

<b>SUBJECT: MONMOUTHSHIRE PLANNING SERVICE ANNUAL PERFORMANCE REPORT (APR)</b>
<b>MEETING: ECONOMY AND DEVELOPMENT SELECT COMMITTEE</b>
<b>DATE: 19 OCTOBER 2017</b>
<b>DIVISION/WARDS AFFECTED: ALL</b>

## 1. PURPOSE

- 1.1 To provide Members with a report on the performance of the Council's Planning Service for the period 2016-17.

## 2. RECOMMENDATION:

- 2.1 To note the contents of the Annual Performance Report for submission to the Welsh Government by 31 October 2017 and comment accordingly.

## 3 BACKGROUND

- 3.1 The Welsh Government requires all Local Planning Authorities (LPAs) in Wales to submit an Annual Performance Report for the planning service by 31<sup>st</sup> October 2017. This requirement links with the new Planning (Wales) Act 2015, and the Welsh Government's objective of creating a positive and enabling planning service. The Act includes new powers for the Welsh Government to intervene, including removing planning powers from a Local Planning Authority, requiring the preparation of joint Local Development Plans (LDPs), or requiring the merger of LPAs.
- 3.2 This is the third Annual Performance Report (APR). The two previous APRs were reported to this Select Committee in September 2016 and 2015 respectively and the opportunity to review and discuss performance was welcomed by the Committee, with a request that it become an annual item.
- 3.3 The APR looks at the performance of the Planning Service against nationally set performance indicators, Welsh Government targets, the Wales average performance, and Monmouthshire's performance last year. The results are considered in the context of the challenges, opportunities, priorities and resources (staffing and financial) available. The objective of the APR is to reflect on and celebrate good performance, identify areas for improvement, and look across Wales to identify potential areas of best practice that Monmouthshire could learn from or share with others.
- 3.4 The APR is divided into sections, with the format and appearance being consistent throughout Wales, and all LPAs reporting on the same performance indicators. The report looks at where the planning service sits corporately, how it is structured and how its work fits with corporate priorities; local pressures; customer feedback; and performance. Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:
- Plan making;
  - Efficiency;
  - Quality;

- Engagement; and
- Enforcement.

This Framework was established by the Welsh Government in partnership with Local Planning Authority representatives, and Monmouthshire's Head of Planning, Housing and Place-shaping sat on the working group. Performance is ranked as 'good', 'fair' or 'needs improvement'. Monmouthshire continues to play a lead role in this area, and our Development Services Manager sits on the performance working group.

3.5 The Annual Performance Report is provided at Appendix 1.

## **4 KEY ISSUES**

4.1 The planning service's work links directly with Monmouthshire County Council's objective of delivering sustainable, resilient communities. The service is directly involved with wider corporate projects such as 21<sup>st</sup> Century Schools, rationalising our estates portfolio and forms an enabling tool to help address some of the challenges and issues identified by Future Monmouthshire.

4.2 Key areas of work for the Planning Service include:

- Providing pre-application advice to customers;
- Determining planning applications in accordance with adopted policy and material planning considerations, taking into account stakeholder comments and corporate objectives;
- Securing financial contributions from developers to offset the infrastructure demands of new development and meet the need for affordable housing;
- Safeguarding the County's 2400 Listed Buildings and 31 Conservation Areas, areas of archaeological sensitivity, the Wye Valley AONB, the Brecon Beacons National Park and the European designated Special Protection Areas and Special Areas of Conservation;
- Taking robust enforcement action against unauthorised development that is unacceptable;
- Raising awareness of the statutory role and importance of the land use planning framework, building on the high levels of engagement underpinning the LDP process;
- Preparing supplementary planning guidance (SPG) to assist with the implementation and interpretation of LDP policy;
- Implementing the Council's LDP through engaging and working with communities, and partnership working with internal and external partners to foster the co-creation and growth of enterprise, community and environmental well-being. This will include involvement with the Whole Place work and Local Well-being Plan;
- Monitoring and evaluating Plan policies and the process of Plan preparation; and
- Joint working with SE Wales Authorities with the ambition of preparing a Strategic Development Plan.

### **Customer service feedback**

4.3 Between 2010 and 2012 the Council's Planning Service underwent a Systems Thinking review. This review sought to strip the function back to first principles: what is important to our customers, and how can waste (actions or procedures that do not add value to the outcome) be eliminated. This evidence-based review has been fully implemented, although part of the Systems Thinking approach requires services to be kept under review and closely monitored.

- 4.4 This review identified that the following things are important to customers:
- Customers value pre-application advice and advice during the consideration of the application;
  - They want officers to be accessible and for there to be open and honest communication;
  - They want consistency of pre-application advice and in validation of applications;
  - They want Planning Committee to follow the officer's recommendation and value being able to have a dialogue with Members prior to determination;
  - They don't want too many conditions being attached to decisions, and when conditions are imposed they should be relevant and easy to discharge;
  - They value being able to submit an application online and to search for applications and information online; and
  - Third parties value being listened to during the application process.
- 4.5 The service therefore operates with these priorities as guiding principles, shaping behaviour and procedures. The service is committed to having an outcome focus rather than chasing arbitrary performance targets that are not a priority to our customers.

## 5 ACTIONS FROM OUR PREVIOUS APR

5.1 Our 2015/16 Annual Performance Report identified three actions:

**ACTION 1:** Work with consultees to seek more timely responses on planning applications.

**ACTION 2:** Streamline enforcement processes following a triage system to reduce the time taken to resolve cases.

**ACTION 3:** Arrange a training seminar on planning enforcement for Town and Community Councils via the new area-based clusters.

- 5.2 Action 1 was in response to the proportion of applications determined within agreed timescales which was an amber indicator in 2015/16 (79% against a target of 80%). Performance against this indicator has improved significantly (90% of applications were within agreed timescales for the current reporting period). A protocol has been agreed regarding consultation with colleagues on green infrastructure issues, although work is continuing in relation to Action 1 with on-going dialogue with internal consultee departments to seek to identify ways of focussing their stretched resources on priority cases and achieving efficiencies via the pre-application service. This is particularly relevant to the Council's Highways Service, where capacity issues are directly affecting delivery of the Planning service. This issue will be followed up as part of the Systems Revisit for 2017/18.
- 5.3 While our evidence shows that customers prefer a positive outcome than a quick decision, we fully recognise that if customers are going to continue using our pre-application advice service (which streamlines the subsequent stages, improves outcomes and generates fee income), they must receive timely and meaningful responses. In addition, new regulations allow customers to claim an application fee refund if their application is not determined within a given timescale. We can avoid this risk by agreeing extended deadlines (an action from our first APR) and this has been fully implemented, however customers will not be willing to agree a time extension if they cannot see a timely conclusion being reached or have previously received poor service.
- 5.4 This indicator is now green and while that is pleasing the issue of timely responses from consultees remains an issue because of limited resources. Action 1 of the

current APR (below) will ensure the focus remains on obtaining timely advice via our Systems Re-visit during 2017/18.

- 5.5 Action 2 was instigated to improve the performance of our enforcement service in relation to the measure on the proportion of enforcement cases resolved within 180 days. There is no target set by the Welsh Government for this indicator, although Monmouthshire's performance of resolving enforcement cases within 180 days of receipt has fallen below the Wales average in the last three years.
- 5.6 Our performance against this indicator has declined in this reporting period (it fell from 70% to 64% of cases resolved) and remains below the Welsh average (which has reduced to 73%). Monmouthshire's Development Services Manager sits on a performance indicator working group set up by the Welsh Government and the enforcement indicators are being revised in response to concerns about the clarity and value of their current wording. Performance against this indicator fluctuates throughout Wales from 90% to 38%, and was some doubt that all Authorities are using the latest performance indicator definition. The definitions for the enforcement indicators have now been clarified via work involving Welsh Government and local planning authorities so that benchmarking data should now be more meaningful.
- 5.7 Work has been started by Swansea County Council, where the recently appointed Enforcement Manager is taking a lead role throughout Wales in reviewing the enforcement performance indicators and in setting out a good practice guide, which proposes a triage approach to quickly sift out priority cases and complaints where there is no breach or action is not expedient, allowing resources to be focused on the most important work. Swansea has not yet finalised its triage system but Monmouthshire remains interested in this approach, particularly given the substantial increase in enforcement complaints we have received both last year and into 2017/18. This Action is therefore retained and dialogue with colleagues in Swansea will be maintained to help colleagues in our small but important enforcement team deal with the rising demands and expectations on this element of the service.
- 5.8 Action 3 was delayed given the timing of the local elections in May 2017 and thus the election of a new cohort of community and town councillors who would benefit from enforcement related training – this being arguably the most controversial and misunderstood aspect of Development Management. Monmouthshire was nominated as a pilot authority to undertake the training and this is anticipated to be rolled out in 2017/18 once Planning Aid Wales has appointed a new Chief Executive. Thus, this action is retained for the next reporting period.

## **6.0 CONCLUSIONS AND RECOMMENDATIONS OF 2016/17 APR**

- 6.1 The proportion of all applications determined within 8 weeks or an agreed timescale increased and stands at an impressive 90%;
- The proportion of major applications determined within 8 weeks or agreed timescales improved and remains substantially higher than the Wales average;
  - The number of applications we determined increased;
  - The number of applications we approved increased;
  - Of those applications that had gone through our pre-application advice service, 98% were approved; and

- The proportion of respondents to our customer survey who were satisfied overall was stable at 73% and was well above the Welsh average.

This shows that, despite a challenging workload, our performance and levels of customer satisfaction have improved and our pre-application advice service is effective.

6.2 A summary table of our performance can be found in Appendix A of the APR. One of the 18 indicators (progress against LDP delivery timetable) is not applicable to Monmouthshire because we have already adopted our LDP. Of the 17 applicable indicators:

- 11 have targets set by the Welsh Government. Monmouthshire's performance is ranked 'good' against eight, 'fair' against two and 'in need of improvement' against one. The 'fair' result relates to the average time taken to determine all applications where our performance (73 days) narrowly missed the 'good' target of 67 days and the proportion of Member made decisions against officer advice where the 7% of decisions was just below the 5% 'good' target but above the Welsh average of 11%<sup>1</sup>; the 'in need of improvement' measure is the 5 year land supply, the implications of which are discussed in full in the recent Annual Monitoring Report (AMR) for the LDP.
- We performed above or at the Wales average in 13 of the 17 applicable indicators. The indicators for which performance was below Wales average related to i) the average time taken to determine major applications in days, ii) the proportion of enforcement cases investigated within 84 days, iii) the proportion of enforcement cases where action is taken or a retrospective application received within 180 days from the start of the case and iv) the average time taken to take enforcement action. Further commentary on the performance against these measures is set out in Section 6 of the APR.

	<b>Number of indicators</b>
Welsh Government target has been set and our performance is 'good'	<b>8</b>
Welsh Government target has been set and our performance is 'fair'	<b>2</b> <sup>1</sup> (see above)
Welsh Government target has been set and our performance 'needs improvement'	<b>1</b> <sup>2</sup> (see above)
No target has been set but our performance is above the Wales average	<b>2</b>
No target has been set but our performance is slightly below the Wales average	<b>3</b>
No target has been set but our performance is significantly below the Wales average	<b>1</b>

6.3 Our performance improved or remained the same against 9 of the 17 applicable indicators, and declined slightly against 5 indicators compared to last year, and declined more significantly in respect of 3 indicators (see table below). However, it should be noted that in most of the cases where performance declined, we remained significantly above the Wales average, and where a target was set by the Welsh Government, we are still ranked 'good' or 'fair', except for one indicator. The only indicator of clear concern is our housing land supply, which has dropped to 4.1 years'

supply, below the required 5 year supply. This is discussed in detail in the LDP Annual Monitoring Report (AMR).

6.4 The key areas of declining performance related to:

Indicator	2015/16	2016/17	Wales average	WG target
<b>5 year housing land supply</b>	5.0 years'	4.1 years'	2.9 years'	5.0 years'
<b>Average time taken to determine major planning applications</b>	121 days	321 days	250 days	n/a
<b>Average time taken to resolve enforcement cases</b>	143 days	227 days	201 days	n/a

6.5 The issues with our housing land supply are discussed in detail in the LDP AMR. Regarding the average time to determine major applications, it is worth noting that if two outlier applications are discounted, our average is a significantly improved 145 days, well below the Wales average. The primary reason for declining performance against this enforcement indicator is the significant increase in workload this year.

6.6 The main areas of improved performance were:

Indicator	2015/16	2016/17	Wales average	WG target
<b>Percentage of "major" applications determined within time periods required</b>	65%	88%	59%	n/a
<b>Percentage of all applications determined within time periods required</b>	79%	90%	87%	>80%

6.7 Customer feedback identified the most valued characteristics of a good planning service as the availability to talk to a duty planner before submitting an application, and having a chance to amend an application before it is decided. This provides further evidence that our outcome focus is what our customers want.

6.8 Five actions are identified going forwards.

### **Speed of determining applications**

6.9 90% of applications were determined within agreed timescales, against a Welsh Government target threshold for good performance standing at 80%. The average time taken to determine all applications was 73 days, narrowly missing the 'good' target of 67 days (but below the Welsh average of 76 days). The average time to determine major applications (321 days) was longer than the Wales average of 250 days (36 weeks). On analysis of this figure, it emerges that there were two long-standing applications at St Maur's and Mounton Road, Chepstow. If these two are excluded the average time to determine the remaining 15 major applications falls to 145 days, well below the Welsh average of 250 days, and is more of a reflection of our performance in dealing with major applications over the previous reporting period

(121 days). While it is accepted that timely decisions can have economic benefits, of greater importance to investors is clarity and certainty, and our evidence is that, within reason, customers are happy to have a slightly slower decision if it is a favourable one. We therefore place greater importance on securing a positive outcome.

- 6.10 However, we acknowledge that this is an area for potential improvement and we are undertaking a 'Systems Revisit' to assess how much waste is in our processes and to understand if there are common themes as to why applications are not being determined within a timely fashion. There should also be reductions in waste in our systems and time savings to be made by the implementation of our new Idox Uniform database for the DM service; thus Action 2 below is identified. Action 5 also overlaps into making our application processing more efficient in that we may be able to identify good practice from the benchmarking exercise being carried out across Wales by the Planning Advisory Service, the results of which are expected in Autumn 2017.

**ACTION 1: Systems Re-visit to improve customers' experience of our service and to improve or end-to-end performance in dealing with pre-application**

**ACTION 2: Roll out training for our new Development Management database software for all Planning Service staff.**

#### **Speed of resolving enforcement cases**

- 6.11 The Welsh Government is yet to provide a target for this indicator, however Monmouthshire's performance of resolving 64% of enforcement cases within 180 days of receipt falls below the Wales average of 73%. Moreover, customer feedback and complaints often relate to perceived delays in enforcement cases. These issues are certainly not unique to Monmouthshire, and the problem is at least in part due to a misunderstanding of the powers available to us and/or unrealistic expectations. Performance has declined compared to last year, explained by a sharp rise in enforcement workload (cases to investigate rose by 40%) and the resolution of some older, longstanding cases. There remains, however, scope for improvement. Consideration will be given to streamlining our processes via a triage approach based on a pilot being developed by Swansea City Council, and arranging community and town council training to improve understanding and better manage expectations.

**ACTION 3: Streamline enforcement processes following a triage system pioneered by Swansea City Council.**

**ACTION 4: Arrange a training seminar on planning enforcement for community and town councils.**

**ACTION 5: Absorb the results of the Planning Advisory Service (PAS) Benchmarking exercise to learn from areas of good practice across Welsh planning authorities and put those into practice, where feasible.**

#### **Opportunities going forward:**

- 6.12 The following opportunities for the coming year have been identified:

- To improve the speed of responses to pre-application advice requests and determining planning applications via a Systems revisit in order to remove waste from our system and to focus our work on areas valued by our customers (Action 1);
- In tandem with the Systems approach, to use Team meetings and performance reports to drill down into specific areas of workflow and identify where problems exist and why, with a targeted approach to identifying solutions (Action 1);
- To improve the speed with which we deal with enforcement cases via a triage system, and to improve stakeholder understanding of the powers and procedures (Actions 2 and 3, 4 & 5);
- To improve the web site experience for customers and increase the amount of information available via GIS, which would drive out waste and enable channel shift so that more customers can self-serve (Action 1);
- To train up colleagues to use the more efficient replacement data base for planning applications to reduce waste for staff, including the production of standard letters and monitoring reports (Actions 1 and 2);
- To continue to work towards being a paperless office to reduce printing, copying and postage costs;
- To promote and deliver our new offers including fast track applications, pre-purchase certificates and completion certificates, providing an enhanced customer experience and an increase in income to the Council;
- Collaboration with the Village Alive Trust and interested Preservation Trusts or investors to engage and work with the owners of Listed Buildings on the At Risk register or to acquire them from the current owner;
- Review whether to adopt CIL;
- Adopt SPG to ensure the accurate implementation and interpretation of planning policy, in particular in relation to landscape and design issues;
- Continue with an early review of the Monmouthshire LDP as a result of the need to address the shortfall in the housing land supply and facilitate the identification/ allocation of additional housing land. This will involve the production of a Review Report which will set out and explain the scope of the Plan revision required;
- To identify, implement and/or disseminate best practice via the Planning Performance Advisory Group, Planning Officers' Society for Wales or other working groups, including the PAS Benchmarking exercise (Action 5).

6.13 Progress will be measured via our 2017-18 Annual Performance Report, 2017-18 LDP Annual Monitoring Report, and our 2017-18 Service Improvement Plans.

## **7. RESOURCE IMPLICATIONS:**

7.1 Officer time and costs associated with the preparation of APR are met from the Development Management budget and carried out by existing staff.

## **8. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

8.1 Sustainability, equality and well-being considerations are central to the planning service's activities. This report is a review of the previous year's performance against targets and benchmarking information, however the proposed five actions for future improvements seek to improve service delivery to the benefit of our customers and communities.

8.2 A Future Generations Evaluation is attached as an appendix.

## **9. OPTIONS CONSIDERED**



- 9.1 There is a requirement on Local Planning Authorities to undertake an Annual Performance Report and to submit it to the Welsh Government by 31 October 2017. While the Council could decide to not submit the APR, there is little to be gained from such an approach. Consequently, the following options were considered:
- 1) Recommend the APR for submission without any changes;
  - 2) Recommend the APR for submission but with changes to the proposed actions for the coming year.

- 9.2 The APR provides a useful reflection on last year's performance against targets and benchmarking information. The proposed actions seek to continue that journey of improvement, given the resources available to us. Consequently, option 1 has been chosen.

## **10. HOW WILL SUCCESS BE MEASURED**

- 10.1 The Planning Service is measured against a number of clear and consistent (across Wales, and over time) performance indicators allowing aspects of a successful service to be measured. These indicators need to be viewed in the context of other factors, including what customers have identified as being important to them, customer and stakeholder feedback, outcomes (which are not always captured by performance indicators), and whole Council priorities.
- 10.2 We strive to be deliver the best service possible, and our mission is to advise on, give permission for, and ensure the best development possible.

## **11. CONSULTEES**

- Planning Committee and Economy and Development Select Committee via this report
- Customer feedback as set out in the report

## **12. BACKGROUND PAPERS:**

None

## **13. AUTHOR & CONTACT DETAILS:**

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