

FLINTSHIRE COUNTY COUNCIL

PLANNING ANNUAL PERFORMANCE REPORT – 2015

PREFACE

I am delighted to introduce the first version of the Annual Performance Report for Flintshire County Council's planning service. Good planning is at the heart of what we are about as a Council, making good, safe places for our residents to live, work and enjoy their leisure time in. The planning service can help in delivering these aims whilst generating growth in the economy and protecting our natural habitats. With the adoption of the Planning (Wales) Bill in the summer of 2015 this is a landmark year for Planning in Wales and this Council will be embracing the move towards to positive planning that the Bill prescribes.

Councillor Bernie Attridge, Deputy Leader of the Council and Cabinet Member for Planning and the Environment

CONTEXT

Flintshire occupies a unique border location in the North East corner of Wales, serving as the gateway to North Wales, and performing a central role in the operation of the sub-region. Characterised by diversity, Flintshire boasts a significant and prosperous industrial heartland, a thriving pattern of settlements supporting a growing population, an effective transport network, and a broad range of landscapes, environments, habitats and species, some of internationally recognised importance.

With such diversity comes significant and potentially conflicting pressures - for growth, expansion and development on the one hand, and for conservation, protection and enhancement on the other. The Planning System and in particular the Flintshire Unitary Development Plan (UDP), has a key role to play in facilitating the correct balance to ensure that where development takes place, it is carried out in a sustainable manner which maximises the nature and quality of the development, and minimises the negative impact it has.

The Unitary Development Plan (UDP) for Flintshire was adopted on 28th September 2011 and covers the period from 2000 to 2015. The UDP replaced the Clwyd County Council Structure Plan (which covered the period 1996-2011); the Delyn Local Plan (which covered the period 1986-1996) and the Alyn and Deeside Local Plan (1993 to 2003).

Flintshire's Community Strategy which was approved in June 2004 aims to develop an agreed vision between a partnership of public service providers and the community of Flintshire for the period 2004 to 2020. The approved strategy is a 'live' document involving rolling 4 year action plans to deliver the service priorities agreed as well as an annual review and reporting back to the community and partners. The strategy seeks to bring about a number of key themes: learning and creative communities; healthy and caring communities; active communities; safe communities and thriving and modern communities, through the application of a number of core principles which are sustainability, social inclusion, equal opportunity and Welsh language.

The UDP plays a role in supporting and delivering the Community Strategy. The UDP however, will have a specific spatial role in relation to the Community Strategy, as the majority of physical change and development that takes place within Flintshire's communities, is either as a direct result of proposals in the UDP, or is guided and controlled by its policies.

The strategic aims of the UDP encompass a broad range of social, economic, and environmental issues relating to Flintshire's communities, and these are compatible with the Community Strategy themes. Sustainability and social inclusion are two of the four main themes that underpin the UDP, and which go to the heart of the Plan and its policies.

The UDP also works hand in hand with other corporate plans and strategies to achieve sustainable outcomes. Many of these strategies share a common sustainability agenda, and equally all have a role and relationship to the Council's emerging Community Strategy. Some of these key strategies include :

- Local Transport Plan
- Economic Development Strategy
- Biodiversity Action Plan
- Countryside Strategy
- Local Housing Strategy

Flintshire, located in the north eastern corner of Wales is one of the six unitary authorities covering North Wales, and the largest in population (148,600). Due to its border location with England, it is affected by the socio - economic activities of the North West region, which has the second largest population in England outside the South East. Urban development is concentrated in the coastal areas on the Dee Estuary, which has traditionally been a location for industrial development. With the expansion of Deeside Industrial Park, the County has become a significant focus for sub-regional employment generation. Away from the urbanised coastal strip, the County is predominantly rural in nature with a dispersed settlement pattern of market towns and village communities situated in attractive rolling countryside.

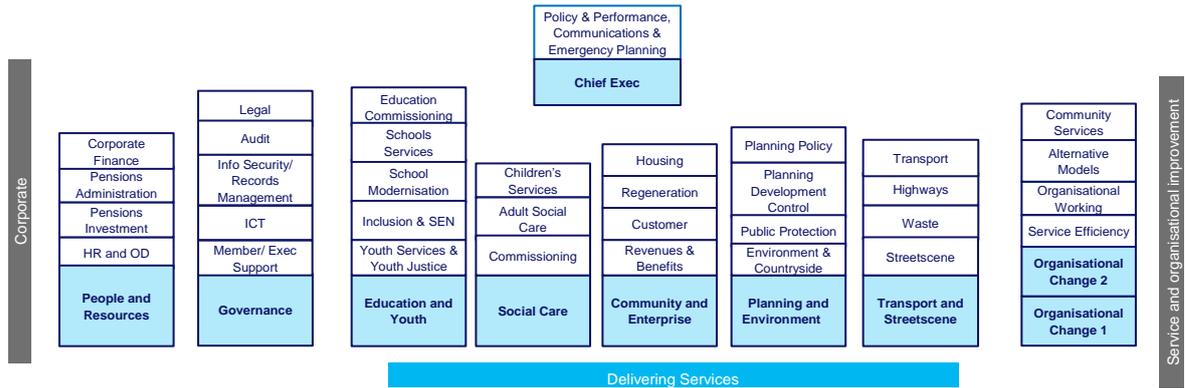
Flintshire lies between the Clwydian Hills and the Dee Estuary. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) which partly covers the north of western areas of the County. The Dee Estuary has several ecological designation including as a Ramsar site under the Convention on Wetlands of International Importance and Special Protection Area (SPA) under the European Community Birds Directive due to its importance as a wintering site for significant populations of migratory waders and wildfowl. The Estuary is also a Site of Special Scientific Importance (SSSI) Significance and a Special Area of Conservation.

The industrial areas along the Dee Estuary with the Enterprise Zone at Deeside Industrial Park at its heart and the predominantly agricultural areas to the west in the foothills of the Clwydians provide a unique urban / rural mix. Whilst the administrative centre lies in Mold, the County is made up of a series of other main towns (Holywell, Buckley, Connah's Quay, Flint, Shotton, Saltney and Broughton).

Population growth in Flintshire is slowing down in comparison to historical trends (the last 30 years). The 2011 census based WG projections indicate that Flintshire's population is only likely to grow by 2% over the plan period for the LDP. This is due to a combination of changes in the trends for both components of population change i.e. natural change (births and deaths) and migration. Positive natural change is slowing down (more births than deaths) and migration change is neutral. These projections however may be an underestimate as they used recession period trends with which to project forwards. Flintshire's population age structure is ageing which will have implications on the demand for new housing as well as more specialised types of housing need. In terms of housing provision, the UPD plan period covered the years 2000 to 2015 and that Plan set out to provide a housing requirement of 7,400 homes or 493 homes per annum. That requirement has not been met and is unlikely to be as we approach the end of the Plan period. This will have implications for the Local Development Plan housing requirement figure.

PLANNING SERVICE

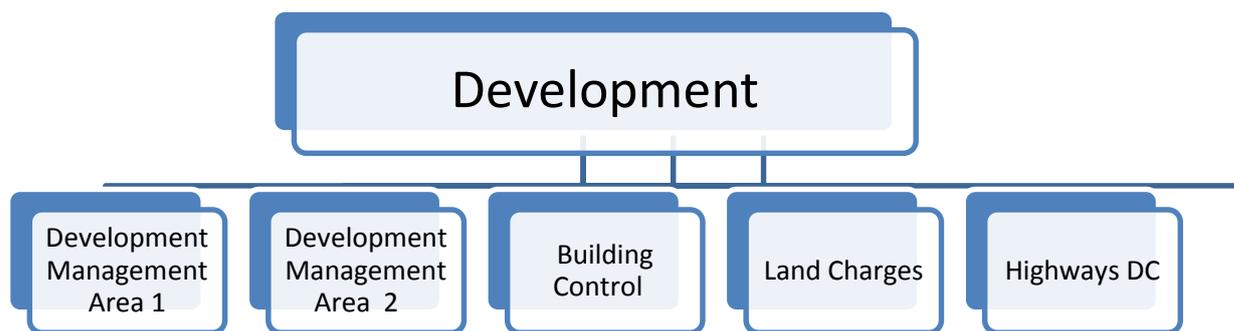
The statutory planning function sits within the wider Planning and Environment Portfolio, established following restructuring at Directorate level in June 2014. The Chief Officer (Planning and Environment) reports directly to the Chief Executive and is one of nine Chief Officers in Flintshire. This structure is shown below:



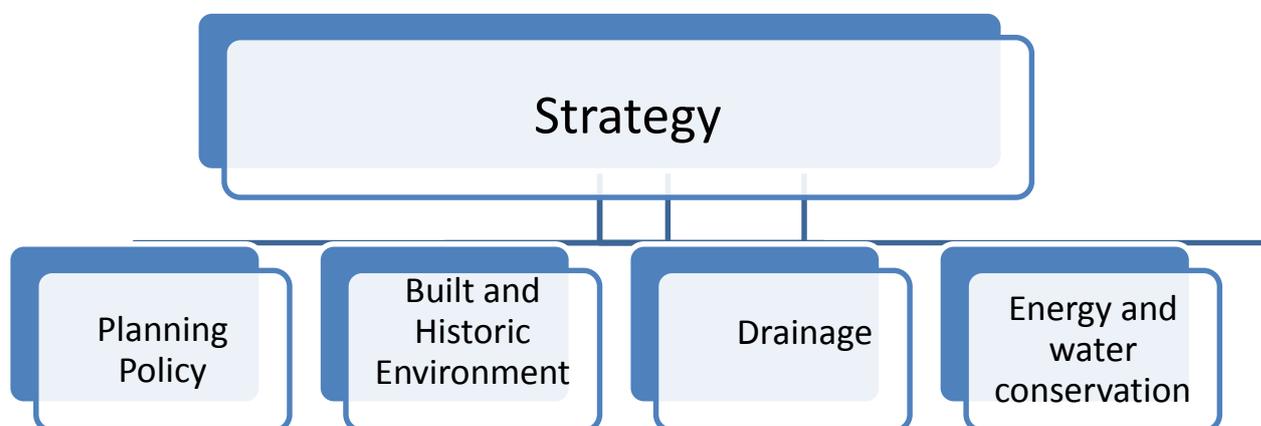
The Planning Strategy and Development Management functions are led by separate managers located within County Hall, Mold. They form part of a Portfolio Management Team of six Service Managers as shown below:



The Development Management function is split into five teams as shown below:



- The Planning Policy team sits with three other teams, covering the following service areas:



The planning service was the subject of a Value for Money review in 2013/14 which sought to recover £456,000 of efficiencies from its budget. This was successfully achieved. In 2014/15 a further target was placed on all operational services to recover a further 30% in total over the forthcoming three financial years. The Portfolio's budget for 2015/16 was £5,561,000. The annual savings targets are delivered through the Portfolio Business Plan and overseen by the Programme Board – made up of Cabinet Members and lead officers from the portfolio. The Planning and Environment Portfolio will seek to achieve the following savings :

- 2015/16 - £874,838 (16.62% of overall budget) –
- 2016/17 - £365,272 (7.4% of overall budget)
- 2017/18 - £269,579 (5.7% of overall budget)

Whilst the overall budget provided to the Planning function has reduced over the past three years, income has risen. The primary source of income is from planning application fees, but the portfolio also receives income from land charges, publications and as part of the shared service initiative for the North Wales Minerals and Waste service. The figures below show income from planning applications and land charges over the past 5 years. Following the

global financial crisis in 2008, the budgeted income figures from both planning applications and land charges were revised downwards for 2010/11, with minor increases thereafter. The rise in 2015/16 however, is significant reflecting knowledge that Welsh Government were set to increase fees by 15% and allow charging for areas of work that were previously delivered free of charge e.g. pre application charging and the discharge of planning conditions.

Planning application fees income against budget

	2009/10	2010/11	2011/2012	2012/13	2013/14	2014/15
Budgeted income	913 782	732 058	587 302	663 994	675 465	675 465
Actual income	572 811	615 863	556 740	706 324	676 604	750 532

Land charges fees income against budget

	2009/10	2010/11	2011/2012	2012/13	2013/14	2014/15
Budgeted income	169 437	132 826	135 696	150 071	170 071	170 071
Actual income	152 156	134 708	160 516	153 238	179 965	179 921

The Development Management team currently has budget for three Team Leaders, one leading the minor applications team; one the major applications team and the third leads the enforcement workload. The major applications team leader post is currently vacant and the move to two area team leaders, allows the vacant post to be surrendered as a saving. This reflects a general trend across the Council to reduce the numbers of middle managers within the organisation whilst protecting frontline staff. There are four senior planning officers and four planning officers which will be split equally into the two area teams. There is currently a vacancy for a planning officer which will be filled internally. Staff within the enforcement team will be assimilated into the two area teams.

Between 2013/14 and 2014/15 the number of planning applications received went up from 1179 to 1299 and is likely to increase further in 2015/16 as the building industry recovers. The team did suffer from two spells of long term sickness to key members of staff in 2014/15 which had a detrimental impact on performance.

It is acknowledged that staff development is key to the portfolio's future success and training and development budgets have been retained albeit following a 25% reduction for the year 2015/16. Staff appraisals and one to ones are consistently undertaken. The Portfolio has supported staff through ILM qualifications and through formal qualification to become Royal Town Planning Institute members. The Council no longer pays for employees' membership of professional bodies. In addition, six training and development sessions per year are provided in-house to both staff and Members. This equates to three days of Continual Professional Development if all sessions are attended.

OUR LOCAL STORY

Performance against the P.I.s has been maintained during the year, despite three long term ill-health absences within the DM team, following on from the number of staff directly dealing with planning applications being reduced by three during the first half of the year. This has been achieved through the willingness of officers to adapt and cover for colleagues and in reviewing existing procedures to improve efficiency and consolidate the ethos of the 'team'. Maintaining the level of public and customer service over this period has been challenging but the remaining staff have adapted to the changes required and to the more flexible approach and new roles and duties which have been asked of them.

This challenge has been heightened by the growing number of applications within the year; an annual total of 1299 received and 1256 determined. This compares to 1179 applications received and 1070 determined in year 2013/14, which itself was a significant increase on the preceding year's figures. This year on year increase partly reflects increased activity in the building industry, with a number of residential development sites now being active and partly the additional application procedure for dealing with non-material amendments following the grant of planning permission. This equated in 2014/15 to a workload of 185 applications dealt with by officer per year. This compares to 168 applications per officer in 2013/14.

We are working towards the introduction of charges for pre-application advice, for confirming compliance with conditions and undertaking planning research and for managing Section 106 Obligations. This will involve a review of our current procedures with regard to advising the public and prospective developers, but by working closely with our customers on a more formal basis we can achieve better outcomes and reduce the number of incomplete and unsuccessful applications. This will bring additional responsibilities with regard to the consistency and robustness of the advice given and, again, new challenges with regard to the staff and other resources available.

There remains a concern over maintaining efficient service delivery and improved performance through the adaptations outlined above, particularly in light of the reduction in staff numbers and the new aspects of service delivery such as the charges for pre-application advice.

Within the next quarter the proposed changes identified in the previous Service Plan which include the introduction of area based DM teams, mobile working, a restructured Enforcement team and realigned Support Services, will be introduced.

These structural changes are, to a large extent, linked to the corporate Business Plan and the identified need for efficiencies. The rationalisation of the Council's accommodation and the relocation of the Planning Service from its existing office space will need to be carefully managed, as the difficulties with the Authority's external software provider and the knock on effect in relation to the council's own ITC service result in us still having to rely on paper files. These difficulties are being addressed but in addition to this, further significant changes will be required to adapt our software systems to the capture and monitoring of the additional information required by Welsh Government's new range of performance indicators. Nevertheless officers have been equipped with the technology to allow them to

work remotely and they are encouraged to spend at least a day a week out of the office (in a structured manner) as a precursor to full mobile working.

In relation to the Local Development Plan, the Council is in the early stages of Plan preparation and the various stages are set out in the Council's Delivery Agreement. A summary of progress to date is set out below:

- undertaken a **Call for Candidate Sites** and published a **Register** of all valid site submissions
- undertaking **Candidate Site Assessments** of the 734 sites involving internal and external consultations on the candidate sites as part of the on-going assessment
- consulted upon a **Candidate Site Assessment Methodology Background Paper** setting out the methodology by which candidate sites will be assessed and subsequently published an amended paper
- consulted upon a suite of 18 **Topic Papers** on a range of topics and issues and published amended versions where changes made
- appointed with Wrexham CBC a joint **Local Housing Market Assessment** undertaken by Arc4 consultants which has been published
- appointed Arc4 to undertake a **Housing Occupancy Survey** on all properties constructed / converted in the last 5 years to gain a better understanding of the local housing market
- appointed Arc4 to undertake a **Gypsy and Traveller Needs Assessment**
- jointly commissioned with Wrexham CBC an **Employment Land Needs Study** which will be published shortly. Follow up work on forecasting economic and jobs based growth scenarios has also been commissioned and this will feed into population and household modelling work
- appointed consultants jointly with Wrexham to undertake initial **viability** work on development sites
- held the first meeting of the **Key Stakeholder Forum** which will act as a sounding board at key stages in the Plans preparation and has considered the Plan's vision and objectives
- appointed Hyder Consulting to undertake a **Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment** and the draft SA Scoping Report has been consulted upon.
- commencing a range of other studies including **green barrier review, urban capacity study, Welsh Language Assessment and Strategic Flood Consequences Assessment**
- **appointed COFNOD to undertake biodiversity mapping in relation to the County's main towns and settlements within areas of development pressure**
- undertaken an assessment of settlement services and facilities and consulted with Town & Community Councils

The website provides a range of information about various aspects of the LDP as well as any completed studies and can be found at the following web address:
<http://www.flintshire.gov.uk/en/Resident/Planning/Flintshire-Local-Development-Plan.aspx>

The Council is presently working towards preparing and consulting upon the Pre-Deposit Consultation Draft Plan which will set out the Council's Preferred Strategy i.e. the amount of growth to be provided by the Plan and how that growth is to be distributed spatially across the County. Before this the Council will publish and consult on a range of growth and spatial options before deciding on the draft Preferred Strategy within the pre-deposit Plan.

Before consulting on growth and spatial options however, it was considered important for an initial document to be prepared which would set the scene in terms of lessons learned from the emerging evidence base and early engagement and also provide key stakeholders and the general public with the opportunity to give their initial views on how the Plan is emerging and should be shaped. In this way, the Council should have a clearer picture that the Plan is heading in the right direction and from this be able to develop a series of realistic growth and spatial options.

- Current projects. .

Provide key advice to bidders in relation to submissions for the SHARP programme including attendance at dialogue sessions and comments on proposed site layouts.

Co-ordinated planning input into the proposals and planning applications for the Flint Extra Care scheme (permission granted in March 2015) and the new Health Centre (planning application with the Council).

Complete feasibility study into prospects for developing a Local Development Order for the Deeside Enterprise Zone.

Support the Council in relation to Deeside Masterplan (as a part of the study group) and Northern Gateway strategic development site (as lead on the development team).

Maintain service quality and continuity in Built Conservation following departure of Built Conservation Officer through EVR. Two professionally qualified team members supported by an information technician now provide this service. Have made important interventions on a number of listed buildings at risk.

Input into the Council's response to the Welsh Government consultation on the National Transport Plan.

Development of in-house evidence base and expertise in relation to development value and viability.

Complete work on Supplementary Planning Guidance for approval to consult on and adopt.

- Local pressures.

Following the adoption of TAN1 methodology to calculate land supply on the residual method only (rather than completions method, as previously) Flintshire has found itself with a sub 5 year supply – most recently calculated at 3.7 years. With a UDP due to expire at the end of 2015, the Council has produced and consulted upon a Speculative Development

Statement to set out its position in relation to planning applications that may be submitted by developers to address the shortfall in housing supply.

The imposition of the Community Infrastructure Levy Regulations on 1st April 2015 has had a significant impact on the Council's ability to require developers to provide funding to mitigate the impact of their development through Section 106 Agreements as monies may have been requested on more than five occasions since 2010. This will leave some difficult decisions for the Council in relation to whether applications can be supported where the impact on an already popular school (for example) cannot be mitigated against. Against the national benchmarks, Flintshire compares poorly in relation to indicators 9 and 10 (decisions against officer recommendation and appeals dismissed respectively). In relation to indicator 9, a review will be undertaken of our procedures in relation to members' overturn of an officer's recommendation, with a view to an increasing use of "cooling off" periods when applications are refused against officer recommendation (historically "cooling off" has generally been used when items are granted against officer recommendation). In relation to indicator 10 a thorough review of appeal decisions will be undertaken with officers and Councillors to ensure that lessons can be learnt from those decisions where permission has been granted on appeal. This review will consider how the original decision was taken, the basis on which it was taken and how the appeal was defended.

WHAT SERVICE USERS THINK

The annual customer satisfaction survey is coordinated by the Data Unit of the Welsh Local Government Association. It shows that, of those applicants and agents who returned their consultation forms, 82% were either satisfied or very satisfied with the service offered by the Council. The main areas of concern noted by the responders was a lack of information in relation to the progress of applications; and secondly a lack of availability of officers to discuss individual applications. The initial point of concern will be addressed through improvements to the Council's website which will provide more detail on an application's progress. The second point will be subject of further review. With an increasing number of officer's working on a more mobile and flexible basis, it is vital that customers can, where appropriate, make contact with them. Phone and email access will be reviewed alongside work with reception staff to investigate if they can answer a greater number of general queries in relation to applications.

- Statistical analysis of survey returns, and selected representative quotes.

In 2014-15 we conducted two customer satisfaction surveys aimed at assessing the views of people that had received a planning application decision during the period. The first covered the period April 2014 - September 2014 and the second covered the period October 2014 - March 2015. The following feedback is based on the combined results of both surveys.

The surveys were sent to 435 people, 19% of whom submitted a whole or partial response. The majority of responses (51%) were from members of the public. 11% of respondents had their most recent planning application refused.

We asked respondents whether they agreed or disagreed with a series of statements about the planning service. They were given the following answer options:

- Strongly agree;
- Tend to agree;
- Neither agree not disagree;
- Tend to disagree; and
- Strongly disagree.

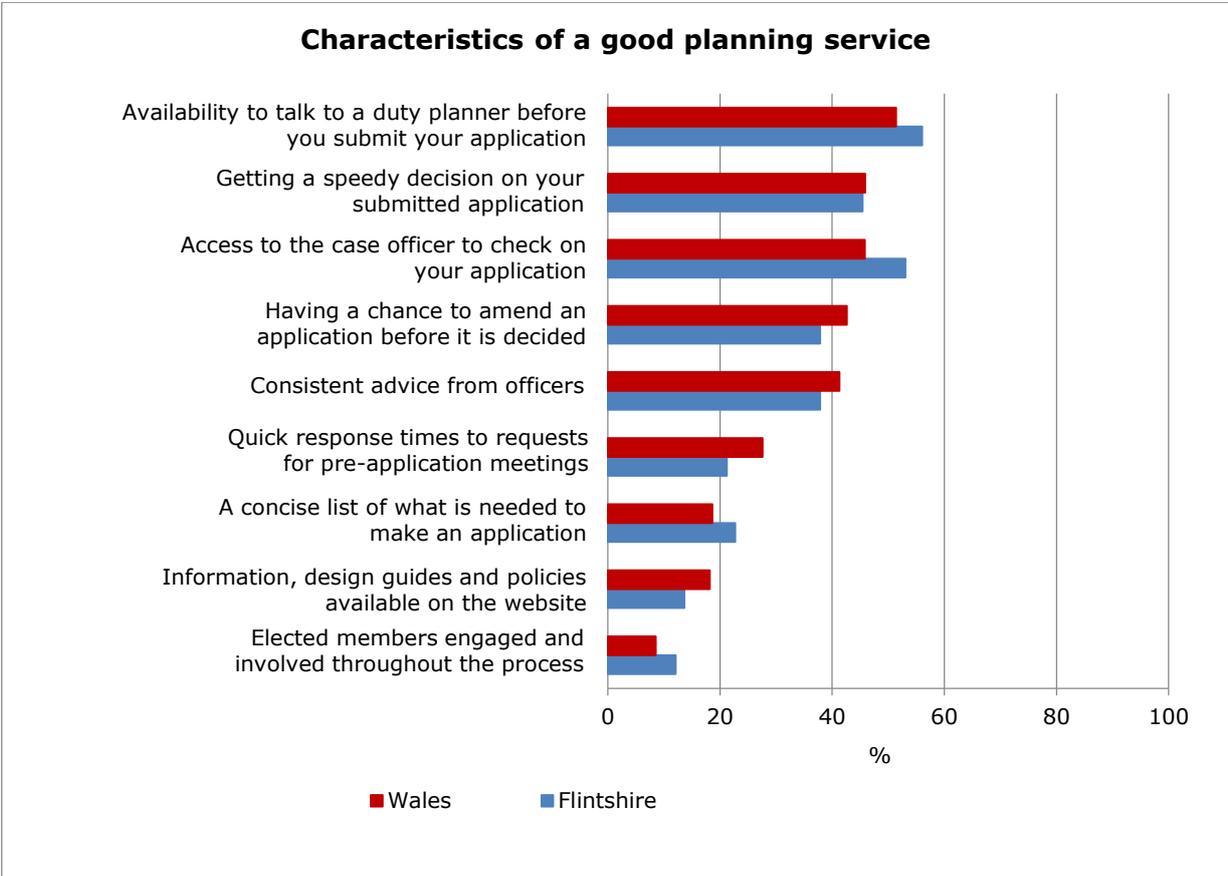
Table 1 shows the percentage of respondents that selected either ‘tend to agree’ or ‘strongly agree’ for each statement for both our planning authority and Wales.

Table 1: The percentage of respondents who agreed with each statement, 2014-15

Percentage of respondents who agreed that:	%	
	Flintshire LPA	Wales
The LPA enforces its planning rules fairly and consistently	41	45
The LPA gave good advice to help them make a successful application	51	57
The LPA gives help throughout, including with conditions	42	48
The LPA responded promptly when they had questions	48	55
They were listened to about their application	48	56
They were kept informed about their application	44	46
They were satisfied overall with how the LPA handled their application	64	57

We also asked respondents to select three planning service characteristics from a list that they thought would most help them achieve successful developments. Figure 1 shows how often each characteristic was selected as a percentage of the total number of selections. For us, 'the availability to talk to a duty planner before submitting an application' was the most popular choice.

Figure 1: Characteristics of a good planning service, Flintshire LPA, 2014-15



Comments received include:

"Overall very good Planning Service and one that should be adopted nationally."

"Generally it is slow and any enforcement matters are poorly dealt with."

"Don't accept online payments via the planning portal and online records are poor."

OUR PERFORMANCE 2014-15

This section details our performance in 2014-15. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture.

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.

Plan making

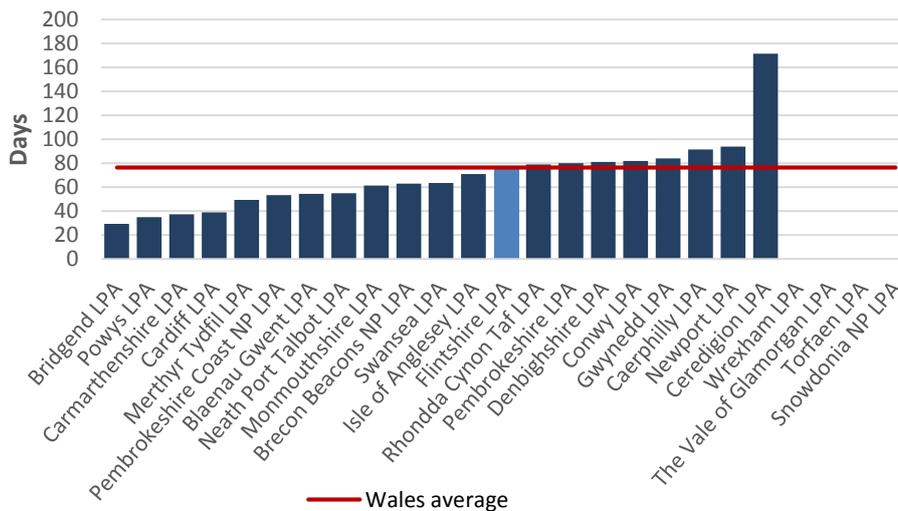
As at 31 March 2015, we were one of 21 LPAs that had a current development plan in place.

During the APR period we had 3.7 years of housing land supply identified, making us one of 18 Welsh LPAs without the required 5 years supply.

Efficiency

In 2014-15 we determined 1,224 planning applications, each taking, on average, 77 days (11 weeks) to determine. This compares to an average of 76 days (11 weeks) across Wales. Figure 2 shows the average time taken by each LPA to determine an application during the year.

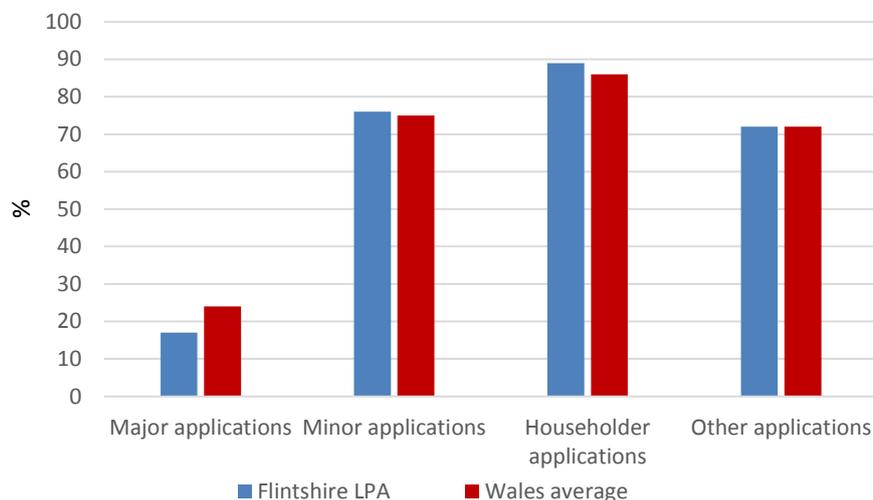
Figure 2: Average time taken (days) to determine applications, 2014-15



72% of all planning applications were determined within the required timescales. This compared to 73% across Wales and was below the 80% target. Only 5 out of 25 LPAs met the 80% target.

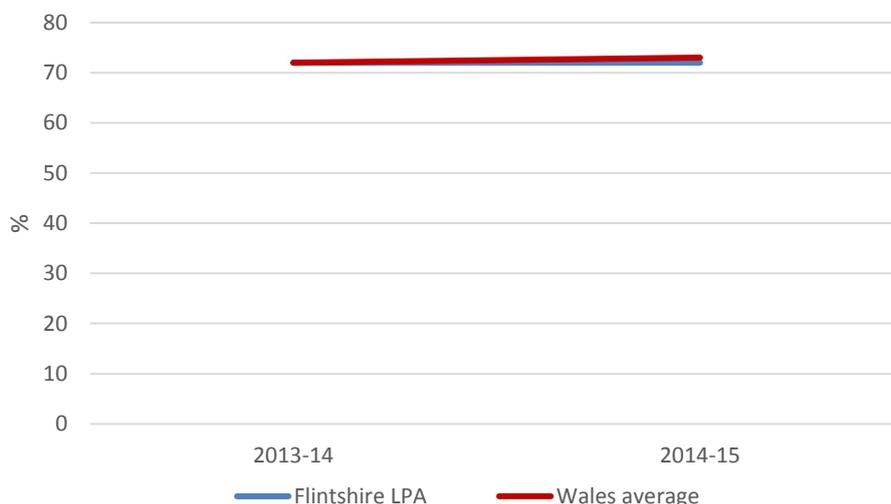
Figure 3 shows the percentage of planning applications determined within the required timescales across the four main types of application for our LPA and Wales. It shows that we determined 89% of householder applications within the required timescales.

Figure 3: Percentage of planning applications determined within the required timescales, by type, 2014-15



Between 2013-14 and 2014-15, as Figure 4 shows, the percentage of planning applications we determined within the required timescales stayed the same at 72%. Wales saw an increase this year.

Figure 4: Percentage of planning applications determined within the required timescales



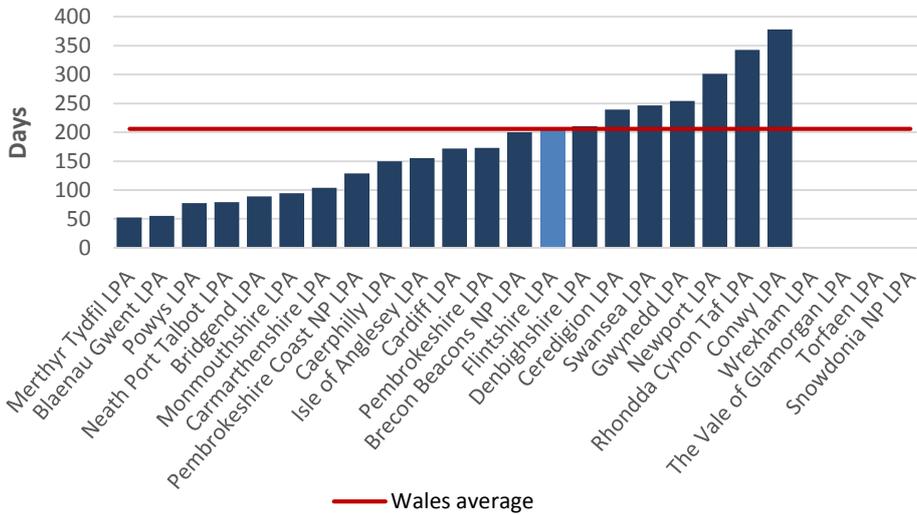
Over the same period:

- The number of applications we received increased;
- The number of applications we determined increased; and
- The percentage of applications we approved increased.

Major applications

We determined 60 major planning applications in 2014-15, 5% (3 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 204 days (29 weeks) to determine. As Figure 5 shows, this was shorter than the Wales average of 206 days (29 weeks).

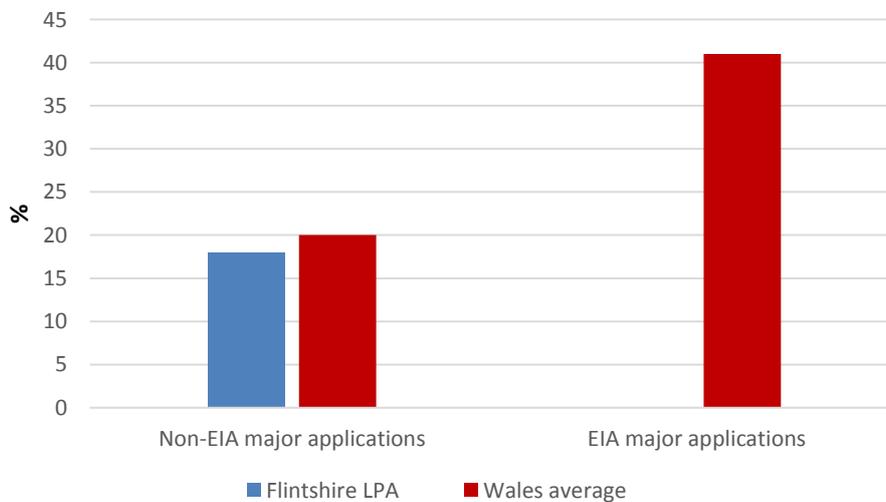
Figure 5: Average time (days) taken to determine a major application, 2014-15



17% of these major applications were determined within the required timescales, compared to 24% across Wales.

Figure 6 shows the percentage of major applications determined within the required timescales by the type of major application. 18% of our ‘standard’ major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

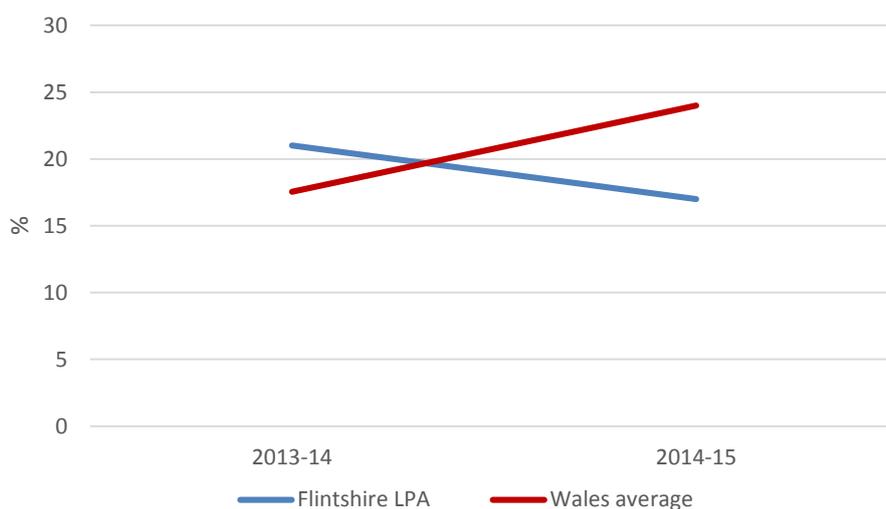
Figure 6: Percentage of major applications determined within the required timescales during the year, by type, 2014-15



Since 2013-14 the percentage of major applications determined within the required timescales had decreased from 21%. Similarly, the number of major applications determined decreased while the number of applications subject to an EIA determined during the year increased.

Figure 7 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

Figure 7: Percentage of major planning applications determined within the required timescales



Over the same period:

- The percentage of minor applications determined within the required timescales decreased from 79% to 76%;
- The percentage of householder applications determined within the required timescales decreased from 93% to 89%; and
- The percentage of other applications determined within the required timescales increased from 66% to 72%.

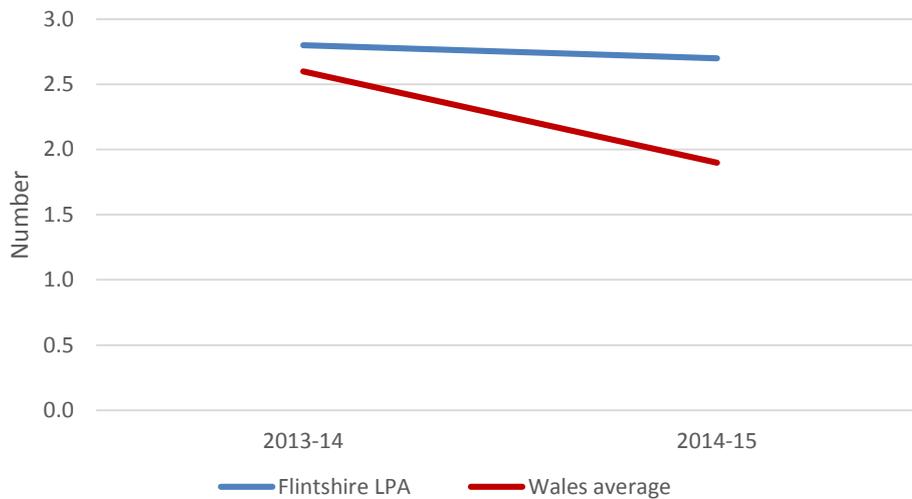
Quality

In the last two quarters of 2014-15 (October 2014 – March 2015) our Planning Committee made 36 planning application decisions, which equated to 6% of all planning applications determined. Across Wales 7% of all planning application decisions were made by planning committee over the same period.

8% of these member-made decisions went against officer advice. This compared to 11% of member-made decisions across Wales. This equated to 0.5% of all planning application decisions going against officer advice; 0.7% across Wales.

In 2014-15 we received 36 appeals against our planning decisions, which equated to 2.7 appeals for every 100 applications received. This was the fourth highest ratio of appeals to applications in Wales. Figure 8 shows how the volume of appeals received has changed since 2013-14 and how this compares to Wales.

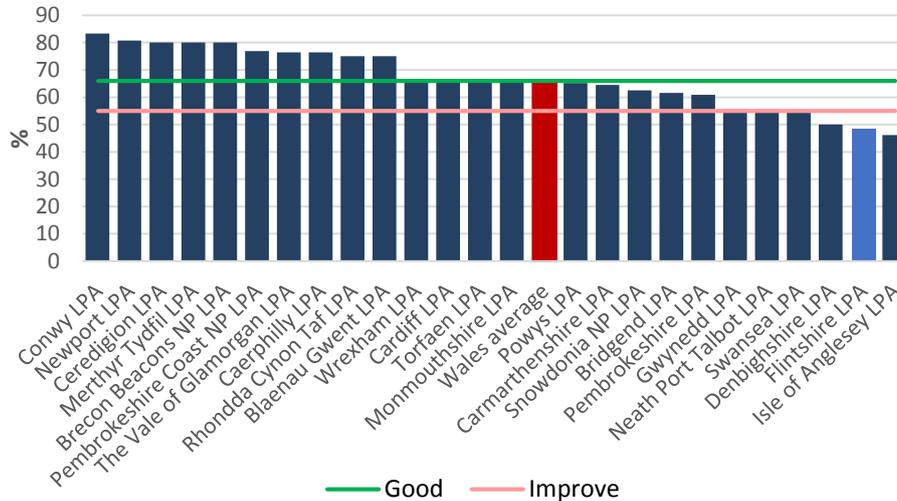
Figure 8: Number of appeals received per 100 planning applications



Over the same period the percentage of planning applications approved increased from 89% to 90%.

Of the 29 appeals that were decided during the year, 48% were dismissed. As Figure 9 shows, this was the second lowest percentage of appeals dismissed in Wales and was below the 55% threshold.

Figure 9: Percentage of appeals dismissed, 2014-15



During 2014-15 we had 2 applications for costs at a section 78 appeal upheld, making us one of the 5 LPAs to have at least one such application upheld in the year. (NOTE: These figures are updated in the commentary on Indicator 10 in Section 2, Efficiency below)

Engagement

We are:

- one of 22 LPAs that allowed members of the public to address the Planning Committee; and

- one of 20 LPAs that had an online register of planning applications, which members of the public can access, track their progress (and view their content).

As Table 2 shows, 51% of respondents to our 2014-15 customer satisfaction survey agreed that the LPA gave good advice to help them make a successful application.

Table 2: Feedback from our 2014-15 customer satisfaction survey

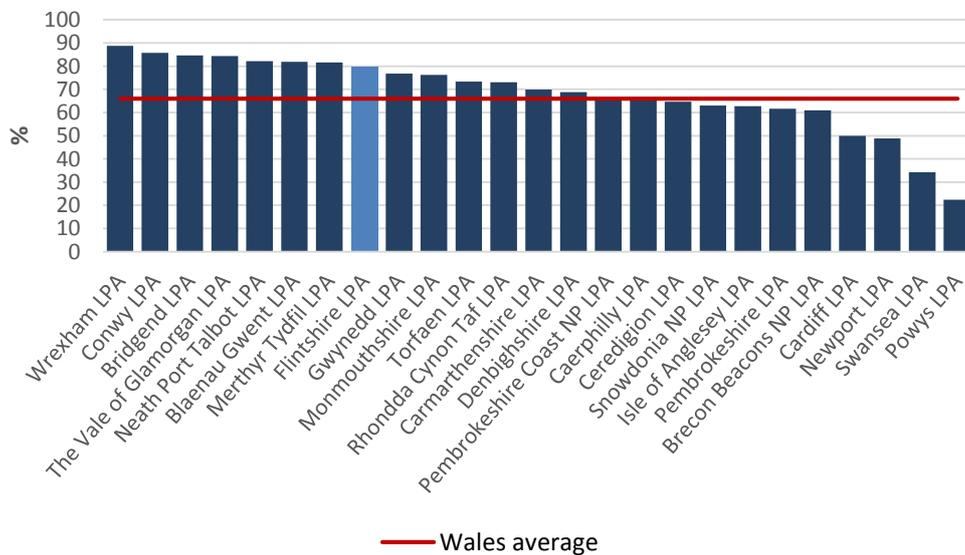
Percentage of respondents who agreed that:	%	
	Flintshire LPA	Wales
The LPA gave good advice to help them make a successful application	51	57
They were listened to about their application	48	56

Enforcement

In 2014-15 we investigated 366 enforcement cases, which equated to 2.4 per 1,000 population. This compared to 2 enforcement cases investigated per 1,000 population across Wales. We took, on average, 30 days to investigate each enforcement case.¹

We investigated 80% of these enforcement cases within 84 days. Across Wales 66% were investigated within 84 days. Figure 10 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

Figure 10: Percentage of enforcement cases investigated within 84 days, 2014-15

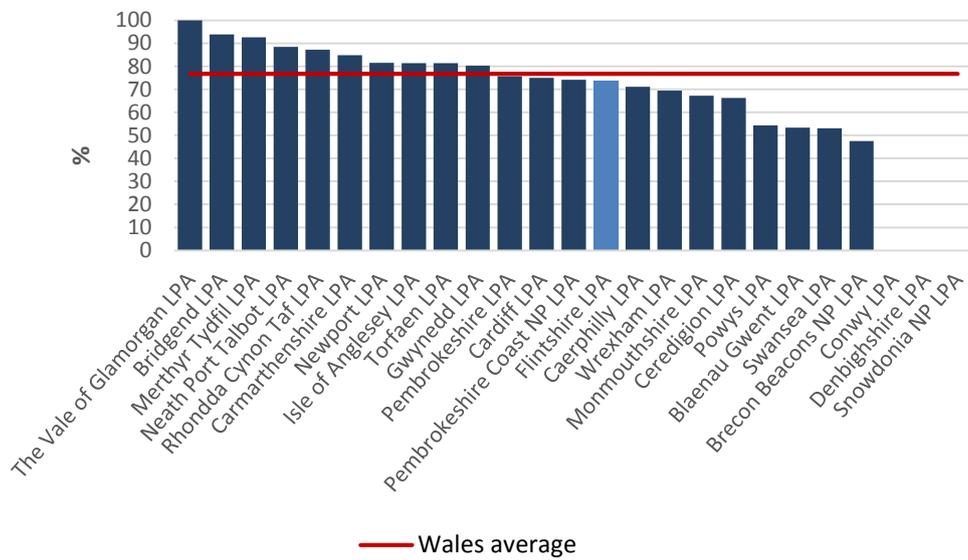


Over the same period, we resolved 330 enforcement cases, taking, on average, 247 days to resolve each case.

¹ Robust comparisons are not currently available as only 14 of the 25 LPAs supplied data for this indicator.

74% of this enforcement action was taken within 180 days from the start of the case. As Figure 11 shows this compared to 77% of enforcement cases resolved within 180 days across Wales.

Figure 11: Percentage of enforcement cases resolved in 180 days, 2014-15



ANNEX A - PERFORMANCE FRAMEWORK

- This section is a direct response to the authority’s performance against each of the Performance Framework and Sustainable Development indicators. This is the authority’s opportunity to set out the story, or the reasoning, for its performance in all areas. Each individual indicator should be addressed, and the authority should set out:
 - Any reasoning or underlying issue or information affecting its performance in this area;
 - If performance is below expected levels, what actions it will take to address the issue;
 - How it will resource and measure service improvement in this work area.
- These actions will then become the areas for improvement, to be reported on in the following year’s APR.

WHAT SERVICE USERS THINK

ANNEX A - PERFORMANCE FRAMEWORK

OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE
Plan making			
Is there a current Development Plan in place that is within the plan period?	Yes		No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+
Annual Monitoring Reports produced following LDP adoption	Yes		No
The local planning authority's current housing land supply in years	>5	4-4.9	<4
Efficiency			

WALES AVERAGE	Flintshire LPA LAST YEAR	Flintshire LPA THIS YEAR
Yes	Yes	Yes
60	N/A	N/A
Yes	N/A	N/A
4.2	4.5	3.7

MEASURE	GOOD	FAIR	IMPROVE
Percentage of "major" applications determined within time periods required	Not set	Not set	Not set
Average time taken to determine "major" applications in days	Not set	Not set	Not set
Percentage of all applications determined within time periods required	>80	60.1-79.9	<60
Average time taken to determine all applications in days	Not set	Not set	Not set
Quality			
Percentage of Member made decisions against officer advice	Not set	Not set	Not set
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2
Engagement			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
Enforcement			
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	Not set	Not set	Not set
Average time taken to investigate enforcement cases	Not set	Not set	Not set
Percentage of enforcement cases where enforcement action is taken or a retrospective application received within 180 days	Not set	Not set	Not set

WALES AVERAGE	Flintshire LPA LAST YEAR	Flintshire LPA THIS YEAR
24	21	17
206	No Data	204
73	72	72
76	No Data	77
11	1.0	8
66	72	48
0	2	2
Yes	Yes	Yes
-	-	-
Yes	Yes	Yes
66	No Data	80
71	No Data	30
77	No Data	74

MEASURE	GOOD	FAIR	IMPROVE
from the start of the case (in those cases where it was expedient to enforce)?			
Average time taken to take enforcement action	Not set	Not set	Not set

WALES AVERAGE	Flintshire LPA LAST YEAR	Flintshire LPA THIS YEAR
175	No Data	246.5

SECTION 1 – PLAN MAKING

Indicator	01. Is there a current Development Plan in place that is within the plan period?	
"Good"	"Fair"	"Improvement needed"
A development plan (LDP or UDP) is in place and within the plan period	N/A	No development plan is in place (including where the plan has expired)

Authority's performance	Yes	
<p>The Council has an adopted Unitary Development Plan which time expires at the end of 2015. Given the relatively recent adoption of this plan, it will retain a high degree of conformity with Planning Policy Wales after its expiry and therefore still represent a sound starting point to base Development Control decisions until it is superseded by the Local Development Plan.</p>		

Indicator	02. LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	
"Good"	"Fair"	"Improvement needed"
The LDP is being progressed within 12 months of the dates specified in the original Delivery Agreement	The LDP is being progressed within between 12 and 18 months of the dates specified in the original Delivery Agreement	The LDP is being progressed more than 18 months later than the dates specified in the original Delivery Agreement

Authority's performance	Good
The LDP is being progressed within 12 months of the dates within the Delivery Agreement. The need to update the Delivery agreement will be the subject of monitoring and discussion with the Welsh Government.	

Indicator	03. Annual Monitoring Reports produced following LDP adoption	
"Good"	"Fair"	"Improvement needed"
An AMR is due, and has been prepared		An AMR is due, and has not been prepared

Authority's performance	N/A
Detailed response to performance against the indicator above.	

Indicator	04. The local planning authority's current housing land supply in years	
“Good”	“Fair”	“Improvement needed”
The authority has a housing land supply of more than 5 years	The authority has a housing land supply of between 4 and 5 years	The authority has a housing land supply of less than 4 years

Authority’s performance	3.7
<p>Whilst the current level of land supply is acknowledged this is in the context of changes made to TAN1 which the Council and many others in Wales objected to. The removal of a means to monitor the rate at which the building industry actually utilises land with planning permission (the completions method) has been removed from the study. If still in use, against the current 3.7 year supply calculated using the residual method, Flintshire would have a 9+ years supply of available housing land. This highlights the issue that the present TAN1 policy does not reflect the true level of supply.</p> <p>The primary means to address any supply shortfall is through review of the development plan which is underway via the LDP. In spite of this, it is clear that the Council has and will continue to receive speculative applications for development on land not identified within the current development plan. Whilst each will be considered on their merits all such applications must conform with the requirements of national and local policy, including the need for such development to be needed, justified, viable, deliverable, and in overall terms sustainable. The production of a Developer Guidance note is designed to assist developers, the Development Management process and the Planning Committee to assess such applications.</p>	

SECTION 2 - EFFICIENCY

Indicator	05. Percentage of "major" applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	17
--------------------------------	-----------

This does not compare favourably with the Welsh average of 24% of major applications being determined within the 8 weeks, although the average time taken to deal with major applications in Flintshire is below the Welsh average (See comments on the indicator below). A significant proportion of the 'major' applications involve detailed and lengthy negotiations with the relevant parties and as long as the dialogue is focused many developers are comfortable with the time taken to achieve a positive decision, as opposed to being forced down the line of an appeal through an early refusal of planning permission or against non-determination where there does not seem to be any prospect of support for the proposals.

Our performance also reflects the fact that many of these major applications are subject to Section 106 Obligations which cover the payment of commuted sums to the Authority in lieu of some on site provision of facilities. These either have to be drawn up or checked by our solicitors and in some instances it suits the developer to draw out this process once the resolution to grant planning permission has been made.

In order to address this factor we now take a report to committee recommending the grant of planning permission with a proviso that the application be refused if the Obligation has not been completed within 6 months of the date of the resolution.

The basis for reporting performance against this indicator has now been changed by Welsh Government, so that the date of the resolution suffices to register a decision. Combined with the more robust procedure for agreeing extensions of time where appropriate, current performance against this indicator is significantly improved. In light of these factors the true test of our performance will in reality be in next year's report.

Indicator	06. Average time taken to determine "major" applications in days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	204
<p>We determined 60 major applications within the year, three of which were subject to Environmental Impact Assessment (EIA). These, along with the Section 106 Obligations which accompany many of the decisions in this category almost invariably results in a longer decision period, which is reflected in the relatively low percentage of decisions within the 8 weeks (reported above).</p> <p>However, the average time taken to determine our major applications during the year, at 204 days, is better than the Welsh average (206 days).</p>	

Indicator	07. Percentage of all applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
More than 80% of applications are determined within the statutory time period	Between 60% and 80% of applications are determined within the statutory time period	Less than 60% of applications are determined within the statutory time period

Authority's performance	72
<p>Flintshire determined 1,224 applications within the year (1,299 when the applications for non-material amendments are included), 72% of which were issued within the relevant timescales. This falls just short of the Welsh average (73%). This is also short of the target of 80% although it is significant that only five of the 25 Welsh planning authorities achieved that figure.</p> <p>The 72% return corresponds with our performance for the previous year, although it is significant that the number of applications we received and determined has increased. (2013/2014 – 1179</p>	

applications received and 1070 determined). It is also significant that the number of applications we approved is also higher.

Apart from the major applications, mentioned in the comments above, we were above the Welsh average in each of the other categories of development (Minor applications, Householder applications and Other applications) which, numerically, are significantly higher than the major applications.

Indicator	08. Average time taken to determine all applications in days	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	77
<p>The 77 days average time taken to determine applications is just above the Welsh average (76 days). On the basis of the indicator above (72% percent of all applications within timescale) it is apparent that the 18% which are not determined in time, in numerical terms, exert a disproportionate weight on the average number of days taken.</p> <p>This seems to be not only the case in Flintshire but also across the other Authorities who are around or above average. In Flintshire’s case this seems largely to reflect the slippage in performance in respect of major applications (17%), many of which involve complex negotiations and possibly a series of amendments over a significant period of time, in seeking a positive outcome as opposed to issuing a refusal within the prescribed period.</p>	

SECTION 3 - QUALITY

Indicator	09. Percentage of Member made decisions against officer advice	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	8
<p>Of the 1,224 planning applications determined during the year, 74 were Committee decisions. 8% of these committee decisions 15 went against officer advice (which equates to 1.2% of the total number of applications determined). This compares with a Welsh average figure of 0.7% of decisions going against officer advice.</p> <p>Although below the Welsh average the need for consistency between officer recommendation and Committee determination has been highlighted earlier in this report as an area for improvement. At present there exists the option for a ‘cooling off’ period and our procedures surrounding this need to be re-examined and perhaps strengthened. Any lack of consistency in the local planning authority’s decision making, certainly in the case of refusals, is exposed in the next indicator, ‘Percentage of appeals dismissed’.</p>	

Indicator	10. Percentage of appeals dismissed	
“Good”	“Fair”	“Improvement needed”
More than 66% (two thirds) of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal

Authority’s performance	55
<p>This is based on an updated figure of 33 appeals which differs from the statistics included above in the section ‘Our Performance’. Of the 33 appeals, 15 were allowed and on the remainder the Authority’s decision was upheld (one was actually withdrawn before decision).</p>	

The relatively low denominator (33) in relation to the total number of applications determined means that performance against this indicator is always going to be somewhat volatile and vulnerable to influences outside our direct control (e.g. the perceived lack of a five year supply of housing land).

We will continue to review and analyse appeal decisions at Planning Strategy Group and other fora, concentrating particularly on the appeal decisions which follow decisions against officer recommendation. This is combined with appropriate training, including during the year a session with the Head of PINS.

The same level of scrutiny is applied to any appeal decisions which have not upheld a delegated decision (i.e. one in which elected members have not been directly involved), particularly where the issues revolve around interpretation of design, where appropriate training for officers is again being instigated.

11. Applications for costs at Section 78 appeal upheld in the reporting period	
“Fair”	“Improvement needed”
The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

Authority’s performance	2
Following on from the comments in relation to the appeals above, both of these awards of costs followed decisions taken at committee, one contrary to officer recommendation and one involving a contentious application for a gypsy traveller site within a green barrier .	

SECTION 4 – ENGAGEMENT

Indicator	12. Does the local planning authority allow members of the public to address the Planning Committee?	
“Good”		“Improvement needed”
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee

Authority’s performance	Yes	
<p>The system of public speaking at committee has been in operation since 2010, to the general satisfaction of all parties involved</p>		

Indicator	13. Does the local planning authority have an officer on duty to provide advice to members of the public?	
“Good”		“Improvement needed”
Members of the public can seek advice from a duty planning officer		There is no duty planning officer available

Authority’s performance	Yes	
<p>During the period covered by the Annual Report a duty planner was available between 9.00 am and 5.00 pm to provide advice at planning reception and by telephone Mon – Friday. Since the procedure for charging for pre-application advice was introduced in July 2015 a reduced level of availability of officers to provide general advice is now operational (9.00am – 1.00pm, Mon-Fri)</p>		

--

Indicator	14. Does the local planning authority’s web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?	
“Good”	“Fair”	“Improvement needed”
All documents are available online	Only the planning application details are available online, and access to other documents must be sought directly	No planning application information is published online

Authority’s performance	Yes
<p>The Planning web site is continually being developed, the next step being the display of all third party representations and consultation responses, eventually to allow the phasing out of paper documents.</p>	

SECTION 5 – ENFORCEMENT

Indicator	15. 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	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	80
<p>Our performance against this indicator at 80% is significantly higher than the national average (66%) and reflects a move to close long standing cases and re-visit the Enforcement Policy, all to allow a more focused approach on the initial investigation of enforcement complaints.</p>	

Indicator	16. Average time taken to investigate enforcement cases	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	30 days
<p>The average time taken to investigate enforcement cases is significantly lower than the 84 days in the indicator above, where the performance reported reflects the closure of some of the long standing cases mentioned.</p> <p>It is not possible to compare performance here against the Welsh average as few other Authorities submitted data on this indicator to Welsh Government</p>	

Indicator	17. Percentage of enforcement cases where enforcement action is taken or a retrospective application received within 180 days from the start of the case (in those cases where it was expedient to enforce)	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	74 (Dave’s figure here is 86.05%)
<p>This return falls below the Welsh average (77%), perhaps reflecting the high number of cases resolved, 330 within the last two quarters of the year.</p> <p>(Note: As this indicator is a fairly recent feature we (and other Authorities) have only been required to submit this data for the last two quarters of the year).</p>	

Indicator	18. Average time taken to take enforcement action	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	246.5
<p>This indicator reflects the time taken to resolve enforcement cases which are subject to investigation. Again a comparison with the indicator above where we resolved 74% of these within the target 180 days, reflects the complex nature and long legal processes involved in some of these cases, which results in an average time which is significantly higher than the target.</p>	

SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

The purpose of the Sustainable Development Indicators is to measure the contribution the planning system makes to sustainable development in Wales.

The Sustainable Development Indicators will be used to measure the progress against national planning sustainability objectives, set out in Planning Policy Wales, and can be used to demonstrate to our stakeholders the role and scope of the planning system in delivering wider objectives. The information will also be useful to local planning authorities to understand more about the outcomes of the planning system and help inform future decisions.

Authority's returns	In quarter 1 we provided no data; In quarter 2 we provided no data; In quarter 3 we provided no data; In quarter 4 we provided no data.
We are working with our software providers to develop the programmes which will allow us to report our performance against the sustainable development indicators and we envisage that these will be in place early next year.	

Indicator	SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.
------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------

Granted (square metres)	
Authority's data	0

Refused (square metres)	
Authority's data	0

Even though we are not reporting this data at the moment, there have been some significant economic developments which have gained planning permission during the year.

Indicator	SD2. Planning permission granted for renewable and low carbon energy development during the year.
------------------	----------------------------------------------------------------------------------------------------------

Granted permission (number of applications)	
----------------------------------------------------	--

Authority's data	12
-------------------------	----

Granted permission (MW energy generation)	
--------------------------------------------------	--

Authority's data	0
-------------------------	---

Although we are not compiling this data within the DC back office system at the moment planning permission has been granted for a number of renewable schemes (12) ranging from small scale domestic turbines and PV, to much larger turbines and solar farms. For example a significant solar farm development has been granted consent on land next to our premier industrial park at Deeside. This will cover over 100 Hectares providing up to 50 MW of electricity which will meet the needs of one of our large employers on the Deeside Industrial Park.

Indicator	SD3. The number of dwellings granted planning permission during the year.
------------------	----------------------------------------------------------------------------------

Market housing (number of units)	
-----------------------------------------	--

Authority's data	153
-------------------------	-----

Affordable housing (number of units)	
---------------------------------------------	--

Authority's data	22
-------------------------	----

The above data is from the 2015 Joint Housing Land Availability Study and is inclusive of conversions and also relates to both new sites or sites with previous outline consent that now have a reserved matters permission.

Indicator	SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.
------------------	--------------------------------------------------------------------------------------------------------------------

Number of residential units (and also hectares of non-residential units) that DID NOT meet all TAN 15 tests which were GRANTED permission	
Authority's data	0

Number of residential units (and also hectares of non-residential units) that did not meet all TAN 15 tests which were REFUSED permission on flood risk grounds	
Authority's data	0

Number of residential units (and also hectares of non-residential units) that MET all TAN 15 tests which were GRANTED permission	
Authority's data	0

We do not collect this data at the present time but a significant part of the county falls within the C1 and C2 zones. These generally coincide with some of our most densely populated areas and the advice in TAN 15 is a key consideration in determining applications for 'highly vulnerable' development such as residential. There are few, if any, such developments which have been granted contrary to the TAN 15 advice.

Indicator	SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.
------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

Previously developed land (hectares)	
---------------------------------------------	--

Authority's data	0
-------------------------	---

Greenfield land (hectares)	
-----------------------------------	--

Authority's data	0
-------------------------	---

We do not collect this data at the present time but one of our major mixed developments (including up to 1300 houses) on what is largely previously developed land at Deeside is close to commencement through Discharge of Condition applications and other facilitating works.

Indicator	SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.
------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------

Open space lost (hectares)	
Authority's data	0

Open space gained (hectares)	
Authority's data	0

Not collected for this year.

Indicator	SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.
------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Gained via Section 106 agreements (£)	
----------------------------------------------	--

Authority's data	0
-------------------------	---

Gained via Community Infrastructure Levy (£)	
-----------------------------------------------------	--

Authority's data	0
-------------------------	---

Not collected for this year.
