

<p>SUBJECT: Scrutiny of Planning Service Performance</p> <p>MEETING: Economy & Development Select Committee</p> <p>DATE: Monday 16th November 2015</p> <p>DIVISIONS/WARDS AFFECTED: All</p>

1 PURPOSE

- 1.1 To provide Members with a report on the performance of the Planning service for the period 2014-15.

2 BACKGROUND

- 2.1 At its meeting on 15 October 2015, the Economy and Development Select Committee requested an opportunity to scrutinise the performance of the Planning service. The Head of Planning has just completed the Council's first Annual Performance Report (APR) for the 2014-15 financial year, which provides an opportune time and evidence base for this review.
- 2.2 For the first time, the Welsh Government requires all Local Planning Authorities (LPAs) in Wales to submit an Annual Performance Report for the planning service. This report must be submitted by 20th November 2015. 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.
- 2.3 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; performance against national indicators with comparisons against the Welsh average and/or Welsh Government targets; and achievement in delivering against sustainable development indicators. The report concludes by looking at key opportunities going forward and areas for further attention/action.
- 2.4 The Annual Performance Report is provided at Appendix 1.

3 KEY ISSUES

- 3.1 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 21st Century Schools, rationalising our estates portfolio.
- 3.2 Key areas of work for the 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 help to foster 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;
- Monitoring and evaluating Plan policies and the process of Plan preparation.

Customer service feedback

- 3.3 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.
- 3.4 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 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.
 - Third parties value being listened to during the application process.
- 3.5 The service therefore operates with these priorities 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.

4 RECOMMENDATIONS

- 4.1 Based on the customer feedback in section 5 and the performance information in section 6 and appendix A, we can rightly be proud of the service we deliver. In the majority of cases we have exceeded Welsh Government targets or, where no targets have been set, we have exceeded the Wales average. We have no red indicators, and performance has improved since 2013-14 where comparable data exists.
- 4.2 Customer feedback identified the most valued characteristic of a good planning service as the availability of officers to provide advice and progress updates. This

will be taken into account in future workflow planning. An opportunity exists to improve the Council's website to enable customers to better follow progress or find information themselves, and to use social media to increase awareness of opportunities for engagement.

- 4.3 For the reporting period, we have only two amber indicators: the proportion of applications determined within agreed deadlines, and the number of instances where costs were awarded against the Council at appeal. In addition, there is one indicator where, although there is currently no target, performance falls below the Wales average: proportion of enforcement cases resolved within 180 days.

Speed of determining applications

- 4.4 76% of applications were determined within agreed timescales, against a Welsh Government target threshold for good performance standing at 80%. This is an area for potential improvement, however it is worth noting that only 5 out of 25 LPAs achieved the 80% target, which suggests that it is unrealistic. 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. One area for attention is the lack of timely replies from some consultees.
- 4.5 Where decisions cannot be made within 8 weeks, case officers are encouraged to agree an extended deadline with the customer and as a result performance in the first half of 2015-16 stands at 80%. This will continue to be monitored, however no apology is made for our conscious decision to focus on securing positive outcomes: ultimately, this is what is important to our customers and stakeholders.

ACTION 1: Work with consultees to seek more timely responses.

ACTION 2: Increased use of extension of time letters where decisions cannot be made within 8 weeks.

Appeal costs

- 4.6 Costs were awarded against the Council in relation to one appeal, which has resulted in the indicator being 'amber'. This will be kept under review. An opportunity exists to present appeal decisions back to Planning Committee to facilitate discussion and shared learning.

ACTION 3: Report appeal decisions to Planning Committee to facilitate shared learning.

Speed of resolving enforcement cases

- 4.7 The Welsh Government is yet to provide a target for this indicator, however Monmouthshire's performance of resolving 67% of enforcement cases within 180 days of receipt falls below the Wales average of 77%. Part of the reason for this level of performance is clearance of a backlog by a newly appointed Conservation Monitoring Officer. This had a detrimental impact on performance against this indicator. Performance has improved in the first two quarters of 2015-16 (71% achieved) however it remains below the 2014-15 Wales average.
- 4.8 Cases where formal action is taken (for example issuing an Enforcement Notice) are inevitably lengthy matters to resolve. Monmouthshire's performance might therefore simply reflect the amount of formal action being taken: if Monmouthshire is taking more formal action, or inviting more retrospective applications to seek to regularise

breaches, our performance will compare less favourably than an Authority that does not pursue formal action (which might be quicker but is not achieving a positive outcome for the complainant). Unfortunately this benchmarking data is not readily available. Further benchmarking will be undertaken in relation to this indicator to understand the context of Monmouthshire's performance and to identify and learn from best practice in another Welsh Local Planning Authority.

ACTION 4: Undertake additional benchmarking and identify and learn from best practice.

Opportunities going forward:

4.9 The following opportunities for the coming year have been identified as a result of this Annual Performance Report, our LDP AMR and our Service Improvement Plans. A number of these actions have already been completed:

- Restructure the service to locate the Development Control and Development Plans sections under one Head of Service and co-locate in the same offices;
- Re-branding to emphasise the Service's focus on enabling positive outcomes rather than 'control', and to reflect the wider remit of the Development Plans team;
- Raise the planning service's profile and importance corporately;
- Review our pre-application advice service based on customer feedback, ensure officers are empowered to provide greater certainty/clarity in pre-app advice, and investigate options for conservation advice services;
- To improve the web site experience for customers which would drive out waste and enable channel shift so that more customers can self-serve;
- To make use of social media to engage a wider audience for planning matters;
- To replace the inefficient data base for planning applications to reduce waste for staff, including the production of standard letters and monitoring reports;
- To improve the quality of development in Conservation Areas, thereby facilitating future economic investment and fostering civic pride, through the adoption of the draft Conservation Area Appraisals;
- Collaboration with the Village Alive Trust to engage and work with the owners of Listed Buildings on the At Risk register;
- Adopt CIL;
- Adopt SPG to ensure the accurate implementation and interpretation of planning policy, in particular in relation to tourism development to support economic growth. Other agreed SPG for 2015-16 are affordable housing, primary shopping frontages, and ;

4.10 Progress will be measured via our 2015-16 Annual Performance Report, 2015-16 LDP Annual Monitoring Report, and our 2015-16 Service Improvement Plans.

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