![monmouthshire sir fynwy logo]

SUBJECT: **MONMOUTHSHIRE COUNTY COUNCIL'S PLANNING SERVICE'S ANNUAL PERFORMANCE REPORT (APR)** **MEETING:** **INDIVIDUAL CABINET MEMBER DECISION – CLLR. P. GRIFFITHS** **DATE:** **15 NOVEMBER 2023** **DIVISION/WARDS AFFECTED:** **ALL**

1.0 PURPOSE

1.1 To provide the Cabinet Member for Planning & Economic Development with a report on the performance of the Council's Planning Service for the financial year period 2022-23.

2.0 RECOMMENDATION:

2.1 To note the contents of the Annual Performance Report for submission to the Welsh Government and recommend the APR for submission without any changes (see Section 10.0 below).

3.0 BACKGROUND

3.1 The Welsh Government(WG) normally requires all Local Planning Authorities (LPAs) in Wales to submit an Annual Performance Report for their planning service by the end of November each year (albeit that this requirement was relaxed during the reporting periods affected by the Covid pandemic). This requirement links with the Planning (Wales) Act 2015, and the Welsh Government's objective of creating a positive and enabling planning service.

3.2 This is the ninth Annual Performance Report (APR). The report to a scrutiny committee provides the opportunity to review and discuss performance and was welcomed by previous Committees, 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 (WG) targets, the Wales average performance, and Monmouthshire's performance over the previous 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. Recently there was no requirement from WG to submit an APR and no all Wales comparative data has been provided as is normally done. Again, this year WG have not provided national benchmarking figures to enable the council to review its current status against the Wales average. This is unfortunate as the comparison being made is no longer accurate or reflective of the status of planning services across Wales during 2022/23. Issues such as resources limitations and environmental considerations such as water quality in rivers would have an impact on local planning authorities across Wales and therefore the comparison is flawed. Despite that, Monmouthshire's Planning Service decided to continue to

commit to submitting an APR but had to base the assessment of our performance over those two years against the Welsh average in 2018/19 (the last year the national data was published).

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, 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 (omitted from the APR in recent years as no performance data was provided by WG and the issues are more than adequately covered by the LDP Annual Monitoring Report);
• Efficiency;
• Quality;
• Engagement; and
• Enforcement.

This Framework was established by the Welsh Government in partnership with local planning authority representatives. Performance is ranked as 'good', 'fair' or 'needs improvement'.

3.5   The Annual Performance Report is provided at Appendix 1.

4.0   KEY ISSUES

4.1   The purpose of the Planning Service is 'To plan for, advise on, give permission for and ensure the best possible development', that links directly to all six of the Council's Corporate objectives. The service is directly involved with wider corporate projects such as 21st Century Schools and forms an enabling tool to help address some of the challenges and issues identified corporately.

4.2   Key areas of work for the Planning Service include:

• Carrying out a replacement of the Monmouthshire LDP.
• Preparing and co-ordinating thematic supplementary planning guidance to help to foster the interpretation and implementation of LDP policy.
• Implementing the Council's LDP through engaging and working with communities, and partnership working with both internal and external partners.
• Monitoring and evaluating development plan policies, including preparing the statutory LDP Annual Monitoring Report (AMR).
• Maintaining the LDP evidence base and ensuring fitness for purpose for future LDP revision.
• 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;
• Safeguarding the County's 2400 Listed Buildings and 31 Conservation Areas, areas of archaeological sensitivity, the Wye Valley AONB and the Brecon Beacons National Park;
• Providing a heritage service for our neighbouring colleagues in Blaenau Gwent County Borough that works in a manner that is consistent and as well-resourced as the one provided for Monmouthshire.

- Taking robust enforcement action against unauthorised development that is unacceptable in the public interest.

5.0   MAJOR PROJECTS FROM 2022/23

5.1   During the reporting period these included:

- Consideration was given as to how best to progress the RLDP having regard to the challenges that arose following public consultation and engagement on the previous Preferred Strategy in Summer 2021, namely the Welsh Government objection to the level of growth set out in that Preferred Strategy and water quality issues in the Rivers Wye and Usk, whilst also ensuring that the RLDP delivers on our objectives and addresses our core issues. In September 2022 Council endorsed the proposal to proceed with a new growth and spatial strategy that responds to the above. Reflecting this, a revised Delivery Agreement was agreed by Council and agreed with the Welsh Government (December 2022) and the revised RLDP Preferred Strategy and Candidate Sites Register (CSR) were subject to public consultation and engagement from 5th December 2022 – 30th January 2023, with eight engagement drop-in events held throughout the County, along with two virtual events. Approximately 220 Preferred Strategy and 650 CSR representations were submitted during the consultation period. Work progressed on the candidate site assessments, development of the RLDP evidence base and processing representations. Feedback from the Preferred Strategy and Candidate Site Register consultation is anticipated to be reported to Council in Autumn 2023. The outcome will inform the next key stage of the RLDP, the Deposit Plan.
- Continuing a joint heritage service for Monmouthshire and Blaenau Gwent Councils. This commenced in January 2019 and has provided our neighbouring authority with expert heritage advice without the need to employ its own officer or commission a consultant. MCC manages the service for BGCBC via a memorandum of understanding (MOU) and provides the staff to deliver a resilient heritage service assisted by BGBC funding.
- Towards the end of the 2021, as a planning authority we were faced with a new constraint of riverine phosphate pollution. Within Monmouthshire it was identified that within the River Usk 88% of the river's water bodies failed to meet the required water quality target and within the River Wye 67% failed to meet the target. As a result of this failure NRW have issued detailed planning guidance to ensure that the environmental capacity of the rivers (which are designated special areas of conservation) do not deteriorate any further. Any proposed development within the catchment areas of the rivers that might increase phosphate levels need to clearly evidence within a planning application that the development can demonstrate phosphate neutrality or betterment in its design and/or its contribution to the water body. In most cases there will be limited capacity to connect to the public sewerage system and an alternative solution will have to be found. This requirement on drainage considerations has impacted on all development that increases the volume or concentration of wastewater. We have been working through the guidance and applying it to all new applications in those Wye and Usk catchment areas. This has sometimes delayed applications and many were on hold until the Council had developed a clear strategy for dealing with such issues. We continue to work with a wide range of agencies including WG, NRW, Welsh Water and other authorities (including new nutrient management boards) to find sustainable solutions to this significant environmental problem. Recent work has seen DC-WW commit to providing phosphate stripping technology at Monmouth and Llanfoist waste water treatments works by April 2025. This commitment will help bring forward much needed development in the main towns of Monmouth and Abergavenny.

- Delivering our bespoke pre-application advice service for potential applicants, as well as offering planning performance agreements, pre-purchase certificates and completion certificates.
- Successfully recruiting new staff and training them to adapt to their new roles in DM and Policy Teams.
- Implementing prioritised elements of the Team's Digital Plan to improve our processes and customer experience – including upgrades to the Idox Document Management System (DMS) and Public Access (PA).
- Securing detailed planning permissions for the new 21st Century Comprehensive School at Abergavenny, two major housing developments at Vinegar Hill and Rockfield Farm, Undy - both strategic housing sites in the LDP, a significant employment development at Wales 1 Business Park, Magor (14,400sq.m), a substantial food retail development at Bulwark neighbourhood centre, a re-development at Nevill Hall Hospital to provide a new two-storey satellite radiotherapy unit and a new Police Station to serve the Abergavenny area and the A465 corridor at Llanfoist.

6.0 CONCLUSIONS AND RECOMMENDATIONS OF OUR 2022/23 APR

6.1 Based on the performance information in Section 6 and Appendix A, we can be pleased with the service we deliver. During this period:

o The proportion of major applications determined within 8 weeks or agreed timescales was very good at 71%, and was well above the Good target of 60% (5 out of 7 applications);
o The proportion of all applications determined within 8 weeks or agreed timescales remained high at 89%, an improvement on the previous year (81%) demonstrating the effective recruitment and training up of new officers in the Applications team;
o The proportion of applications we approved remained high at 94%;
o Of those applications that had gone through our pre-application advice service, and followed our advice 100% were approved;
o We 'won' seven out of eleven appeals against our decisions to refuse planning permission;
o We dealt with a large number of applications for listed building consent (67 applications) and 75% of these were determined within agreed timescales – this was despite having a reduced resource in the Heritage team from January 2021 until the end of July 2022;
o Enforcement performance improved for the measure relating to the percentage of enforcement cases investigated in 84 days but remained in need of improvement, while the average time to take positive action improved substantially (and at 123 days now represents a fair level of performance) due to the additional staff resource in the small enforcement team and because we have noted, following a wider query from Performance & Overview Select Committee about ensuring the accuracy of data, that we were measuring this indicator incorrectly, inadvertently inflating the figure in past years.
o Significant s106 monies were secured towards important community infrastructure schemes across the county including the Magor Hub as a result of granting permission for major developments such as those at Rockfield Farm and Vinegar Hill, Undy.

6.2 A summary table of our performance can be found in Appendix A of the APR. Of the 12 ranked indicators, 6 are ranked 'Good', while 5 are 'Fair' and 1 is in 'need of improvement'.

- The 'need improvement' result relates to the percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days which at 65%, was below the benchmark 70% figure for 'fair'. Better performance against this measure has already been identified in the first two quarters of 2023/24.

	Number of indicators
Welsh Government target has been set and our performance is 'good'	6
Welsh Government target has been set and our performance is 'fair'	5
Welsh Government target has been set and our performance 'needs improvement'	1

6.3   Four actions are identified going forwards.

Action 1 – Digitise information in relation to older planning applications that held on microfiched to enable the public to self-serve, reducing the time of Support staff and the Duty Officer to assist such enquiries and to reduce the need for travel.

N.B. Due to the current financial pressures facing the Council, this action would be subject to strict agreement by the Council's Senior Leadership.

Action 2 – Continue to review and make positive change to the Planning Service's enforcement function and its processes to speed up our decision-making, ensuring we are providing a good service for our customers. Digitise the enforcement notice register to help customers self-serve.

Action 3 – To finalise a Buildings at Risk (BAR) strategy to manage and prioritise any interventions to enable key heritage assets to realise a sustainable use for future generations.

Action 4 – To continue to invest in our staff to ensure professional qualifications are achieved and professional development takes place – be it via external or internal training.

6.4   **Value of Planning**
RTPI Cymru has published a toolkit which measures the value generated by a local authority planning service. The tool has been developed to capture the economic, social and environmental value at a local planning authority level across Wales. The tool and its 'Value Dashboard' has been designed to provide RTPI Cymru and the Welsh Government with a platform to demonstrate to local authorities, national policy makers, the private sector, researchers and other broader policy and media audiences, the value planning contributes and how planning is positively contributing to Wales' seven well-being goals. The data has been updated to reflect planning permissions and completions in the current reporting period, 2022/23. The toolkit has been a very useful means of promoting the good work undertaken by the department that is often taken for granted. Over this period, the toolkit concludes that the service has contributed £84.7M to the local economy by the allocation of sites in the LDP, the safeguarding of land, the granting and implementation of planning permissions, the operation of its enforcement function and the securing of planning obligations. We

aim to update this for the ensuing reporting periods. The 'Dashboard' data summarises the Planning Service's contribution below:

Value of Planning in Monmouthshire 2022/23

Planning service key data

31 FTE jobs in planning service

1,014 applications handled

£0.5m collected in fees

LDP Land Safeguarded

20
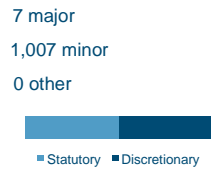369 ha Green Wedge
3,174 ha Local Nature Reserve

434 ha open space
7,942 ha minerals

LDP Land Allocated

Residential
111 ha

Commercial
244 ha

Retail & leisure
0 ha

Waste
0 ha

LDP Value

£2.1m uplift value

(based on land allocated for whole plan period)

Value adding policies ? 89%

Applications

7 major
1,007 minor
0 other

■ Statutory ■ Discretionary

0 DCOs dealt with
2 DNS dealt with
67 LBC applications granted
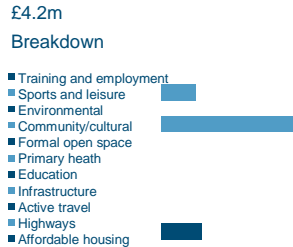11 refusals appealed
1 judicial reviews

Decisions

991 approvals (98%)
32 refusals (3%)
150 subject to pre app

Refusals

■ Delegated ■ Committee

Approvals

■ Delegated ■ Committee

Permissions

Residential
267 units
£11.3m uplift value
18% affordable

Retail & leisure
5,712 m²
£0.4m uplift value

Tourism
120 bedspaces
40 self-catering units

Commercial
16,193 m²
£0.3m uplift value

Renewables & other
2 MW
0 tonnes waste
0 tonnes minerals
0 ha remediation
5 ha formal open space

Permissions

■ Consistent with local plan
■ Departures from local plan

Contributions

Section 106 income

£4.2m

Breakdown

■ Training and employment
■ Sports and leisure
■ Environmental
■ Community/cultural
■ Formal open space
■ Primary heath
■ Education
■ Infrastructure
■ Active travel
■ Highways
■ Affordable housing

CIL income

£0 total value

Completions

Residential
343 units
19% affordable
£62.0m uplift value
£0.4m council tax p.a

Retail & leisure
650 m²
£0.7m uplift value
12 gross FTE jobs
#N/A

Commercial
8,200 m²
£5.2m uplift value
132 gross FTE jobs
N/A

Renewables
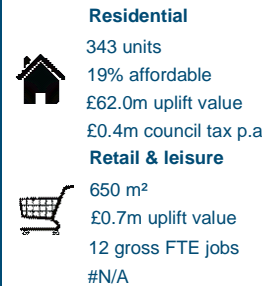1 MW
£5,000 community benefit

Tourism
25   8 FTE jobs
15 self-catering units

Enforcement

384 enforcement complaints
4 planning contraventions
3 enforcement notices
4 breach of condition notices
0 stop notices
3 section 125 notices

Wider indicators

£111,000 spend on consultancy fees

£10,000 health benefits of affordable housing provision p.a

8 internal consultees

£110,000 recreational benefits from open space created p.a

1 Energy statements
1 EqIAs
3 Environmental statements

2 Travel plans
0 HIAs
4 Transport assessments

In 2022/23 he total value of planning was £84.7m

SOURCES: Planning function outputs (LPA survey), Land and property value data (JLL estimates), business rates valuations (Valuation Office Agency), employment densities (English Homes & Communities Agency), Council tax rates (StatsWales), Health benefits from Affordable Housing (Department for Communities and Local Government Appraisal Guide, based on various studies outlined in appraisal databook), Community benefit from renewables (Renewables UK Cymru). Some of the calculations require high level assumptions to convert between units/m2/ha. Where possible, benchmarks have been employed otherwise reaonable assumptions have been used. Business rate,council tax and gross FTE job estimates based on assumption of 100% occupancy and do not factor in any displacement. Numbers of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value adding policies' refers to the proportion of policies the team has identified as adding 'intangile value' that are included in local plans. Approvals and refusals do not sum to 100% due to applications carry across years.The total value of planning only incorporates some of the metrics presented in the dashboard.

RTPI Cymru
Royal Town Planning Institute
Sefydliad Cynllunio Trefol Brenhinol

Llywodraeth Cymru
Welsh Government

ARUP

JLL

7.0   OPPORTUNITIES GOING FORWARD

7.1   The following opportunities for the coming year have been identified as a result of this Annual Performance Report, our LDP, AMR and our Service Business Plans:

•   In tandem with our systems thinking 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;

•   Continue to roll out the project management of major planning applications, where appropriate, via planning performance agreements to seek, by best endeavours, timely and well-managed processing of such applications, providing a good customer experience for the customer;

•   To digitise the information held by the Council in microfiche or paper form to improve the web site experience for customers and improve customers' pathways to information, subject to agreement by SLT (Action 1);

•   To improve the speed with which we deal with enforcement cases via the continued systems review of the Enforcement function and via analysis of individual team members' performance (Action 2);

•   To digitise the Council's enforcement register as part of the digital improvement programme to help customers self-serve (Action 2);

•   To finalise and implement a Buildings At Risk Strategy to safeguard some of our most precious but vulnerable heritage assets (Action 3);

•   Continue with the replacement Monmouthshire LDP because of the need to facilitate the identification/ allocation of additional housing land as well as addressing the demographic and employment challenges of the County;

•   To identify, implement and/or disseminate best practice via the Planning Officers' Society for Wales or other working groups, including the Welsh Government, the WLGA and the RTPI

•   Promote the value of the work carried out by the Council's Planning Service by updating the Value of Planning toolkit on an annual basis and publicising the findings in each APR.

•   To support our colleagues via training opportunities, regular reviews and one-to-ones to invest in their careers, ensure their well-being and mental health are resilient and their productivity remains high (Action 4).

•   To respond to the threats resulting from the pandemic followed by the economic squeeze on households and enterprises to ensure our County's businesses can be resilient and can thrive.

•   To manage the threat of phosphate pollution in our two main rivers to reduce environmental damage, while finding new ways of managing this issue that will still allow sustainable development to take place in those catchment areas.

7.2   Progress will be measured via our 2023/24 Annual Performance Report, 2023/24 LDP Annual Monitoring Report, and our 2023 - 2026 Service Business Plan.

8.0   RESOURCE IMPLICATIONS:

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

9.0   SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

9.1   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.

9.2   An Equality and Future Generations Evaluation is attached as an appendix.

10.0   OPTIONS CONSIDERED

10.1   There is normally a requirement on Local Planning Authorities to undertake an Annual Performance Report and to submit it to the Welsh Government by 31 October in a given year. Unfortunately, this year WG have been unable to provide the benchmarking figures to enable the council to review its current status against the Wales average. Issues such as the continued impact of the pandemic, resources limitations and environmental considerations such as water quality in rivers would have an impact on Local Planning Authorities across Wales therefore it is unfortunate that this data is not available to enable a fair comparison of our performance.   We could decide not to conduct the APR for this reason however we do consider it useful to carry on with this work to help us continue to improve our service. 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.

10.2   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 is the preferred option.

11.0   HOW WILL SUCCESS BE MEASURED?

11.1   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 customer and stakeholder feedback, outcomes (which are not always captured by performance indicators), and whole Council priorities.

11.2   The Council's Performance & Overview Select Committee scrutinised the APR via a report considered on 24 October 2023. A Member of that committee queried whether the data behind the performance figures was accurate, leading officers to verify this by further checks. It was identified that while the data was almost entirely accurate, one measure was not being calculated in accordance with WG's guidance – i.e. the average time taken to take positive enforcement action. This was being calculated to include the initial investigation phase which is measured separately and this was artificially inflating the performance figure to the detriment of the team's actual efficiency. Recalculating this has seen the measure fall from 190 days (red) to 123 days (amber) which more accurately reflects the hard work of the new team to get on top of the backlog of cases and improve the customer experience.
In addition, Members of Select Committee made suggestions about external appraisal of the APR (possibly by a chief officer of a neighbouring council) to ensure an impartial input, clarity on the progress of the Buildings at Risk register and the Council's approach to heritage applications in general, a review of whether the digitising of the microfiche records would be value for money and whether there were more systematic ways of measuring quality of decision-making. These suggestions will be considered by the Development Management Team in moving the service forward into 2023/24. The microfiche scanning will be subject to budget agreement at a senior level before any commitment can be made to this action.

11.3   We strive to deliver the best service possible, and our mission is to advise on, give permission for, and ensure the best development possible.

12.0   CONSULTEES

•   Planning Committee and the Performance & Overview Select Committee via a report to the latter considered on 24 October 2023.
•   SLT
•   Communities and Place DMT

13.0   BACKGROUND PAPERS:

None.

14.0   AUTHOR & CONTACT DETAILS:

Craig O'Connor
Head of Planning
01633 644849
craigoconnor@monmouthshire.gov.uk
Philip Thomas
Development Services Manager
01633 644809
philipthomas@monmouthshire.gov.uk

Appendices

  1.   Annual Performance Report
  2.   Equality and Future Generations Evaluation