

**Number: WG50415**



Welsh Government

## Consultation – summary of responses

Infrastructure (Wales) Bill

Fees for performance of infrastructure consent functions and services

September 2024

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
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## **Annex**

- A. List of respondents by category

## 1. Introduction

- 1.1 The 'Infrastructure (Wales) Bill: Fees for performance of infrastructure consent functions and services' consultation document was launched on 13 May 2024 and was open for responses until 22 July 2024.
- 1.2 A total of 20 specific questions were set out in the consultation document, with a standard form provided for ease of response. Comments were also made outside of the standard questions.
- 1.3 This document details a summary of responses to the consultation, the Welsh Government's response and the next steps. It is separated into two further sections.
- 1.4 Section 2 provides an overall statistical summary of the consultation and provides details of how the consultation was conducted.
- 1.5 Section 3 provides a summary of all responses received. This includes:
  - A summary of the key findings under each consultation question;
  - A statistical analysis of the views expressed on each consultation question, where statistics could be extracted;
  - A summary and analysis of the key themes generated for each question;
  - The Welsh Government's response to that analysis; and
  - An explanation of what the Welsh Government will do following the response to each question.
- 1.6 In considering the responses we recognise a number of these provided emotive responses on individual schemes and personal or community impact. However, in analysing and summarising the response to this consultation, this report will not address the following:
  - **Clarifications sought to matters of detail:** Further consultation will shortly be undertaken where further clarification has been provided. It is the intention that, when in force, the new processes will be supplemented by guidance. That guidance will also clarify matters of detail raised in this consultation paper;
  - **Comments on individual cases or decisions before or made by the Welsh Ministers:** Given the statutory role of the Welsh Ministers in the planning process it is not possible for them, or anyone else within the Welsh Government, to comment on a decision to which they are, or may be, party. To do so could prejudice the position of the Welsh Government;
  - **Matters outside the scope of the consultation:** Where comments have been made that are relevant to this consultation but were made in

relation to matters outside of the scope of the question, efforts have been made to summarise under the correct question. However, comments outside of the remit of this consultation have not been addressed; and,

- **Comments which incorrectly interpret the proposed policy and existing legislation:** Responses have been received which request changes to policy which, in fact, either reflect the intentions set out in the consultation paper or reflect existing legislation which is to be unchanged.

## 2. Responses

- 2.1 On 13 May 2024 over 200 stakeholders, including individuals and organisations were notified by email of the publication of the consultation paper. These were drawn from the core consultation list held by the Planning Directorate of the Welsh Government, as well as a specific consultation list held by the Infrastructure Bill team. This included all local authorities in Wales, public bodies, special interest groups and other groups. The consultation was made available on the Welsh Government's consultation website.
- 2.2 The consultation generated 30 responses and we are grateful to all those who responded. All the consultation responses have been read and considered as part of this analysis.
- 2.3 A consultation form was provided separately on the Welsh Government's consultation website. Respondents were asked to assign themselves to one of six broad respondent categories. Table 1 below shows the breakdown of respondents.

<b>Table 1 – Breakdown of Respondents</b>		
<b>Category</b>	<b>Number</b>	<b>% of total<sup>1</sup></b>
Business / Planning Consultants	10	33%
Local Authorities (including National Park Authorities)	3	10%
Government Agency / Other Public Sector	2	7%
Professional Bodies / Interest Groups	4	13%
Voluntary Sector	4	13%
Others (other groups not listed)	7	23%
<b>Total</b>	<b>30</b>	

<sup>1</sup> Numbers may not add up due to rounding

- 2.4 Consultation questions 1 - 18 posed policy specific questions. The questions required one of the following responses; 'yes', 'yes (subject to further comment)' or 'no'. These consultation questions also provided the option to expand on answers further.
- 2.5 Consultation questions 19 and 20 related specifically to the potential impact (either positive or negative) the proposals may have on the Welsh language.
- 2.6 A statistical overview of the responses, showing the nature of the responses to questions is presented as part of the analysis to each question in section 3 of this document. Where respondents did not specify a particular answer, these were considered and recorded as 'don't know'.
- 2.7 A list of respondents and the categories to which they were assigned to can be found in Annex A of this report. Where respondents have asked for their details to be withheld, they will appear as "Anonymous" under the appropriate category, with the exception of private individuals, all of whom will appear as "Anonymous" in order to comply with the General Data Protection Regulations.

### 3. Summary of responses

<b>Q1</b>	Do you agree that the Bill should operate on a full cost recovery basis? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	4	6	0	0	10
B	Local Authorities (including National Park Authorities)	2	1	0	0	3
C	Government Agency/Other Public Sector	2	0	0	0	2
D	Professional Bodies/Interest Groups	3	1	0	0	4
E	Voluntary Sector	4	0	0	0	4
F	Others (other groups not listed)	5	2	0	0	7
<b>Total all respondents</b>		<b>20</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>30</b>	<b>0</b>
<b>Overall Percentage</b>	<b>100%</b>	<b>0%</b>

#### Statistical review

- 3.1 All respondents supported the principle of full cost recovery. 100% of respondents answered either 'Yes' or 'Yes (subject to further comment)' to the question.

## Key themes

- 3.2 While all respondents agreed to the principle of cost recovery, additional comments were raised by respondents, grouped into the following main themes:
- Full cost recovery should provide a basis for improved resourcing of stakeholders, in order to support the delivery of appropriate schemes through better advice and reduction of delays;
  - Cost recovery should be limited to certain parties and certain tasks;
  - Concerns were raised over the duplication of fees; and
  - Two respondents considered fee recovery should apply to local residents and allow for damages to landscapes and culture.

## Government response

- 3.3 We intend to take forward the principle of full cost recovery as supported by all respondents. We agree this will improve resourcing of stakeholders and will expect an improvement in service delivery.
- 3.4 While the impact of development on local people is acknowledged, reimbursing costs to local people falls outside the remit of the planning system.



<b>Q2</b>	Do you agree that fees should be able to take into account factors such as inflation? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	3	2	3	10
B	Local Authorities (including National Park Authorities)	2	1	0	0	3
C	Government Agency/Other Public Sector	1	0	0	1	2
D	Professional Bodies/Interest Groups	3	1	0	0	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	3	2	0	2	7
<b>Total all respondents</b>		<b>14</b>	<b>7</b>	<b>2</b>	<b>7</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>21</b>	<b>2</b>
<b>Overall Percentage</b>	<b>91%</b>	<b>9%</b>

### Statistical review

- 3.5 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 91% agreed with the proposal for fees to take into account factors such as inflation. Responses among respondent groups were mixed. Seven respondents submitted their response as 'Don't know'.

## Key themes

3.6 There was general agreement with the principle of fees increasing in line with inflation. Comments received alongside all comments were as follows:

- Without fee increases in line with inflation, fees would result in only a partial cost recovery;
- Fees should continue to reflect the cost of providing services and functions in real terms;
- Other respondents considered that instead of inflation, fees should be updated in accordance with a predetermined timetable and transparent methodology, or regularly reviewed; and
- Other comments were made in relation to fees including provision for local people to meet legal fees and financial compensation, and other matters outside of the consultation.

## Government response

3.7 There is agreement fees should be increased on a regular basis, although some respondents did not agree with inflation as the basis for this. We consider that as CPI is produced to international standards and is based on European regulations for the Harmonised Index of Consumer Prices. We are therefore minded to use CPI as it represents a reliable method of ensuring fees remain up to date.

<b>Q3</b>	Do you agree that fees should vary depending on size, scale and location of proposed developments? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	1	2	5	2	10
B	Local Authorities (including National Park Authorities)	1	1	1	0	3
C	Government Agency/Other Public Sector	1	1	0	0	2
D	Professional Bodies/Interest Groups	1	3	0	0	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	0	3	1	3	7
<b>Total all respondents</b>		<b>7</b>	<b>10</b>	<b>7</b>	<b>6</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>17</b>	<b>7</b>
<b>Overall Percentage</b>	<b>71%</b>	<b>29%</b>

### Statistical review

- 3.8 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 71% agreed with the proposal for fees to vary on factors such as size, scale and location. Responses among respondent groups were mixed. Six respondents submitted their response as 'Don't know'.

## Key themes

3.9 There was general agreement with varying fees according to size, scale and location. Additional comments were raised by respondents as follows:

- Complexity and level of input required from statutory consultees is not necessarily related to project size, scale or location;
- Complexity is based on the type of consent(s) applied for and the length and nature of examination;
- There may be unintended consequences if fees were varied according to location, resulting in a geographic bias in applications;
- Fees should reflect the time and resource used, linking to the principle of full cost recovery; and
- Fees should not vary based on location as the process is the same regardless of where a project is located.

## Government response

3.10 The Welsh Government notes the general agreement from respondents that fees should vary based on size, scale and location. However the evidence presented suggests that other factors may also have an impact on the costs experienced by parties.

<b>Q4</b>	Do you agree that fees should provide a recovery mechanism where the service is not provided? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	4	1	3	10
B	Local Authorities (including National Park Authorities)	1	2	0	0	3
C	Government Agency/Other Public Sector	1	1	0	0	2
D	Professional Bodies/Interest Groups	2	2	0	0	4
E	Voluntary Sector	1	0	2	1	4
F	Others (other groups not listed)	2	2	1	2	7
<b>Total all respondents</b>		<b>9</b>	<b>11</b>	<b>4</b>	<b>6</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>18</b>	<b>4</b>
<b>Overall Percentage</b>	<b>82%</b>	<b>18%</b>

### Statistical review

3.11 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 82% agreed with the proposal for fees to include a recovery mechanism where a service is not provided. Responses received were mixed and six respondents submitted their response as 'Don't know'.

## Key themes

3.12 Many responses related to the full cost recovery of the system as a whole rather than the refund of a fee if a service was not provided. However, there was general agreement with the principle of a recovery mechanism for fees where a service has not been provided. Additional comments raised by respondents were as follows:

- Refunds are a blunt instrument and result in a pressure to determine in time, rather than achieving quality or positive outcomes;
- Costs already incurred should not be refunded;
- Refunds should not be applicable after an LIR has been submitted; and
- Recovery mechanisms should be proportionate and should not exacerbate existing resource issues.

## Government response

3.13 The Welsh Government notes the responses and the general agreement from respondents that there should be a recovery mechanism for fees where a service is not provided. We intend for the system to contain a mechanism for recovery in certain circumstances, however it is recognised that as a new system, a period of bedding in may be required. On this basis, we will monitor performance and consider if a recovery mechanism is appropriate.

<b>Q5</b>	Do you have any comments on local and national level fees? Please provide any evidence you have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	0	8	0	2	10
B	Local Authorities (including National Park Authorities)	0	1	0	2	3
C	Government Agency/Other Public Sector	0	1	1	0	2
D	Professional Bodies/Interest Groups	1	2	0	1	4
E	Voluntary Sector	0	0	3	1	4
F	Others (other groups not listed)	2	3	1	1	7
<b>Total all respondents</b>		<b>3</b>	<b>15</b>	<b>5</b>	<b>7</b>	<b>30</b>

### Key themes

3.14 There was general disagreement with the principle of local fees. Additional comments were raised by respondents were as follows:

- National fees were desirable in the interests of consistency and transparency;
- National fees would be in line with all other statutory planning fees;
- National fees would ensure a level playing field across Wales which would not be the case if fees were set locally; and
- Local fees would cause confusion where schemes cross LPA boundaries.

<b>Q6</b>	Do safeguards need to be placed on a locally set system of fees (e.g. consultation on a proposed fee level, performance reporting)?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	3	2	1	4	10
B	Local Authorities (including National Park Authorities)	0	1	0	2	3
C	Government Agency/Other Public Sector	1	1	0	0	2
D	Professional Bodies/Interest Groups	1	1	0	2	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	2	3	1	1	7
<b>Total all respondents</b>		<b>10</b>	<b>8</b>	<b>2</b>	<b>10</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>18</b>	<b>2</b>
<b>Overall Percentage</b>	<b>90%</b>	<b>10%</b>

### Statistical review

3.15 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 90% agreed that safeguards need to be placed on a local fee system. Responses were mixed and ten respondents submitted their response as 'Don't know'.



## Key themes

3.16 Many respondents reiterated general disagreement with the principle of local fees. However, some additional comments were received in relation to safeguards as follows:

- Safeguards would prevent LPAs from charging differing amounts;
- Safeguards appeared to be in the interests of reasonableness and transparency;
- There would be an additional workload to provide safeguards and this is not considered helpful or effective; and
- Local fees would require consultation and would hinder the ability to deliver services under the new regime;

## Government response to Questions 5 and 6

3.17 The Welsh Government notes the responses, and the general disagreement from respondents that fees should be set locally. Limited evidence was provided to support the position, or how a national fee system could be established.

3.18 Although there was support for a national fee system, it is considered a local fee system would address many of the issues raised by respondents to other questions. All respondents considered the fee system should provide for cost recovery in question one. Cost recovery is achieved where all costs of delivering the service are accounted for through the system. A locally set fee provides this as individual bodies can identify and account for the specific costs incurred by different bodies. Respondents were concerned that fees should take account of size, scale, location and complexity of a proposed development in question three. A locally set fee would enable a body to take account of these factors.

3.19 Respondents in response to question 5 considered a national fee would be transparent. It is considered transparency can be provided through safeguards on a local fee system. On this basis this is the current preferred method of calculating fees.

<b>Q7</b>	Do you agree that fees should be charged for pre-application services? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	5	4	0	1	10
B	Local Authorities (including National Park Authorities)	3	0	0	0	3
C	Government Agency/Other Public Sector	1	1	0	0	2
D	Professional Bodies/Interest Groups	3	1	0	0	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	5	0	1	1	7
<b>Total all respondents</b>		<b>20</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>26</b>	<b>1</b>
<b>Overall Percentage</b>	<b>96%</b>	<b>4%</b>

### Statistical review

3.20 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, only one person disagreed there should be a charge for pre-application services. Three respondents submitted their response as 'Don't know'.

## Key themes

3.21 Respondents generally agreed on the charging for pre-application services. Some additional comments were received and can be grouped as follows:

- Fees for pre-application services should be based on performance or level of service received;
- Fees must be at a level to enable full cost recovery, reflecting the nature and complexity of projects and covering the resource required;
- Fees should be variable to reflect the different levels of engagement required for different types of infrastructure projects; and
- Other comments were received relating to the type of pre-application services that should be offered or included.

## Government response

3.22 It is intended that fees will be set at a level appropriate for the work undertaken by those involved in the application process, including at pre-application stage. We expect services to be based on a standardised system with a set response and timeframe. The fee system is designed to ensure that these requirements are met.

<b>Q9</b>	Do you agree that application fees should be both fixed and variable? For example, a fixed fee could be paid on the submission of an application, and a variable fee could be paid in relation to the length and complexity of the examination.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	1	4	2	3	10
B	Local Authorities (including National Park Authorities)	2	1	0	0	3
C	Government Agency/Other Public Sector	1	0	0	1	2
D	Professional Bodies/Interest Groups	3	1	0	0	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	3	1	0	3	7
<b>Total all respondents</b>		<b>13</b>	<b>7</b>	<b>2</b>	<b>8</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>20</b>	<b>2</b>
<b>Overall Percentage</b>	<b>91%</b>	<b>9%</b>

<b>Q10</b>	Do you agree that examination fees should be variable? (ie daily rates) Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	4	2	2	10
B	Local Authorities (including National Park Authorities)	1	2	0	0	3
C	Government Agency/Other Public Sector	0	1	0	1	2
D	Professional Bodies/Interest Groups	2	2	0	0	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	4	0	0	3	7
<b>Total all respondents</b>		<b>12</b>	<b>9</b>	<b>2</b>	<b>7</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>21</b>	<b>2</b>
<b>Overall Percentage</b>	<b>91%</b>	<b>9%</b>

<b>Q13</b>	Do you agree that there should be a fee for the determination of an infrastructure consent order?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	0	5	3	10
B	Local Authorities (including National Park Authorities)	2	1	0	0	3
C	Government Agency/Other Public Sector	2	0	0	0	2
D	Professional Bodies/Interest Groups	0	1	1	2	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	2	1	1	3	7
<b>Total all respondents</b>		<b>11</b>	<b>3</b>	<b>7</b>	<b>9</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>14</b>	<b>7</b>
<b>Overall Percentage</b>	<b>67%</b>	<b>33%</b>

### Statistical review

3.23 In response to Question 9, 91% agreed that application fees should be both fixed and variable. Responses were mixed, as eight respondents submitted their response as 'Don't know'.

- 3.24 In response to Question 10, 91% agreed that examination fees should be variable. Seven respondents submitted their response as 'Don't know'.
- 3.25 In response to Question 13, 67% agreed that there should be a fee for determination of an infrastructure consent. Responses were mixed as nine respondents submitted their response as 'Don't know' and seven respondents submitted their response as 'No'.

### Key themes

#### *Fixed and Variable Fees*

- 3.26 Respondents generally agreed that both fixed and variable fees should be charged in relation to applications. Some additional comments were received as follows:
- Variable fees impact the financial planning of projects;
  - Fees should be proportionate to the area, size and scale of development and time spent examining variable sized developments; and
  - Fees should have a maximum charge to provide certainty to applicants.

#### *Examination Fees*

- 3.27 Respondents generally agreed that examination fees should be variable. Some additional comments were received as follows:
- Fees should cover longer examinations that incur greater costs;
  - Fees for the attendance of officers at examination events should be recoverable;
  - Statutory consultees should be able to recover costs at examinations; and
  - Variable fees for examination created issues for financial planning of projects.

#### *Determination Fee*

- 3.28 Respondents generally disagreed with a determination fee for infrastructure consent. Some additional comments were received and some of these comments were as follows:
- Fees related to determination should be covered by application and examination fees; and

- This was not the precedent in other planning legislation and suggests a 'purchasing' of planning permission.

### Government response to Questions 9, 10 and 13

- 3.29 The Welsh Government notes the responses, and the general agreement from respondents that application fees should be both variable and fixed. Furthermore, the general agreement that variable fees should be charged for examination is noted. The general disagreement from respondents on the charging of a determination fee is also noted.
- 3.30 Further consideration will be given to application and examination fees in the fee structure for the Infrastructure (Wales) Act 2024.



<b>Q11</b>	Do you agree that LPAs and NRW should receive a fee for submitting a LIR/MIR?
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<b>Statistical Summary</b>						
<b>Sector</b>		<b>Yes</b>	<b>Yes (subject to further comment)</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
A	Business / Planning Consultants	4	1	2	3	10
B	Local Authorities (including National Park Authorities)	1	2	0	0	3
C	Government Agency/Other Public Sector	1	0	0	1	2
D	Professional Bodies/Interest Groups	3	1	0	0	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	3	2	0	2	7
<b>Total all respondents</b>		<b>15</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>30</b>

	<b>Yes/Yes subject to comment</b>	<b>No</b>
<b>Total Respondents indicating a response</b>	<b>21</b>	<b>2</b>
<b>Overall Percentage</b>	<b>91%</b>	<b>9%</b>

### Statistical review

3.31 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 91% agreed that LPAs and NRW should receive a fee for submitting a LIR/MIR. Seven respondents submitted their response as 'Don't know'.

## Key themes

3.32 Respondents generally agreed that a fee should be associated with the submission of a LIR/MIR. Some additional comments were received and some of these comments were as follows:

- One respondent disagreed and commented that this fee should form part of a Planning Performance Agreement (PPA);
- LIR/MIR fee should form part of the initial application fee;
- Separate fees for LIR/MIR could imply they are directly funded by developers;
- Cadw should also produce and receive a fee for a LIR/MIR in relation to heritage matters.

## Government response

3.33 The Welsh Government notes the responses, and the general agreement from respondents that fees should be charged for the production of a LIR/MIR.

<b>Q8</b>	Do you agree that there should be a fixed fee for submitting a pre-application notification? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	4	1	3	10
B	Local Authorities (including National Park Authorities)	1	2	0	0	3
C	Government Agency/Other Public Sector	0	1	0	1	2
D	Professional Bodies/Interest Groups	0	2	0	2	4
E	Voluntary Sector	2	0	1	1	4
F	Others (other groups not listed)	2	1	1	3	7
<b>Total all respondents</b>		<b>7</b>	<b>10</b>	<b>3</b>	<b>10</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>17</b>	<b>3</b>
<b>Overall Percentage</b>	<b>85%</b>	<b>15%</b>

<b>Q12</b>	Do you agree this should be a fixed fee? (LIR/MIR fee) Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	1	2	1	6	10
B	Local Authorities (including National Park Authorities)	0	0	2	1	3
C	Government Agency/Other Public Sector	0	0	0	2	2
D	Professional Bodies/Interest Groups	1	1	0	2	4
E	Voluntary Sector	1	0	2	1	4
F	Others (other groups not listed)	2	0	3	2	7
<b>Total all respondents</b>		<b>5</b>	<b>3</b>	<b>8</b>	<b>14</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>8</b>	<b>8</b>
<b>Overall Percentage</b>	<b>50%</b>	<b>50%</b>

<b>Q14</b>	Do you agree this should be a fixed fee? (Determination fee)
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	1	2	5	10
B	Local Authorities (including National Park Authorities)	2	0	0	1	3
C	Government Agency/Other Public Sector	0	0	0	2	2
D	Professional Bodies/Interest Groups	0	1	0	3	4
E	Voluntary Sector	2	0	1	1	4
F	Others (other groups not listed)	2	0	1	4	7
<b>Total all respondents</b>		<b>8</b>	<b>2</b>	<b>4</b>	<b>16</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>10</b>	<b>4</b>
<b>Overall Percentage</b>	<b>71%</b>	<b>29%</b>

## Statistical review

- 3.34 In response to Question 8, 85% agreed that there should be a fixed fee for a pre-application notification. Responses were mixed as ten respondents submitted their response as 'Don't know'.
- 3.35 In response to Question 12, 50% agreed that the fee for LPAs and NRW for submitting a LIR/MIR should be a fixed fee. The responses were mixed, as 50% also disagreed with this proposal and fourteen respondents submitted their response as 'Don't know'.
- 3.36 In response to Question 14, 71% agreed that a determination fee should be a fixed fee. Responses were mixed as sixteen respondents submitted their response as 'Don't know'.

## Key themes

### *Fixed Fee for Notification*

- 3.37 Respondents generally agreed on charging a fixed fee for notification. Some additional comments were received as follows:
- Notification fee could vary depending on the size, scale and location of development; and
  - A fixed fee should be sufficient enough to cover the costs of LPA input.

### *Fixed Fee for LIR/MIR*

- 3.38 Respondents generally disagreed with a fixed fee for a LIR/MIR. Some additional comments were received and some of these comments were as follows:
- LIR/MIR fees should vary based on time, size of development and complexity of work involved;
  - Variable fees are necessary in order to achieve full cost recovery;
  - A fixed fee is only appropriate where the time taken and resources required are consistent across projects; and
  - LIR fees should only be paid if it is provided within the prescribed timescale.

### *Fixed Fee for Determination*

3.39 Respondents reiterated general disagreement with a determination fee, and that this should be fixed. Some additional comments were received and some of these comments were as follows:

- Determination fee should be dependent on area and scale of development;
- Resource should be taken into account in determination fee; and
- Determination fee should be flexible if costs are likely to vary.

### Government response to Questions 8, 12 and 14

3.40 The Welsh Government notes the responses. Further consideration will be given to fixed fees in the fee structure for the Infrastructure (Wales) Act 2024.

<b>Q15</b>	Do you agree that there should be fees for the amendment or revocation of an infrastructure consent order? Please provide any evidence you may have to support your position.
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	1	4	0	5	10
B	Local Authorities (including National Park Authorities)	2	1	0	0	3
C	Government Agency/Other Public Sector	1	1	0	0	2
D	Professional Bodies/Interest Groups	2	1	0	1	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	3	1	1	2	7
<b>Total all respondents</b>		<b>12</b>	<b>8</b>	<b>1</b>	<b>9</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>20</b>	<b>1</b>
<b>Overall Percentage</b>	<b>95%</b>	<b>5%</b>

### Statistical review

3.41 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 95% agreed that there should



be fees for amendment and revocation applications. Nine respondents submitted their response as 'Don't know'.

### Key themes

3.42 Respondents generally agreed with the charging of fees to amend or revoke an infrastructure consent order. Some additional comments were received and some of these comments were as follows:

- Input from statutory consultees and LPAs should be included in fees;
- Any fee for revocation or amendments should be fixed; and
- Large or disproportionate fees could discourage applicants from applying.

### Government response

3.43 The Welsh Government proposes to progress with a fee for the amendment or revocation of an infrastructure consent order within our fee proposals to ensure that they are appropriate and cover all costs.

<b>Q16</b>	<p>Do you have any comments on statutory consultees charging fees?          In giving your answer please consider:</p> <ul style="list-style-type: none"> <li>- The stage in the process a public body should charge a fee.</li> <li>- If specified public bodies are paid a fee, should this be a fixed fee?</li> <li>- If specified public bodies are paid a fee, should the fee be the same for all bodies?</li> </ul> <p>Please provide any evidence you may have to support your position.</p>
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	2	5	1	2	10
B	Local Authorities (including National Park Authorities)	0	1	0	2	3
C	Government Agency/Other Public Sector	0	2	0	0	2
D	Professional Bodies/Interest Groups	1	2	0	1	4
E	Voluntary Sector	1	0	2	1	4
F	Others (other groups not listed)	3	2	1	1	7
<b>Total all respondents</b>		<b>7</b>	<b>12</b>	<b>4</b>	<b>7</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>19</b>	<b>4</b>
<b>Overall Percentage</b>	<b>83%</b>	<b>17%</b>

### Statistical review

3.44 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 83% of respondents had comments on statutory consultees charging fees. Seven respondents submitted their response as 'Don't know'.

### Key themes

3.45 Respondents generally agreed that statutory consultees should be able to recover costs. Some additional comments were received as follows:

- Payment of fees should relate to performance or level of service provided by statutory consultees;
- Initial application fees could include an amount that is ringfenced for statutory consultees;
- Fees for statutory consultees should be fixed;
- Fees should be charged in stages at various points throughout the application process; and
- Level of fees should reflect the level of resource expended by each statutory consultee.

### Government response

3.46 The model of full cost recovery is based on the ability for statutory consultees to recuperate their costs, should this be implemented, to ensure the system is efficient and effective. It is proposed to progress with statutory consultees charging fees within our fee proposals to ensure that they are appropriate and cover all costs.

<b>Q17</b>	Do you consider any other fees or costs should be included in the process?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	3	1	6	0	10
B	Local Authorities (including National Park Authorities)	0	1	0	2	3
C	Government Agency/Other Public Sector	0	1	0	1	2
D	Professional Bodies/Interest Groups	1	1	0	2	4
E	Voluntary Sector	3	0	0	1	4
F	Others (other groups not listed)	2	0	3	2	7
<b>Total all respondents</b>		<b>9</b>	<b>4</b>	<b>9</b>	<b>8</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>13</b>	<b>9</b>
<b>Overall Percentage</b>	<b>59%</b>	<b>41%</b>

### Statistical review

3.47 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 59% of respondents agreed that other fees or costs should be included. 41% of respondents submitted their response as 'No' and eight respondents submitted their response as 'Don't know'.

## Key themes

3.48 Respondents provided many comments, and some were as follows:

- Costs to reimburse local people and support community groups;
- Cost recovery for LPAs at the post-decision stage to include enforcement and discharge of conditions;
- Fees must cover all costs associated with services provided by statutory consultees, including legal costs; and
- Other comments outside the remit of the consultation on the enforcement process and ways to increase resource and capacity in the planning system.

## Government response

3.49 It is intended that the proposed fee structure will include all costs associated with the examination of an application for infrastructure consent, including hearing costs.

<b>Q18</b>	Do you have any comments to make, or evidence to put forward in relation to the proposed fees, or any suggestions for improvements?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Business / Planning Consultants	3	3	4	0	10
B	Local Authorities (including National Park Authorities)	0	0	0	3	3
C	Government Agency/Other Public Sector	0	0	1	1	2
D	Professional Bodies/Interest Groups	0	1	0	3	4
E	Voluntary Sector	1	1	1	1	4
F	Others (other groups not listed)	2	0	2	3	7
<b>Total all respondents</b>		<b>6</b>	<b>5</b>	<b>8</b>	<b>11</b>	<b>30</b>

	Yes/Yes subject to comment	No
<b>Total Respondents indicating a response</b>	<b>11</b>	<b>8</b>
<b>Overall Percentage</b>	<b>58%</b>	<b>42%</b>

### Statistical review

3.50 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, 58% of respondents had further comments or evidence to make in relation to proposed fees. Responses were mixed and eleven respondents submitted their response as 'Don't know'.

## Key themes

3.51 Respondents provided additional comments in relation to the fee structure as follows:

- The fee structure should be simple and transparent;
- Fees should be set at an appropriate level and reviewed regularly;
- Data associated with application cost and fees should be published and open to public scrutiny;
- LPAs and Welsh Government should be mandated to use timesheets to record time spent; and
- Other comments outside the remit of consultation including transitional arrangements and DNS fees.

## Government response

3.52 In developing the fee structure, it is the intention of the Welsh Government that it will be simple and transparent. It is also intended that the process is sufficiently resourced and full cost recovery will help achieve this.

<b>Q19</b>	<p>We would like to know your views on the effects that charging of fees in connect with infrastructure consent 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 to you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>
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### Overview

- 3.53 The majority of respondents did not provide any comments in relation to this question.
- 3.54 Of those who responded, comments were put forward suggesting fees should include the cost of translation services. An LPA also commented that all stages of the application process must be able to be carried out in the medium of Welsh.
- 3.55 A comment from the Other category suggested the opportunity to make payments in Welsh should also be available.

<b>Q20</b>	<p>Please also explain how you believe the proposed policy for charging fees could be formulated or changed so as to have 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.</p>
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### Overview

- 3.56 Similar to Question 19 of the consultation paper, the majority of respondents did not provide any comments in relation to this question.
- 3.57 Of those who responded, comments were put forward suggesting the fees schedule should be made available in Welsh and that all stages of the payment process should be available in Welsh.

### Government response to Questions 19 and 20

- 3.58 There is a legal requirement to publish documentation bilingually. Application forms, legislation, policy and guidance will be readily available in both Welsh and English and applicants may decide the language of their application and the applicant can expect the same level of service in whichever language they choose.
- 3.59 The level of fees will include the cost of translation services to the Welsh Ministers.



## ANNEX A – LIST OF RESPONDENTS BY CATEGORY

Business / Planning Consultant	Professional Bodies / Interest Groups
SP Energy Networks	Planning Officer Society Wales (POSW)
Anonymous	Association of Local Government Archaeological Officers (ALGAO) Cymru
National Grid	RTPI Cymru
Anonymous	Solar Energy UK
Anonymous	
Green Gen Cymru	Voluntary
RenewableUK Cymru	MotVind UK CIC
Statkraft	Anonymous
EDF	Anonymous
Network Rail	Campaign for the Protection of Rural Wales
Government Agency / Other Public Sector	Other
The Coal Authority	Anonymous
Natural Resources Wales	Anonymous
	Heneb : The Trust for Welsh Archaeology
LPA	Centrica
Wrexham Council	Anonymous
Anonymous	National Trust
Anonymous	Canal and River Trust