

SUBJECT: MONMOUTHSHIRE PLANNING SERVICE ANNUAL PERFORMANCE REPORT
MEETING: ECONOMY AND DEVELOPMENT SELECT COMMITTEE
DATE: 27 SEPTEMBER 2016
DIVISION/WARDS AFFECTED: ALL

1 PURPOSE

- 1.1 To provide Members with a report on the performance of the Planning service for the period 2015-16.

2. RECOMMENDATION:

- 2.1 To note the contents of the second Annual Performance Report for submission to the Welsh Government by 31 October 2016 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 31st October 2016. 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 second Annual Performance Report (APR). The first APR was reported to this Select Committee in November 2015 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 sat on the working group. Performance is ranked as 'good', 'fair' or 'needs improvement'.

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 21st Century Schools, rationalising our estates portfolio and forms an integral part of the emerging work on 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; and
- Monitoring and evaluating Plan policies and the process of Plan preparation.

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 2014/15 Annual Performance Report identified four actions:

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.

- 5.2 These actions were in response to the proportion of applications determined within agreed timescales which was an amber indicator last year (76% against a target of 80%). Work is on-going in relation to Action 1 and there is on-going dialogue with two internal consultee departments to seek to identify ways of focussing their stretched resources on priority cases and achieving efficiencies via the pre-application service.
- 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, and Action 2 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 remains amber for the 2015/16 reporting period, however performance has improved from 76% to 79%, and to provide context, only 8 Authorities in Wales achieved the 80% target. Work with internal consultees will continue in 2016/17 (see Section 7 of the APR).
- ACTION 3:** Report appeal decisions to Planning Committee to facilitate shared learning.
- 5.5 This Action related to an amber indicator regarding one appeal costs award against the Authority (Llanvaplly solar farm). This action has been fully implemented and appeal decisions are reported to Planning Committee every month for discussion and

learning. There have been no appeal costs awarded against us in 2015/16 and we are awaiting decisions on two applications for awards of costs in our favour where we consider that appellants have behaved unreasonably and resulted in unnecessary expense to the Council.

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

- 5.6 This Action related to the proportion of enforcement cases resolved within 180 days. There was no target set by the Welsh Government for this indicator, however Monmouthshire's performance of resolving 67% of enforcement cases within 180 days of receipt fell below the Wales average of 77%.
- 5.7 Our performance against this indicator has improved in this reporting period (70%) but 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 there is some doubt that all Authorities are using the latest performance indicator definition: the work by Swansea City Council identified three slightly different definitions for this indicator in different documents.
- 5.8 The identification of this action in 2014/15 was predicated on the view that our performance might simply reflect the amount of formal action being taken: if we are 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 and simply closes cases as not expedient to pursue (which might be quicker but is arguably not achieving a positive outcome). The action therefore proposed to undertake further benchmarking to understand the context of Monmouthshire's performance and to identify and learn from best practice in another Welsh Local Planning Authority. This benchmarking has not been undertaken due to limited time and resources. With hindsight, while this benchmarking information would have been of interest, it would not have improved our performance, just sought to have justify it. An alternative action is therefore proposed this year.

6 CONCLUSIONS AND RECOMMENDATIONS OF 2015/16 APR

- 6.1 Based on the customer feedback in Section 5 and the performance information in Section 6 and Appendix A of the APR, we can be proud of the service we deliver. During this period:
- The number of applications we received increased;
 - The number of applications we determined increased; and
 - The number of applications we approved increased.
- 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 9, and 'fair' against 2. The 'fair' result relates to the proportion of planning applications determined within the required timescale, where we achieved 79%, narrowly missing the 'good' target of 80%; and the average time taken to determine all applications where our performance (68 days) narrowly missed the 'good' target of 67 days¹;
- We performed above the Wales average in 16 of the 17 applicable indicators. The indicator for which performance was below Wales average related to the proportion of enforcement cases fully resolved within 180 days, where we achieved 70% against a Wales average of 73%². Further commentary is provided on this indicator in Section 6 of the APR.

	Number of indicators
Welsh Government target has been set and our performance is 'good'	9
Welsh Government target has been set and our performance is 'fair'	2 ¹ (see above)
Welsh Government target has been set and our performance 'needs improvement'	0
No target has been set but our performance is above the Wales average	5
No target has been set but our performance is slightly below the Wales average	1 ² (see above)
No target has been set but our performance is significantly below the Wales average	0

6.3 Our performance improved against 12 of the 17 applicable indicators, and declined slightly against 5 indicators compared to last year. However, it should be noted that in all 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'. The only indicator of concern is our housing land supply, which we know has since 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 declining performance related to:

Indicator	2014/15	2015/16	Wales average	WG target
5 year housing land supply	5.2 years'	5.0 years'	3.9 years'	5.0 years'
Average time taken to determine major planning applications	95 days	121 days	213 days	n/a
Average time taken to determine all planning applications	62 days	68 days	77 days	<67 days
Average time taken to investigate enforcement complaints	12 days	16 days	88 days	n/a
Average time taken to resolve enforcement cases	120 days	143 days	210 days	n/a

6.5 Three actions are identified going forwards.

Speed of determining applications

6.6 79% 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 68 days, narrowly missing the 'good' target of 67 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.

6.7 However, this is an area for potential improvement, and one area for attention is delays in receiving consultee replies. Areas for consideration include reviewing the consultations sent to see if limited resources can be better focused on the most important matters; and ensuring consultees understand the implications of delays in terms of customer service, Plan delivery, economic impacts and potential fee refunds. It is therefore proposed to continue the action commenced last year:

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

Speed of resolving enforcement cases

6.8 The Welsh Government is yet to provide a target for this indicator, however Monmouthshire's performance of resolving 70% of enforcement cases within 180 days of receipt falls below the Wales average of 73%. It is also known that this indicator is under review in 2016/17. However, customer feedback and complaints often relates 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 improved compared to last year, however there remains scope for further improvement. Consideration will be given to streamlining our processes via a triage approach based on a pilot developed by Swansea City Council, and arranging Town and Community Council training to improve understanding and better manage expectations.

ACTION 2: Streamline enforcement processes following a triage system

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

Opportunities going forward:

6.9 The following opportunities for the coming year have been identified:

- 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;
- To replace the inefficient data base for planning applications to reduce waste for staff, including the production of standard letters and monitoring reports;
- To work towards being a paperless office to reduce printing, copying and postage costs;

- 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;
- Adopt CIL; and
- Adopt SPG to ensure the accurate implementation and interpretation of planning policy, in particular in relation to tourism development to support economic growth;
- To identify, implement and/or disseminate best practice via the Planning Performance Advisory Group, Planning Officers' Society for Wales or other working groups;
- Succession planning.

6.10 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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