained. This provides an opportunity to address concerns without the need to go to appeal which can be time-consuming and expensive. This is particularly important in light of the extremely high application fees for solar developments.

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

Local Planning Authorities in the UK are stretched, with limited capacity, resources, and finances. To deliver the capacity that is needed to reach net zero by 2050, we recommend that further funding be provided to planning departments to bring on additional staff to support the delivery of a strong planning system. Local Authorities should ringfence income from planning fees as a mechanism to resource, retain and upskill the current workforce within planning departments.

Our members have reported that there is a particular need for Local Planning Authorities to improve resourcing with regards to renewable energy expertise. It could be that there is a focus at improving expertise at a district level and or specialist resources being pooled at county level.

In addition, there is a specific shortfall in expertise within ecology and biodiversity, landscape, and archaeology. This is particularly concerning given the impending requirement for all new developments to deliver 10% Biodiversity Net Gain (BNG) from 2023.

Given the current skills gap, it is likely that this will cause additional pressure on LPAs who will need to outsource expertise from consultancies. We strongly recommend that DLUHC look into additional financing mechanisms to ensure LPAs have the resources to deal with said changes in a timely manner.

More broadly, we ask that members of local authority planning committees are sufficiently educated on the specifics of planning applications e.g. confidence in their understanding of solar technology, of material planning issues, what the consequences could be if they overturn positive planning officer recommendations, and information on the appeal process.

12. In addition to increasing planning fees, in what other ways could the Government support greater capacity and capability within local planning departments and pathways into the profession?

We suggest that Government could look to fund planning apprenticeships, or university studentships (as done previously) within Local Planning Authorities.

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

We agree. This is a key mechanism for holding Local Planning Authorities to account to deliver within the statutory determination periods.

**16. Do you agree that performance should be assessed separately for:
a) Major applications b) Non-major applications (excluding householder applications) c) Householder applications d) discharge of conditions e) county matters applications**

We agree that the performance should be assessed separately for each of the options listed.

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

We agree with the proposed metrics identified in the consultation.

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

We have no further recommendations for quantitative metrics at this stage.

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

We agree. To deliver the best customer experience, qualitative and quantitative metrics should be applied. We would encourage the use of qualitative metrics to measure customer experience of the planning process, for example through a short survey.

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

As mentioned in our response to question 11, supporting staff retention and upskilling the current workforce will help to drive long-term positive change within the planning system; subsequently resulting in the delivery of greater customer service from better-equipped and more knowledgeable staff.

We strongly encourage greater engagement between LPAs, industry, and local communities. The businesses involved in the UK solar industry are committed to being good neighbours. Solar Energy UK is working with the industry and wider stakeholders to develop a community engagement best practice guidance.

This guidance will look at how best to engage with communities throughout the lifecycle of a solar farm (from pre-planning and design through to post-consent). Upon its publication, we would encourage LPAs to look to the guidance when reviewing planning documents for solar farm projects.

One area which could be improved is the digitalisation of planning applications for projects. Particularly for larger solar farm applications, a dedicated project website or a page on the developer's website can be a useful tool to make the application processes easier for communities to understand and encourage greater community engagement. Examples of what a website could entail are as below:

- The project details (location, size, generation)
- Details of the developer (company name, logo, contact information)
- Proposed timeline (start date, interim targets, end date)
- Planning process
- Details of the consultation (dates of when the consultation/s will be running, how individuals can get involved, any additional information)
- Feedback forms
- FAQ page
- Photographs of the site (taken from different viewpoints across the site)