PSC18/20

Response to Scottish Government's consultation on Planning Performance and Fees

14 February 2020

About Energy UK

Energy UK is the trade association for the energy industry with over 100 members spanning every aspect of the energy sector – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

We represent the diverse nature of the UK's energy industry with our members delivering almost all (90%) of both the UK's power generation and energy supply for over 27 million UK homes as well as businesses.

The energy industry invests over £13.1bn annually, delivers around £85.6bn in economic activity through its supply chain and interaction with other sectors, and supports over 764,000 jobs in every corner of the country.

Executive Summary

- Energy UK is supportive of any proposals which provide a clear and consistent approach to planning across Scotland, reduce bureaucracy and deliver a greater emphasis on the certainty of outcomes and delivery of development.
- A clear, positive vision for the planning service in Scotland would be welcomed across the energy industry to ensure that climate change mitigation is prioritised and significant volumes of new low carbon energy infrastructure are delivered in a timely manner to meet Net Zero.
- We welcome the potential for mechanisms such as planning performance agreements as a means of providing additional resourcing to meet demand and schedule.
- We would consider any increase in fees to be linked to an improvement in performance and recommend the adoption of transparent Key Performance Indicators (KPIs) to show the number of applications delivered on time against the scheduled timeframe.
- Energy UK supports the introduction of new categories for Energy Storage and Solar development to ensure that the Planning System is fit for purpose and reflective of the transitioning energy landscape.

Please find our response to the relevant consultation questions below.

Response to consultation questions

Planning Performance

Question 1. Should we set out a vision for the Planning Service in Scotland?
The Ministerial Foreword states that it "wants Scotland's planning system to be efficient and effective facilitated by skilled and experienced planners". This is against a backdrop of the Planning (Scotland) Act 2019 which added 49 new duties for local authorities to deal with in planning alongside cuts which saw planning services cut across the whole of Scotland.

Energy UK understands the pressures on the planning system at present, but considers that any increase in fees should be proportionate and return an improved service through channelling revenue toward direct increases in resourcing for planning services. It is concerning that fees paid currently, and as part of any review, do not seem to go towards planning services but to councils as general funds to be spent as they see fit. In recent years we have seen more and more councils cut planning staff

numbers and take on underqualified planning staff to work in planning departments often replacing experienced retiring staff. The pipeline of planning trainees is shrinking with planning courses much reduced across Scotland and all of this while costs have continued to rise for developers. We would recommend that these resourcing issues be addressed by ring fencing revenue from fees for planning services and thereby ensure the service can play its key enabling role to deliver net-zero targets in this climate emergency.

We are supportive of any proposals which provide a clear and consistent approach to planning across Scotland, reduce bureaucracy and deliver a greater emphasis on the certainty of outcomes and delivery of development. We believe this consultation provides an opportunity for coordinated action to meet these objectives. A clear, positive vision for the planning service in Scotland would be welcomed across the renewables industry and will ensure engagement from relevant stakeholders. Any unnecessary increases in fees, or the introduction of additional processes and procedures should be resisted, with an emphasis placed on facilitating climate change mitigation through the delivery of renewable developments and an improved planning service.

Question 2. Do you have any comments on the Proposed content of Planning Performance Reports?
The consultation document confirms that, throughout the parliamentary process of the 2019 Act, Scottish Government were clear that performance reporting, including the outcomes and impacts which planning delivers, should be measured and reported on, rather than just the volume and time taken to determine applications.

For this improvement to be quantifiable, it might be valuable to introduce a suite of KPIs based on measurables such as number of applications determined on time, average length of delays in an application, resourcing and employee retention.

We would urge that impacts on mitigating climate change are given the greatest weight in performance reporting across all development types.

Question 3. Do you have any comments on the Proposed content of Planning Performance Reports?
3a. Do you have any comments or suggestions as to how reports should be prepared?
3b. What statistical information would be useful/valuable to include and monitor?
3c. What are the key indicators which you think the performance of the system and authorities should be measured against?
3d. Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?
3e. Do you have any suggestions about how we could measure the outcomes from planning?
3f. Do you have any suggestions about how planning's contribution to the National Outcomes contained in the National Performance Framework should be measured and presented?

Measuring the outcomes in relation to the National Planning Framework (NPF) requirement to include a statement on meeting greenhouse gas (GHG) emission reduction targets, needs to be based on the number of renewable and low carbon schemes built and operating as an outcome, rather than planning consents for such schemes – this is especially important in our ambitions to meet Net Zero. This is especially important in the current no-subsidy era where not all consented schemes designed on the basis of the Renewable Obligation (RO) or Contracts for Difference (CfD) support mechanisms will be developed.

We support the idea that Planning Performance Reports (PPR) are consulted on more widely and that lessons learned are explained and incorporated into the final reports.

Better data and statistics on how resources have been used on applications should be concentrated on larger proposals which have added complexity and with some larger developers being expected to pay large fees it will be important to show what standards of service they are getting in return for their fees.

We note that the time taken to determine applications is not included in the list of issues, however PPFs currently include this information. We would suggest that more focus should be given to reporting on timescales, including information on whether local planning authorities are exceeding statutory timescales and why.

Question 4. Do you agree with the proposed responsibilities of the planning improvement co-ordinator?
We agree with the proposed responsibilities of the National Planning Improvement Co-ordinator role, and would welcome the role be afforded the necessary powers to make a difference using the statistics and data produced from authorities.

We consider that there needs to be more clarity on the expected outcomes and priorities. From a development industry perspective, the priorities for the role should be to ensure identification of any blockages or issues within the system at the various levels and put in place tangible measures to resolve these issues. In our view, the role should be afforded the necessary powers to make noticeable changes based on evidence in the form of statistics and data produced by LPAs. There should also be focus on ensuring that sufficient and experienced resource is allocated to more complex applications/EIA projects, and on ensuring that appropriate training is provided.

Planning Fees

We have a few overarching points on which we would appreciate further clarification. Firstly, the consultation document states that the current maximum for the 'plant and machinery' category is £70,050; however, we believe this is incorrect as it was increased in 2017 to £125,000[1]. It would be helpful if this could be corrected.

A further point to note is the proposed maximum fees for planning applications are higher than the equivalent fees under the Electricity Act[2]. Under the proposals, developers will be paying more for a <50MW scheme under the Town and Country Planning (Scotland) Act than they would be for a 50-100MW project under the Electricity Act (see 3. In Table 1) which does not seem sensical.

We would also appreciate clarification on whether the newly separated categories for energy infrastructure (categories 11-13) will be managed all under the same umbrella, and by the same team.

Whilst we agree that a planning system that is "reliable, proportionate, provides a service that is focused on delivery" should be the aim and we acknowledge the focus on delivery and continuous improvement, we would urge Scottish Government to ensure sustained improvements in performance are delivered through local authority action, Scottish Government resources and measures implemented by the National Planning Improvement Co-ordinator.

Clarity on whether processes and procedures from this consultation exercise will have any impact on S36 and S37 applications moving forward would also be welcomed given the overlap at various stages of the planning process. Although we acknowledge the separate legislative and procedural requirements for S36 and S37 applications there are many improvements to processes and procedures that could be applicable to all scales of renewable development that would provide clarity to developers.

Question 12. Do you agree with the proposed planning fees for Category 11 – Windfarms – access tracks and calculation?
12a. Is using the site area the best method of calculating fees for windfarms of more than 3 turbines?
Yes, Energy UK supports the proposed methodology for calculating fees for windfarms of more than 3 turbines.

[1] https://www.legislation.gov.uk/ssi/2017/120/schedule/made
[2] https://www.legislation.gov.uk/ssi/2019/176/schedule/made

12b. if not, could you suggest and alternative? In your response please provide any evidence that supports your view.
No comment.

12c. Do you have any comments on the proposed fees and for calculating the planning fee?
At a time when developers are struggling with subsidy removal for onshore wind and net-zero targets requiring an increase in onshore wind development, any increase in fees should be proportionate and return an improved service through channelling revenue toward direct increases in resourcing for planning services. Revenue collected should be ring fenced for planning services to help improve the service if net-zero targets are to be achieved.

As mentioned in response to question 2, for this improvement to be quantifiable, it might be valuable to introduce a suite of KPIs based on measurables such as number of applications determined on time, resourcing, employee retention. Alternatively, we would welcome consideration of tools that would assist in delivering a more efficient service. We would recommend a simplified approach and use of a retention fee. A retention of a portion of the fees (25%) would be held by the Applicant and paid on meeting the agreed timeframe. This could be a useful mechanism to drive efficiency. The Applicant would retain the retention amount if the timeframe is not met.

Onshore wind no longer has access to market stabilisation mechanisms such as the Renewable Obligation (RO) or Contract for Difference (CfD) mechanism, and projects are under ever increasing pressure to be as efficient and cost effective as possible. As such, any increase in fees should be proportionate and return an improved service.

Question 13. Do you agree with the proposed planning fees for Category 12 - Hydro Schemes?
13a. Is the proposed method for calculating the fee correct?
Yes, Energy UK supports the proposed methodology for calculating fees for hydro schemes.

13b. Do you have any comments on the proposed fees and for calculating the planning fee?
Energy UK reiterates that any increase in fees should be proportionate and return an improved service through directing revenue toward resourcing for planning services. It is concerning that fees paid currently, and as part of any review, do not seem to go towards planning services but to councils as general funds to be spent as they see fit. In recent years we have seen more and more councils cut planning staff numbers and take on underqualified planning staff to work in planning departments often replacing experienced retiring staff. The pipeline of planning trainees is shrinking with planning courses much reduced across Scotland and all of this while costs have continued to rise for developers. We would recommend that these resourcing issues be addressed by ringfencing revenue from fees for planning services and thereby ensure the service can play its key enabling role to deliver net-zero targets.

13c. Could the planning fee be set using site area for the generating station and equipment with a separate calculation used for pipework? This could be similar to the fee for Fish Farms where the surface area is subject to a different fee to the seabed.
No comment.

Question 14. Is the definition and the proposed method for calculating the planning fee correct for Category 13 - Other energy generation projects?
14a. Do you have any comments on the proposed fees and for calculating the planning fee?
Yes, Energy UK supports the proposed methodology for calculating fees for other energy generation projects. We do however note that in the consultation document it states that these cover "…other energy generation projects which are not windfarms" when we would assume this definition should also carve out hydro schemes and, depending on whether these new categories are established, solar farms and energy storage.

We would also appreciate clarification that this definition also covers other projects which are not technically providing electricity generation for supply, but rather provide other services to the grid such as inertia, voltage control and grid stability. Despite the different purpose of these projects, we would still consider these applicable to the 'other energy generation projects' category and therefore subject to the same level of fees.

14b. Should a category be created for Solar Farms?
Yes**,** we consider that solar farms are suitable to be given a separate category and fee structure as we anticipate growth in the number of solar farm applications by developers throughout the energy industry.

14c. Do you have any suggestions for how the fee should be calculated?
We would suggest that solar farms be charged on the basis of site area, but using a cost per 0.1 hectare which takes account of the height and therefore resource input required by authorities.

As a general point, differentiating between site size/floor space appears confusing although we assume this is designed to address site size for solar developments and floor space for energy storage developments. This should be clarified when the categories and specific fees are created. We would also question the suggested costs per $100m^2$ and why the first $100m^2$ is set at a higher rate than the remainder.

To provide clarity, we would suggest that clear fee tables for solar and energy storage developments with reasonable ratio of site size to fee and a reduced max fee are provided. It may be that the $100m^2$ is an error and should be $1000m^2$ (0.1 hectare) which would give a more realistic and reasonable site size to fee ratio. This would also be more consistent with other fees in the consultation paper.

14d. Should a category be created for energy storage developments?
Yes, Energy UK strongly supports a new category of planning fees for energy storage developments. It is our view that the planning system must be proportional and risk-based and should reflect the impact of the project. For context, a 50MW battery electricity storage project is equivalent in size and structure to an agricultural shed, and battery electricity storage projects of up to 200MW are unlikely to trigger requirements for Environmental Impact Assessment (EIA) and, where they do, it is likely that many topics can be scoped out of EIA in most circumstances. We therefore ask that further consideration is given to ensure the scale and potential impact of electricity storage projects is reflected within the planning fees.

Additionally, the visual impact on the local area will be minimal and the process for determining applications should be relatively straightforward in most circumstances.

14e. Do you have any suggestions for how the fee should be calculated?
As mentioned in response to 14d, battery-based electricity storage projects are often equivalent in size and structure to an agricultural shed and those with a capacity of up to around 200MW are unlikely to trigger requirements for an EIA. In our view, the planning and consenting decisions for these projects should be timely and relatively straightforward and therefore fees incurred should be proportionate to the potential environmental impacts. This will avoid deterring investment in electricity storage projects and will in turn encourage further deployment, which is pivotal to reaching our more ambitious Net-Zero target.

Moreover, Category 7 shows fees for warehousing space is less than storage developments and this does not seem justified given the level of visual intrusion is approximately equal. If the fee correctly reflects the level of impact over the amount of space, this has the potential to increase the optimisation of area to ensure each m^2 is used as efficiently as possible.

We would also query why Category 14 -Exploratory Drilling for Oil and Natural Gas - has a cap of £100,000, which is £50,000 less than renewables developments. Given the climate emergency we would expect the opposite to be supported by Scottish Government, with renewable developers

warranting lower fees than the oil and gas industry. Additionally, the winning and working of minerals has a proposed maximum fee of £150,000 for 109 hectares of development.

Looking at the fee calculations, there does not appear to be a justification for the first 100m^2 of site size/floor space to be charged at £1,000, with £500 for every 100m^2 thereafter. Based on these assumptions, the proposed fee for solar/energy storage developments would be £150,000 for a 2.99-hectare site. Whilst a 2.99-hectare solar farm may be technically feasible, the fee proposed should be much lower than £150,000 for the size and scale of development, and also in the interests of project viability. Additionally, a 2.99-hectare energy storage development by floor space is very unlikely given existing technological limitations and if a site was brought forward it should not command a £150,000 fee for scale and viability reasons. Therefore, we suggest clear fee tables with fully thought out fee levels and criteria that are relative to the scale and impact of development types should be developed.

Going forwards, there is likely to be an increase in energy generation projects co-located with energy storage (e.g. onshore wind co-located with batteries). Sites of this nature are instrumental in ensuring that a move to a decarbonised electricity system, with increased levels of intermittent low-carbon generation, does not result in security of supply issues at times where there is a lack of wind or solar available. For these hybrid sites, there needs to be clarification and confirmation that local authorities will not charge separate fees for each separate component. This principle should also apply to borrow pits forming an integral part of a planning application for an electricity generating station– in the past, some planning authorities have requested that developers submit separate applications for the wind farm and the borrow pit(s) to enable them to charge higher separate fees rather than a lower combined fee.

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004, states the following principle for charging fees in regards to developments which sit within more than one category:

"13. Subject to paragraph 12 where an application or deemed application, other than an outline application, relates to development which is within more than one of the categories–
(a) an amount shall be calculated in respect of each such category; and
(b) the highest amount so calculated shall be the fee payable in respect of the application or deemed application."

This principle should apply to hybrid sites where wind and solar are co-located with battery storage, and local authorities should not be allowed to require developers to submit separate applications for developments falling within different categories. Rather, developers should be able to submit such sites as one co-located application.

14f. Should a category be created for heat networks?
14g. Do you have any suggestions for how the fee should be calculated?
No comment.

Question 27. Please list any types of developments not included within the proposed categories that you consider should be.
No comment.

Question 28. How should applications for planning permission in principle and Approval of Matters Specified in Conditions (AMSC) be charged in future?
28a. How should the fee for AMSC applications be calculated?
28b. Should the maximum fee apply to the individual developers/applicants or applied to the whole development with applicants (if number is known) paying an equal share of the max fee?
28c. Should the granting of a section 42 application lead to the fee calculator being reset?
No comment.

Question 29. Should the fee for cross boundary applications be split between the respective authorities?
No change.

Question 30. Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation areas are restricted, then a reduced fee should be payable?
We agree with reduced fees for conservation area applications, especially if it relates to energy infrastructure applications which help mitigate climate change and align with meeting the net zero target.

Question 31. Is the introduction of a fee for applying for Listed Building Consent appropriate?
In our view, Listed Building Consent fees should be payable in order to facilitate the fair and equitable treatment of developers and to have regard to council resources. The fees should be proportionate so as not to put off the conservation and viability of these assets.

Question 32. Should the fees for Hazardous Substances Consent be increased?
No comment.

Question 33. Are the proposed increases in fees for the categories below appropriate? –
33a. CLUDS
33b. Advertisement
33c. Prior Approval
33d. Should alternative schemes remain as it is?
No comment.

Question 34. Are there other fees which have not been considered?
No comment.

Question 35. Do you think we should set out the range of services which an authority is allowed to charge for?
It would be useful to set out the range of services so it is clear what is deemed statutory and what is non-statutory and therefore subject to fees.

As highlighted in response to 14e, there is a strong direction of travel towards energy generation projects co-located with energy storage (e.g. onshore wind, hydro and solar co-located with batteries). Sites of this nature are instrumental in ensuring that a move to a decarbonised electricity system, with increased levels of intermittent low-carbon generation, does not result in security of supply issues at times where generation from wind or solar is low. For these hybrid sites, there needs to be clarification and confirmation that local authorities will not charge separate fees.

An example, of wherefore elements of the project which have already been subject to an EIA as part of a full planning application, there was a request to split these out and subject them to separate fees.

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004, states the following principle for charging fees in regards to developments which sit within more than one category:

"13. Subject to paragraph 12 where an application or deemed application, other than an outline application, relates to development which is within more than one of the categories–
(a) an amount shall be calculated in respect of each such category; and
(b) the highest amount so calculated shall be the fee payable in respect of the application or deemed application."

This principle should apply to hybrid sites where wind and solar are co-located with battery storage, and local authorities should not be allowed to require developers to submit separate applications for

developments falling within different categories. Rather, developers should be able to submit such sites as one co-located application.

Question 36. How should the fee for pre-application discussions be set?
We would suggest these fees are based on the service level provided and related to the scale of development. They should be set against specified Service Level Agreements (SLA's) and refunds given if these are not met. Applicants do not have the ability to seek such services in a competitive market environment whereby if they are not happy with the service level, they do not use that service provider again. As such, if planning authorities are going to be given powers to levy such fees these have to be regulated to ensure consistency and quality of service.

36a. Should the fees for pre-application discussions be subtracted from the full fee payable on submission of an application?
We would agree that fees for pre-application discussions, where paid, are subtracted from the full fee payable on submission of an application. Some of the resources deployed to provide the advice will not require duplication at the application stage and ideally the issues identified should be addressed in the application, consequently making its progression through the system less resource intensive. If issues identified at pre-application have not been addressed, the planning authority can move to a swift determination. It is this front loading of the planning system that the Scottish Government are trying to encourage and which would in turn encourage developers to engage in pre-application services that are value for money. This scenario assumes limited change between engagement, consultation and final submission.

Question 37. Do you think that there should be an additional charge for entering into a processing agreement to reflect the additional resource required to draft and agree the timescales to be included?
It is our view that any charge should be integrated into the overall increase of planning fees and not introduced as a separate addition. Energy UK would also appreciate having the flexibility to consider the option of Planning Performance Agreements currently used effectively in England – or similar mechanisms- to allow developers to expedite the planning process, and which could also be rolled out in Scotland.

Question 38. Where a non-material variation is required should an authority be able to charge for each change which is made? Or per request? –
We would suggest that a small fee per request is charged as per Section 96A amendments in England (i.e. £25 for householder, £195 for others). This should be linked to an SLA for decision.

Question 39. Should authorities be able to charge for carrying out the monitoring of conditions?
39a. Should a fee for monitoring be limited to certain types of monitoring requirements?
39b. what should this be limited to?
39c. How should the fee be set?
We do not agree that authorities should be able to charge for monitoring of conditions which is a statutory function of the planning authority. Where conditions are imposed which require some form of monitoring for environmental purposes, an independent ecological clerk of works (ECoW) is usually appointed during the construction phase. The cost of the ECoW is borne by the developer and reported to the planning authority allowing them to monitor the terms of the CEMP. It is not reasonable that developers should be required to pay for monitoring twice.

Question 40. Do you think there should be a fee payable for the discharge of conditions?
We would support a fee for discharge of conditions, provided that it mirrors the English system in terms of cost per application for discharge (can be multiple conditions in one application), and a refund is issued if it is not responded to in 12 weeks. We would not be averse to setting a higher fee but with a shorter timescale for decision and refund, so as to encourage planning authorities to respond to developers within the required timescale.

Question 41. Do you think that Planning Authorities should be able charge for the drafting of planning agreements?
41a. If so, how should this be set?
We do not support Planning Authorities charging a fee for drafting planning agreements, it is appropriate that local authorities and developers are responsible for their own legal fees when preparing planning agreements.

We would also support the development of an agreed template to ensure consistency across Local Authorities when dealing with energy infrastructure applications.

Question 42. Should an authority be able to charge for development within an MCA (building, or changes or use) in order to recoup the costs involved in setting one up?
42a. Should we set the fee or an upper limit?
No comment.

Question 43. Should the ability to offer and charge for an enhanced project managed service be introduced?
43a. What if anything should happen in the event of failure to meet timescales?
Energy UK would strongly support the introduction of an enhanced project management service, to allow developers to expedite the planning process and ensure with greater certainty that timescales will be met. A similar provision already in place in England (Planning Performance Agreements) has proved to be very effective, and we would therefore welcome the option of a similar service being rolled out in Scotland.

One way of incentivising timescales being met, as mentioned in response to earlier questions, is to allow developers to hold back a proportion of the chargeable fee until the service is delivered on time. This would act as an insurance policy of sorts that under the scenario where there are delays, developers would keep the portion which was originally held back and not be expected to pay the full fee. It is fair to say however, that the purpose of utilising the enhanced project managed service would be to ensure timescales are met. Therefore, if timescales are not met then this has essentially rendered the service useless.

We would anticipate that the role of the national planning improvement coordinator could take on much of this responsibility especially with regards to projects requiring EIA, to allow developers to expedite the planning process and have greater certainty that timescales will be met. This role should be secured as an enhanced level of service within the context of the increase in fees proposed.

Question 44. Do you think charging for being added or retained on the register of interested people should be included in the list of services which Planning Authorities should be allowed to charge for?
44a. should there be a restriction of the amount that can be charged?
No comment.

Question 45. Do you think that, in principle, fees should be charged for appeals to Planning and Environmental Appeals Division (DPEA)?
45a. Should we limit the circumstances in which a fee can be charged for lodging an appeal?
45b. In what circumstances do you think a fee should be paid for lodging an appeal?
45c. Do you think that the fee should be refunded in the event of a successful appeal?
45d. If so, should this follow the same process as is currently set out for awarding costs?
45e. What categories of appeals should be considered for charging?
45f. Do you think that a fee scale should be provided in relation to appeals to Local Review Bodies and, if so, should the arrangements differ from appeals to DPEA?

Energy UK would not support the charging of fees for appeals to DPEA, as this would significantly add to the cost of the process. Appeals already cost developers a significant amount of time and money to make and challenge, and are sometimes when the basis for refusal is unclear.

Appeals can be required when an LPA has failed to determine the application within the statutory timescales and the developer has appealed on the grounds of non-determination. There should be no charge to developers for these appeals. In other instances, the refusal of an application could be as a result of a subjective matter, such as landscape and visual impacts, or objections to the development. Again, it would seem unreasonable for developers to pay additional appeal costs in these circumstances.

Given that there is no clear market stabilisation mechanism for established onshore technologies and the Scottish Government targets to meet 2045 net-zero target, such additional costs should be avoided to prevent projects becoming unviable.

Question 46. Do you have any suggestions as to the circumstances in which authorities could waive or reduce a planning fee?
46a. Should the maximum reduction be set out in regulations?
No comment.

Question 47. Should the surcharge be set at 100%?
47a. Authorities will need to apply discretion when applying this surcharge. Should authorities need to clearly set out the reasons why the surcharge has been applied or not in each individual case?
We would question the process by which an authority distinguishes between applicants who have undertaken the development knowingly to defraud the system as opposed to making a genuine mistake. We would argue that Section 33a is sufficient to cover this and encourage retrospective applications, and therefore no such surcharge or discretion should be applied.

Question 48. Given the success of ePlanning, the continuing increase in its use and the savings which are made to both an applicant and authority in submitting an application electronically, do you think it is appropriate to apply an increased fee for submitting a paper application due to the additional work involved?
Energy UK supports electronic applications. It would be helpful to publish costs associated with paper applications recognising some applications will be minor and fees should be structured accordingly.

48a. Do you consider the use of rebates, discounts or other incentives, a useful tool delivering a more efficient service?

We would welcome consideration of tools that would assist in delivering a more efficient service. As applicants pay for a service, any refund could only be for the part of the service not provided and further thought is required to not create an overly burdensome administration. We would recommend a simplified approach and use of a retention fee. A retention of a portion of the fees (25%) would be held by the Applicant and paid on meeting the agreed timeframe. This could be a useful mechanism to drive efficiency. The Applicant would retain the retention amount if the timeframe is not met.

Question 49. Do you consider there should be a single advertising fee? How do you think the cost of advertising should be recovered?
We consider that a standard fee could increase consistency, but would need to be proportionate. As there is such disparity over advertising costs between different newspapers in different authorities, it could result in some authorities not covering their costs.

Question 50. Do you consider that submission of an Environmental Impact Assessment (EIA) should warrant a supplementary fee in all cases? If so, what might an appropriate charge be?
We do not consider EIA submission to warrant a supplementary fee. Most EIA development will attract significant application fees (maximum in category) and authorities and Non-Governmental Organisations have the relevant expertise on most subjects to consider the EIA report. It is submitted as a tool for decision making at the applicant's significant expense and should not then attract a further fee for submission, especially as most are submitted digitally and are not resource-intensive to provide

to consultees and other interested parties. Given the nature and potential complexities of EIA projects, they would usually pay for non-statutory pre-application advice to relevant stakeholders in any case.

While some planning authorities and stakeholders have the relevant expertise on most subjects to consider the EIA report, we would suggest that further training be available to focus on proportionate EIAs and impacts that are likely to lead to potential significant effects only (in line with the 2017 EIA regulations). Planning authorities often ask for assessments that are not necessary to the determination of an application. These training costs should not be borne by the developer. The planning performance coordinator should also play an instrumental role in ensuring that EIA applications are dealt with efficiently and in a timely manner, ensuring that those handling such applications have sufficient experience.

Question 51. Do you think that applications for planning permission in principle should continue to be charged at half the standard fee?
We would recommend a review of the length of time applications take to be reviewed and fees allocated based on the amount of work required or alternatively offer a rebate.

Question 52. Should the Scottish Government introduce a service charge for submitting an application through eDevelopment (ePlanning and eBuilding Standards)?
The Planning Portal only recently brought in the admin fee, and this was following a period of significant improvements to the service. The portal is a much better system than e-planning and we would not agree to such a service charge for the very limited service improvements suggested.

In terms of administrative burden, and the cost of this, the majority of this again is borne by the applicant already as they have responsibility for document upload, we therefore believe it is unfair to introduce an additional fee for this, and against the context of ever-increasing planning application fees.

Question 53. Do you have any comments on the Business and Regulatory Impact Assessment?
No comment.

Question 54. Do you agree with our conclusion that a full Equality Impact Assessment is not required?
No comment.

Question 55. Do you have any comments on the Equality Impact Assessment?
No comment.

Question 56. Do you agree with our conclusion that a full Strategic Environmental Assessment (SEA) is not required?
Yes.

Question 57. Do you agree with our conclusion that a full Children's Rights Assessment (CRWIA) is not required?
No comment.

Question 58. Do you agree with our conclusion that a full Fairer Scotland Duty assessment is not required?
No comment.

Question 59. Do you have any comments which relate to the impact of our proposals on the Islands?
No comment.

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