



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

Julian Wheeler
DCLG
Zone 1/J1, Eland House
Bressenden Place
London
SW1E 5DU

James Caird
Consultant Consultations Co-ordinator
IHBC Business Office
Jubilee House
High Street
Tisbury
Wiltshire
SP3 6HA

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Tel (01584) 876141
Web site www.ihbc.org.uk
E-mail consultations@ihbc.org.uk

Dear Mr Wheeler

PROPOSALS FOR CHANGES TO PLANNING APPLICATION FEES IN ENGLAND

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation. Our responses to the questions posed are as follows:

Q1. Do you agree that each local planning authority should be able to set its own (non-profit-making) planning application fee charges?

The Institute accepts the need for change to allow charges to reflect local service costs and to increase local accountability.

Q2. Do you agree that local planning authorities should be allowed to decide whether to charge for applications that are resubmitted following withdrawal or refusal?

The Institute has reservations about this proposal. Whilst the Consultation takes into account that many resubmitted applications may differ significantly from their predecessors, some are refused or withdrawn on the basis of technicalities more connected with the need to determine them within 8 weeks than the content of the scheme. These can be resubmitted successfully with little or no amendment and it seems harsh to require a full fee to be paid in such cases.

The Fees Regulations require that, for a "free go" the resubmitted application must be of the "same character or description". The Institute feels that amendment of this requirement to differentiate better between minor and major revision would be a better option than removing the free go altogether.

A further alternative might be to require (say) a half fee to be paid for a resubmission or to allow LPAs to devise their own schemes subject to a maximum proportion, or to waive the repeat fee where a reasonable case is made.

Q3 Do you agree that local planning authorities should be able to set higher fees for retrospective applications?

Yes. Retrospective applications are a bone of contention for many authorities and a disincentive to them would be welcome. The introduction of fees for heritage consents (see Q4) would inevitably give rise to increased enforcement work. This additional disincentive to unauthorized works could be very helpful.

Q4 Are there any development management services which are not currently charged for but should require a fee?

Applications for Listed Building Consent currently do not require a fee although many applications for Listed Building Consent accompany applications for Planning Permission which do. The Institute has historically shared the view expressed in the Consultation that the custodianship of heritage and its concomitant obligations should not be compounded by a fee requirement for applications. This view is shared by many private owners of heritage property, particularly those who are frequent users of the planning system.

However, the Institute now accepts that LPAs with heavy heritage workloads will be unable to continue to provide a proper level of service if this principle were to continue and that fees for heritage applications should form part of the planning fee regime. There would appear to be strong support for this in many authorities.

Elsewhere there is fear that the introduction of fees might be detrimental to the conservation of the nation's heritage. Whilst in some areas, application and other fees may be seen by developers as a very small proportion of their development costs, in less prosperous parts of England they may be an impediment to due process and result in increased contravention and enforcement workload.

The Institute is not aware of any research into whether such fears are real or imagined and the DCLG and DCMS are urged, whichever of the consultation's options is adopted, to commission some research to explore this issue.

In the meantime, if fees for heritage applications are introduced, the Institute would like the Fees Regulations to recognize that different areas and administrations have different heritage constraints, workloads and objectives. We think the Regulations should allow considerable local flexibility of application to allow these differences to be reflected in local fee scales. In particular:

- LPAs should be allowed to set a zero fee for heritage applications if they believe this best suits local circumstances.
- The recovery of costs should have only to be justified on the basis of cost recovery for the service as a whole. We feel it would be inappropriate if those seeking LPA heritage consents and services should alone have to incur fees based on their full cost.

The Institute believes that some LPAs may be put off making Article 4 Directions on the grounds of the costs associated with dealing with subsequent planning applications. Applications for consents arising from Article 4 directions should thus form part of the fee regime. Fees might reasonably also be required for advertisement, prior approval to demolish and tree applications.

The Institute has received comments that refer to the case for fees for heritage applications and other services not being supported in some areas by a commitment to a high level of service. The Institute feels that there needs to be a clear linkage between service levels and fee levels demonstrated in LPAs scale of charges, and this might reasonably be linked to a requirement for best practice to be followed. We think there is a case to be made for further work on this aspect.

Q5 Are there any other development management services which currently require a fee but should be exempt from charging?

No.

Q6 What are the likely effects of any of the changes on you, or the group or business or local authority you represent?

All change has negative as well as positive impacts. Some LPAs currently have insufficient data to be able to implement the proposals effectively. Managing the change will be a further pressure on already scarce resources.

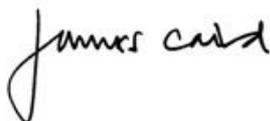
Q7 Do you think there will be unintended consequences arising from these proposals?

There are always unintended consequences arising from major change. The Institute is not able to predict any, but the Government should set aside resources to review the proposals annually for the first few years of operation in order to allow matters arising to be subject of regularly amended Regulation.

Q8 Do you have any comment on the outcomes predicted in the impact assessment, in particular the costs and benefits?

There is a very substantial benefit to developers in not having to keep track of a multiplicity of fee scales. The proposals will thus make project costing more difficult.

Yours sincerely

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive style with a large, looped initial 'J'.

James Caird
Consultant Consultations Co-ordinator