

Quarterly Performance Report – Planning

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Introduction

The report is produced on a quarterly basis and provided to Cabinet members for review and assurance and will be available for Overview and Scrutiny Committees as part of their Forward Work Programmes.

The report consists of an overview of the key messages to highlight across all work streams in Planning, which is followed by highlights from each service area. Parts 2 and 3 of the report include an assessment of performance in the quarter from the following sources:

- Improvement Plan Monitoring
- Strategic Assessment of Risks and Challenges
- Performance Indicators and Outcome Measures
- Improvement Target Action Plan Monitoring
- Key Actions from Service Plan Monitoring
- Internal and external regulatory reports
- Customer satisfaction and feedback
- Awards and accreditations
- Resource Management (HR, ICT, Finance, Assets)

1. Foreword

Report highlights for this quarter are the following items: -

Highlights	<p>Quarter 3 has seen the Planning Service repeat the customer satisfaction survey focussing on applicants and agents. The results were generally positive and are outlined in the Development Management section. These surveys will now continue twice per year.</p> <p>The Planning Strategy Group, an amalgamation of the Planning Protocol Working Group and Development Plans Panel met for its inaugural meeting in December. This Group will look to continually review and refine the planning application service offered by the Council and lead the production of the Local Development Plan. The Chairman's/Delegated Panel is subject to further review.</p> <p>Member and Officer Training has continued through Q3 with day long sessions on the planning appeal process being well attended and positively received by Members. Officers from the Planning Service and other areas of the Council took part in a mock Public Inquiry course for two days in November</p> <p>It has been a difficult period with respect to recent appeal decisions with more detail of these cases being provided in Section 3.1. All appeal decisions are reported to Planning and Development Control Committee and reviewed at Planning Protocol Working Group. A review of all outstanding planning applications and enforcement cases is currently being undertaken within Q3 to identify consistent themes for the non-achievement of targets and identify corrective actions.</p>
Planning Strategy	<p>Work has commenced on the preparation of the Local Development Plan (LDP) Delivery Agreement. This is an important first step in the LDP process and requires the Council to prepare a timetable for the preparation of the LDP, which it must first consult with stakeholders on before agreeing the timetable with the Welsh Government. Once agreed this timetable is binding on the Authority and must be adhered to. Another component of the Delivery Agreement is the Statement of Community Improvement (SCI) which the Council must produce to explain to the community and stakeholders, the opportunities they have to be involved in the LDP process. This will be consulted on along with the draft LDP timetable during Q4. Members of the Policy team are also now focussing on the many other preparatory tasks for the LDP, including an officer and Member Seminar on the LDP process, scheduled for early in Q4.</p> <p>It is anticipated that work on finalising the 2011 Joint Housing Land Availability study will be completed by Welsh Government, now that the Inspector has issued their findings on the disputed elements of the study.</p>

This study has been significantly delayed through no fault of the Planning Service and needs to be published as soon as possible, as it confirms that Flintshire has more than adequate supply of housing land to comply with requirements of Planning Policy Wales. Notwithstanding the delay by WG in publishing the 2011 study, the statement of common ground for the 2012 study has been prepared and sent out to study group members for comment. The 2012 study is particularly significant as it reflects sites in the adopted UDP.

Other relevant work streams which the section is heavily involved in include:

- Assistance to Leisure Services colleagues in completing the County Play Sufficiency Assessment for submission to Welsh Government by March 2013;
- Continued involvement in many development proposals in the County including Northern Gateway, cinema applications at Broughton, Sainsbury's proposals for Mold, Housing renewal as part of the Flint master plan and discussions with Aldi regarding development options for the County;
- The team are also involved in trying to assist the owner and other interested parties in proposals relating to the Duke of Lancaster or 'Funship'. This is both difficult and sensitive as there are no clear proposals as yet to advise on, and despite many offers to meet the interested parties it has proved very difficult to get them to engage in meaningful discussions with the Council;
- An important opportunity sites study for Mold has been commissioned to inform development of a future master plan for the town, as well as forming the evidence base for the LDP;
- Policy officers continue to assist the Minors Development Management team who are short staffed, with pre-application discussions and the consideration of minor applications;
- In preparation for the production of its Built Conservation Strategy, the Conservation Team have arranged to meet with Cadw to discuss opportunities for closer working relationships, assistance with strategy production, and possibly future funding to tackle issues such as Listed Buildings at risk;
- As the Holywell THI scheme comes to a close with final projects due to be completed in February/March 2013, the Flint THI scheme continues to attract investment and grant applications for new projects. The first Flint scheme at Trelawny Square is due for completion in Q4 and will represent the first of a succession of townscape improvements, alongside other THI and Flint master plan projects in the pipeline. Specific projects underway with each scheme include:

Holywell THI	Flint THI
Full application received for 46D High Street	3 new elegant shop fronts installed at 52-56 Church Street, opposite St Mary's Church

	<table border="1"> <tr> <td data-bbox="480 152 975 338">Projects currently on site are 31 High Street, 30-34 High Street, St Ebenezer's Church, 9 Cross Street, 8 High Street, 44 Well Street</td> <td data-bbox="975 152 1436 338">Scaffolding being removed on completed scheme at 3-6 Trelawny Square revealing restored elevation</td> </tr> <tr> <td data-bbox="480 338 975 488">Joint project working with Regeneration utilising Streetscape Improvement Grant scheme</td> <td data-bbox="975 338 1436 488">Full application received for 3 and 4 Market Square</td> </tr> </table>	Projects currently on site are 31 High Street, 30-34 High Street, St Ebenezer's Church, 9 Cross Street, 8 High Street, 44 Well Street	Scaffolding being removed on completed scheme at 3-6 Trelawny Square revealing restored elevation	Joint project working with Regeneration utilising Streetscape Improvement Grant scheme	Full application received for 3 and 4 Market Square
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Development Management	<p>The number of planning applications received within Quarter 3 (194) is significantly down on Q2 (229) but up slightly in relation to the corresponding Q3 in 2011/12 (181). This in turn compares favourably with the number of planning applications determined (including those withdrawn) during the quarter (237). Both the applications received and those determined include some significant residential development proposals, some of which are resubmissions amending approved layouts or keeping older permissions alive, but others reflect a genuine desire on the part of the developer to commence building in the new calendar year. There are also some significant non-residential developments, all of which provide some indication that the building industry is showing signs of recovery.</p> <p>If nothing else, the proportion of major applications received also boosts the planning application fee income, which remains significantly down on corresponding months in the pre-recession period. In the context of economic recovery, Welsh Government issued within the Q3 a consultation document on increasing the Permitted Development rights for non-domestic properties and although the secondary legislation to facilitate this change will not take place for some time, this will hopefully coincide with the drafting of a Local Development Order to boost the attractiveness of our Enterprise Zone for potential developers.</p> <p>In Quarter 2 we reported the feedback on the service through a Customer Satisfaction questionnaire which was sent out with each planning decision notice in June, advising that a further survey was to be undertaken in November 2012. Questionnaires were only sent out to those applicants and agents who had not responded in June, accounting for the low returns, but again the feedback was positive with 100% of respondents being satisfied or very satisfied with the service. (The results of both surveys were reported to Planning Strategy Group in January, 2013)</p> <p>The electronic recording system for planning applications and enforcement continues to be developed, with Version 8 of 'FLARE' having been introduced, with a few teething problems but additional facilities which allow for clearer processing and monitoring of applications and better reporting to assist performance management.</p>				
Countryside and Natural	Green-space strategy – formal consultation on a draft strategy was carried out in October, Cabinet will receive the report 19 th March.				

<p>Environment</p>	<p>Following a successful planning improvement grant of £10K towards surveying of wildlife sites, Cofnod have exceeded their outputs and carried out boundary analysis to over 200 sites.</p> <p>The Biodiversity Network for North East Wales - Bionet - met in Flintshire in October and received good feedback. It was attended by 20 organisations with presentations from Pete Frost CCW (Natural Green Spaces) and Edgehill University (Padeswood Biodiversity Project).</p> <p>The biodiversity officer gave a paper to WBP in November on NE Wales project updates, particularly the Himalayan Balsam project. The first meeting to progress The Big Dee Day - The Invasion event in June (28th/29th) to focus on INNS in the Dee Catchment involving all local authorities, wildlife groups, fishing groups, CCW, EA and Chester Zoo.</p> <p>A Great Crested Newt mitigation meeting was held with Wrexham CBC's Ecologist to establish standard costs for habitat re-creation and management. A further meeting is proposed for February.</p> <p>The Q3 claim for the final 'Year 6' of All Wales Coastal Improvement Programme was made. WG have confirmed that there is £1.15m for a continuation 2 year programme of works. CCW are working with coastal Local Authorities to target this limited resource to most need. Eirgrid £30K spent improving circular link on Flint Castle Park.</p> <p>The Wepre Park HLF submission received a positive decision in December, securing £600K of funding towards improving Flintshire's most popular park. Work will begin with recruiting the project manager in January.</p> <p>Halkyn - The Limekiln Consolidation Project is ongoing and the main contractor has been appointed and will start work in late February.</p> <p>The 2013 Countryside Events programme has been completed and is with the printers for dissemination early in Q4.</p> <p>Key figures: £52,705 externally invoiced, £67,869 -Coastal claim. 461 volunteer hours managed</p>
<p>Minerals and Waste Shared Service for North Wales</p>	<p>The Minerals and Waste Planning Service for North Wales commenced with Flintshire as the lead authority on 1st April 2011 and has now been operational for 21 months. The Service has been active in every partner authority area, including Powys and Snowdonia National Park. Operational activity within the minerals aggregates sector remains depressed. However, reviews, changes in legislation, the introduction of legislation derived from the Mining Waste Directive, quarry closures and reactivation of quarries to replace closed units, and site restoration continues to generate planning work. Interest in specialist rock types is bucking the trend, and planning applications have been submitted for extensions to</p>

slate quarries in Gwynedd, and a Scoping Opinion has been issued for a gritstone quarry in Powys.

Periodic and stalled mineral reviews continue to be progressed, and Environmental Impact Assessments for those quarries which are likely to continue working are being prepared or are under consideration. A programme for Prohibition and Suspension Orders will be rolled out this financial year to eliminate those sites where the resumption of working is considered unlikely. A number of such sites which have ceased to be operational have, or are, seeking alternative development proposals, such as housing, or landfill.

There has been an increase in planning activity as a result of national legislative changes in the Environmental Permitting regime administered by the Environment Agency Wales. A number of waste management operations which previously benefited from “exemptions” to permitting now have to apply for a formal permit, and in many instances these lack planning permission. In some cases, applications are being submitted to retrospectively apply for planning permission or obtain Certificates of Lawful use to “regularise” the activity, and in other instances Environment Agency Wales prosecutions and planning enforcement proceedings are being commenced. This is likely to continue during the transitional period as unauthorised activity comes to light. Of particular note, an unauthorised waste recycling operation in Snowdonia National Park has been refused planning permission, leading the way for enforcement proceedings.

The removal of “exemptions” described above will reduce the availability of sites for the disposal of waste in golf courses, landscaping, land reclamation and agricultural improvement schemes, and closes the landfill tax exemption “loophole”. This has resulted in renewed interest in backfilling old quarries, including three sites in Flintshire, Wrexham and Denbighshire.

Interest in skip hire and materials recycling remains strong and there are also signs that major investment in larger waste processing and treatment will take place this financial year, including sites within Tata Steel’s landholding. Emphasis is being placed on the restoration and aftercare of former quarry and landfill sites, and biodiversity, geodiversity and recreational objectives are promoted where possible. Issues are arising due to recycling sites continuing to accept materials, but materials are accumulating at these sites due to poor demand from the onward markets, and this is a particular problem for construction and demolition recycling sites.

The Service has secured a 4 year contract for the North Wales Regional Aggregates Working Party from the Welsh Government, and is finalising the 2011 annual monitoring report on aggregate sales. A review of the Regional Technical Statement which provides guidance for the preparation of Local Development Plans will take place during 2013, and is a direct requirement of National planning policy via Technical Advice Note: Aggregates (MTAN 1). The Service has worked closely with the Welsh Government in relation to issues arising from the recently published

Capacity, Infrastructure and Markets Sector Plan, and consequential Planning Policy changes that may arise, particularly in relation to the Regional Waste Plan, which is part of the Welsh Government's Zero Waste Strategy, and continues to have direct dialogue to achieve the best policy outcome. The service sits on a steering group currently assessing proposed revisions to Technical Guidance Note 21: Waste.

The Service is carrying out chargeable monitoring and reporting visits across North Wales and Flintshire, and is also carrying out other non-chargeable activities such as blast monitoring. These exercises will help raise compliance standards at operational quarry and landfill sites, and provide constructive dialogue to remedy any breaches of planning control that may be evident. A performance standard to be developed is to ensure that each site is monitored at least once in a given financial year.

The Service has also continued to provide support to Conwy, Denbighshire, Gwynedd and Anglesey Planning Policy in preparation for their respective Local Development Plans, including reviews as a result of the publication of a National Minerals Safeguarding Map for Wales.

The service also assists with queries and advice relating to the Aggregates Sustainability Levy Fund (which is derived from a tax on aggregate production), and a number of community-led projects across North Wales, and in particular, Flintshire, have been successful in securing funding as a result of sound advice provided by the Shared Service Team. Projects have included a BMX track and Community Hall at Treuddyn, to funding for rangers and the future preservation of Limekilns on Halkyn and Brynford Commons.

2. Performance Summary

2.1 Improvement Plan Monitoring





KEYS

Progress RAG – Complete the RAG status using the following key: -

R	Limited Progress - delay in scheduled activity; not on track
A	Satisfactory Progress - some delay in scheduled activity, but broadly on track
G	Good Progress - activities completed on schedule, on track

Outcome RAG – Complete the RAG status using the following key: -

R	Low - lower level of confidence in the achievement of outcome(s)
A	Medium - uncertain level of confidence in the achievement of the outcome(s)
G	High - full confidence in the achievement of the outcome(s)







Council Priority	Target Date	Progress RAG	Outcome RAG	Commentary
6. To protect and grow the local and regional economy, to be a prosperous County and to provide help and support for those vulnerable to poverty				
6.1 Adoption of UDP	9.11			Section 3.1
8. To meet housing need in the County and to work with partners to ensure a sufficient supply of quality and affordable homes and housing services in the social , mixed tenure and private sector housing markets				
8.6 Implement Section 106 funding policy	On-going			Section 3.1

2.2 Strategic Assessment of Risks and Challenges (SARC)

The table below summarises the position of SARCs at the end of the reporting period.

Commentary is included in section 3 for those SARCS: -

- that are showing a Red RAG status
- where the RAG status has changed since the last reporting period
- where the Green Predictive Date has changed since the last reporting period
- where there has been considerable change or additions of secondary risks and activity







SARC	Previous RAG Status	Current RAG Status	Green Predictive
CL08 Climate Change and Flood Risk Management			TBC
CD03 Transition from UDP to LDP Please see 3 for further detail regarding the change in RAG status			Sept 2017
CD04 Planning Protocol			March 2012

2.3.1 Performance Indicators and Outcome Measures

The status of the indicators are summarised for this quarter below:

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Graphs and commentary are included section 3 for those indicators shown with a RAG status of either Amber or Red. An asterisk (*) indicates that the indicator is an *improvement target*.

Indicator	Annual Target	Previous Quarter Outturn	Current Quarter Target	Current Quarter Outturn	RAG	Change e.g. Improved / Downturn ed
PLA003 – No. of Planning Appeals determined during Quarter	66%	20%	66%	54.55%		Improved
* PLA004a – %age Major applications determined within 13 weeks during Quarter	39%	33.33%	39%	43.48%		Improved
* PLA004b – %age Minor applications determined within 8 weeks during Quarter	65%	48.08%	65%	40.45%		Downturn
PLA004c – %age Householder applications determined within 8 weeks during Quarter	90%	65.17%	90%	72.22%		Improved
PLA004d – %age Other applications determined within 8 weeks during Quarter	80%	63.64%	80%	54.55%		Downturn
* PLA005 - %age Enforcement cases resolved within 12 weeks	75%	63.93%	75%	58.20%		Downturn

* *Improvement Target*

2.3.2 Improvement Target Action Plan Monitoring

Key - ✓ on track, ✘ behind schedule, C completed

Ref	Action	Progress
PLA/004a	Review of S106 procedures – partly completed	✓
	Outstanding S106 requests subject of review with Legal	✓
PLA/004b	Performance monitoring on a 'case by case' basis	✓
	Review delegated scheme/ S106 procedures – partly completed	✓

PLA/005	LEAN review of Enforcement procedures completed	C
	Implement recommendations of LEAN review – partly completed	✓

2.4 Key Actions from Service Plan Monitoring

The following table shows the progress made against key areas of improvement/actions in the Planning service plan. A ✘ indicates those areas which have incurred slippage or have been subject to a revised timetable and references the page number where commentary can be found to further explain the slippage/revised timescales: -

Key - ✓ on track, ✘ behind schedule, **C** completed

Improvement Area	Progress	Commentary
Implementation of Development Management Manual	✓	The Manual is a 'live' document which will be continually adapted to accommodate changes in procedure (e.g. those allied to Flare V.8 mentioned above)
Review of Enforcement Policies and Procedures	✓	Draft Policy progressed - ongoing
Review of Compliance with adopted procedures	✓	Ongoing monitoring
Make decisions in the public interest	✓	All appeal decisions reported and review at Planning Strategy Group

The following internal or external audit/regulatory work have been completed during the quarter and the outcome of the work can be summarised as follows. Negative outcomes are discussed in more detail in section 3 and page numbers are referenced in the table below.

2.5 Internal & External Regulatory Reports

Undertaken By	Title & Date Report Received	Overall Report Status
Internal Audit	CD0200P1 – Performance Indicators	✓
Internal Audit	Compliance with LEAN Enforcement recommendations – report awaited	✓

3. Exception Reporting

3.1 Improvement Plan Monitoring

6.1 – Adoption of UDP – Adopted at Council in September 2011. Commencement Order on Local Development Plan granted by Council in March 2012 and formal Order received from Welsh Government in June 2012.

8.6 – Implement Section 106 funding policy – Work in association with other North Wales authorities on S106 work and Community Infrastructure Levy (CIL) has resulted in finalised reports which identified best practice for both methods of securing community benefits. Local Planning Guidance Note on educational contributions now adopted by Flintshire County Council. Work has begun to secure a jointly funded shared CIL officer for the North Wales Planning Authorities

3.2 SARC Monitoring

CD03 – Transition from UDP to LDP

The Green Predictive date was changed in Q2 from the previously reported December 2011 to September 2017 as we are now clearer (following adoption of the UDP) when work on the LDP can be completed by. The September 2017 date will be referred to in our LDP Delivery Agreement with Welsh Government which is due to be in place by the end of 2012. It is proposed to delete this SARC and for consideration to be given as to a new SARC for the LDP process.

3.3 Improvement Targets

The Planning Service has three **Improvement Targets** identified for 2012/13 – **PL004a** – Major applications determined within 13 weeks, **PL004b** – Minor applications determined within 8 weeks and **PL005** – Enforcement cases resolved within 12 weeks.

In relation to **PL004a** it will be noted that the target has been exceeded, although there is a need for some caution as the numbers involved (23 applications determined, with 10 issued within 13 weeks) is a low percentage (less than 10%) of the total applications determined. The fact that the target is set at below 50% recognises that most of the major applications are tied to the committee timetable and are often subject to Section 106 Obligations.

In relation to **PL004b** the outturn for Q3 (**40.45%**) is down slightly in relation to Q2 (**48.08%**), which in turn falls well short of the target (**65%**). Apart from the increased emphasis on negotiating quality which is presently difficult to quantify (but is being addressed), there are a number of reasons why decisions on the minor applications go beyond the 8 weeks. These include the number of applications needing to be reported to the Committee meetings for reasons which include the need for Section 106 Agreements to cover affordability of housing (under Policies HSG 3 and HSG 5). Nevertheless, we are now providing the Cabinet Member with regular reports on the reasons why applications go beyond their decision time. Some of these reasons (e.g. long term sickness absence requiring re-allocation of work) are difficult to address, but some of the reasons identified are capable of being addressed, e.g. we have established a regular liaison meeting with Legal Officers to establish the position on each Section 106 Obligation where instructions

have been sent. We are also seeking to streamline the procedures involved with legal agreements, again to reduce any delays currently involved with these.

This Improvement target becomes more critical with the poor performance measured against speed of decision and performance will continue to be monitored, on a case by case basis where necessary, to ensure that negotiations on development proposals are carried out in accordance with procedures set out in the Procedure Manual, and to challenge with local members the need for committee determination of applications, where appropriate.

The performance in relation to **PLA005** has slipped to **58.20%** in Q3, from the **63.93%** in Q2, both of which, however, fall short of the target (**73%**). There are, however, significantly more cases closed within Q3 (189 compared to 122 in Q2) which reflects the fact that older, more complex cases continue to be cleared. Again, in the context of those cases subject to formal enforcement action, a liaison group has been established with Legal Officers and a shared database of these cases is regularly updated to ensure that cases are progressed as expeditiously as possible.

3.4 Key Actions from Service Plan Monitoring

The robustness of the Enforcement procedures have been tested through the LEAN report (referred to in section 2.3.2) and compliance with them through the Audit report (referred to in section 2.5). It will be noted, however, that performance against the Improvement Target (PLA/005 – cases closed within 12 weeks) has slipped within the last two quarters and the Enforcement Policy/Procedure is currently being reviewed with an initial draft of an amended version having been produced.

The Development Management Manual is subject to continual review to reflect evolving procedure and changes emanating from Government policy and/or new legislation.