

Consultation reference: WG39261

Annex B - Consultation Response Form

Changes to planning and related application fees

We are seeking your views on our proposed changes to planning and related application fees.

Please submit your comments by 13 March 2020.

If you have any queries on this consultation, please email: planconsultations-g@wales.gsi.gov.uk or telephone Owain Williams on 0300 025 1715.

Data Protection

The Welsh Government will be data controller 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. 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. 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. 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.

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

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

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

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or 0303 123 1113

Website: <https://ico.org.uk/>

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Changes to planning and related application fees		
Date of consultation period: 16 December 2019 to 13 March 2020		
Name	Bernard Griffiths	
Organisation	Farmers' Union of Wales	
Address	Llys Amaeth Gogerddan Aberystwyth Ceredigion SY23 3BT	
E-mail address	bernard.griffiths@fuw.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Consultation Questions

Q1	Do you agree with the proposed 20% increase in application fees, excluding pre-application services? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>FUW members' opinions were divided on this question. Some believed that this raise was understandable as there had not been an increase for a number of years. Some members believed that without increasing the fees the deficit between costs and charges would be passed on to the tax payers to make up. Tax payers had no option but to pay, whereas it was an individual's choice to apply for planning for a variety of reasons. However, those that accepted a price increase commented that planning services should improve with shorter time for application responses to justify the increase.</p> <p>Other members thought that a 20% increase since the last update of 2015 was on the high side as the Consumer Price Index (%) for the period 2015 to 2019 has ranged from 0.0,0.7,2.7,2.5,1.8 respectively.</p> <p>In addition, farm business incomes have depressed considerably between</p>				

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2017/18 and 2018/19 with dairy farms falling 23.7% year on year. All farm types income has fallen by 15.7% during the same period.

Farm Business Income	2016-17	2017-18	2018-19
Type of farming:			(forecast)
All farm types	24500	35000	29500
Dairy	31300	84500	64500
Grazing livestock (LFA)	23100	27000	24500
Grazing livestock lowland	22700	24000	17000

If the Welsh Government continue with plans to introduce Nitrate Vulnerable Zones across all agricultural holdings in Wales then farms will be forced to increase cow slurry storage from four months to five months. These investments and the requirement of planning consent would apply to the whole of Wales, even where NRW evidence indicates there is a low or no pollution risk. It therefore seems unfair that the cost of applying for planning will increase for many farmers to meet new regulations which are not supported by data and evidence. Analysis of Natural Resources Wales surface water data of 669 sites across Wales revealed that only 2.7% of the 13887 samples exceeded the NVZ designation threshold of 11.6 mg N/lite of Total Inorganic Nitrogen.

This will also necessitate infrastructure investment and added planning application costs at a time when the industry is already reeling from depressed incomes (see above) and uncertainties arising from trade disruption, following the United Kingdom's departure from the European Union.

Members also commented that if farmers planning costs were increased in order to meet statutory environmental regulations then they should expect that both local authorities and statutory consultees should have the staff available with the correct expertise to deal with the planning applications submitted. This has been an ongoing problem in several Welsh counties where slurry storage infrastructure planning applications have been continually delayed, due to lack of qualified staff to assess and process the applications.

Members suggested that reductions in the cost of processing planning applications needed to be looked at as the planning system appeared to be becoming increasingly complicated with more and more costly demands being made of applicants for additional reports/surveys, for what were often simple non-controversial planning applications.

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Q2	Do you agree with introducing a fee for £230 for applications for Certificates of Appropriate Alternative Development, made under section 17 of the Land Compensation Act 1961? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Members felt there was insufficient information about the Land Compensation Act in the consultation document to answer this question with confidence.</p> <p>If interpretation was correct, members questioned why the farmer or landowner was asked to pay £230 to value the land in question in a compulsory purchase, when he did not request the alternative development in the first place.</p> <p>The FUW would appreciate further clarification about this fee and the circumstances when it would be implemented.</p>				

Q3	Do you have any comments to make, or evidence to put forward in relation to the current fee regime, or any suggestions for improvements?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The FUW members noted comment 1.6 in the consultation document which highlighted that planning permission consent raised the value of properties. Whilst accepting this, they pointed out that planning developments also raised business' economic returns and therefore tax revenue for the government.</p> <p>In paragraph 2.2, the document attempts to justify increased planning costs due to the additional requirements arising from policy and legislative changes. Members questioned why these increased costs which were as a consequence of government actions, were not absorbed by government instead of passing them on to businesses.</p> <p>Members felt that planning services should deliver the service that was stated. Agriculture should not be assessed under the same scale and process as residential dwellings.</p> <p>Members welcomed no increase in fees for the pre-application process (2.6) as this would only stifle business investment.</p>				

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		Yes	Yes (subject to comment)	No
Q4	<p>We would like to know your views on the effects that changes for planning and related applications fees would have on the Welsh language, specifically, on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.</p> <p>What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Members commented that as 43% of the agriculture sector in Wales could speak Welsh, compared to 17% for all Welsh workers, any adverse impacts on the sector from increased costs would potentially negatively affect the Welsh language.

Others did not foresee any effects that the changes would have on the Welsh language and that proceedings and developments will carry on as normal but at an extra financial cost.

Some members commented that indirectly making planning easier and more favourable to the younger generation of farmers would also impact on the Welsh language. They felt it was important to have onsite accommodation when running a family farm. Agriculture ties to the property would not be a problem. It was more important to have these younger generation available at all times day and night on the farm property and not living in the nearby village as this adds to the pressure of everyday life on the farm. Hence, an easier planning regime for the younger generation would help keep them within the community.

		Yes	Yes (subject to comment)	No
Q5	<p>Please also explain how you believe the proposed policy for changes to fees for planning and related applications could be formulated or changed so as to have</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.			
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Comments:
See Q4.

I am happy for my name/or address to be published with my response (please tick)

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How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-g@wales.gsi.gov.uk Please include 'Changes to planning and related application fees – WG39261' in the subject line.
Post
Please complete the consultation form and send it to: Changes to planning and related application fees Planning Directorate Welsh Assembly Government Cathays Park Cardiff CF10 3NQ
Additional information
If you have any queries on this consultation, please: email: planconsultations-g@wales.gsi.gov.uk ; or telephone: Owain Williams on 03000 25 1715