

# **Torfaen County Borough Council Local Planning Authority**

## **PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2018-19**

### **PREFACE**

I am pleased to introduce the fifth Annual Performance Report for Torfaen's planning service.

The report shows that the planning service are performing well with 14 out of the 17 Planning Performance Framework indicators being categorised as 'Good,' 2 were 'Fair' and only 1 relating to the housing land supply was in need of improvement. In addition, the authority won a major appeal at the beginning of the year relating to extraction of aggregates and impact on an ancient woodland.

I congratulate the service for exploring ways in which to deliver services more efficiently and effectively. We have so far established a joint conservation/heritage service with Monmouth County Borough Council, we are about to enter into a Planning Performance Agreement with a local registered Social Landlord for delivering affordable housing and presently working with several neighbouring authorities on the production of the replacement Local Development Plan (LDP).

Finally, I appreciate the efforts of all Torfaen's planning officers in embedding the well-being principles and ways of working in everything they do and striving to deliver 'good' sustainable development for the residents of Torfaen whilst ensuring the conservation of our richest environment.

Councillor Richard Clark, Executive Member for Economy, Skills and Regeneration

## CONTEXT

### Planning Background

The aim of the Planning Service is to ensure the best possible outcomes 'on the ground.' Torfaen's officers work hard to negotiate improvements to submitted schemes both through the pre application service and formal planning application procedures. The well-being principles and ways of working are embedded in the culture of officers in performing this role.

The starting point for this is the current LDP for Torfaen which was adopted in 2013 and sets out the detailed policies and proposals for the development and use of land in the County Borough up to 2021. Planning applications are assessed and determined in accordance with these policies and proposals, unless there are very good reasons to do otherwise.

The Annual Monitoring Reports produced in October 2017 and 2018 concluded that:

***"There is evidence to indicate the need for a review of the plan at this time because progress in delivery of the strategy is slower than expected primarily due to the global recession and its impact on the housing and employment markets. "***

On this basis, a full review of the LDP was carried out and the preparation of a replacement LDP commenced with the Delivery Agreement being approved in June 2018.

### Corporate Context

The planning service is within the Neighbourhoods, Planning and Public Protection Service area which is the largest of the 3 main service areas within TCBC. The Service area is primarily responsible for economic regeneration, transportation, waste, environmental protection, public health, countryside, heritage and planning.

The Council's key strategic document is the Corporate Plan which shows how the Council is delivering its services. The aim is to create an improved, more equal and sustainable future for the people of Torfaen. The three priorities are:

- A clean and green Torfaen
- Raising educational attainment
- Support for Torfaen's most vulnerable residents

Within this overarching strategy the purpose of the Planning and Building Control Service is to plan and deliver safe and sustainable communities by producing a Borough wide land use policy framework and effectively manage development proposals to achieve the highest possible design standards and the maximum community benefits.

The big picture and pressures as identified in the corporate plan:

The big picture: pressures on our budget...

£ Between **2011 and 2021**, the council expects to have made more than **£63 million** in savings.



By **2021** the population of Torfaen is expected to be **92,769** with **19,928 over 65s** and **13,457 school age children** (5-16 years old).

**3,300** unemployed. (ONS Annual Population Survey 2014-15)



We have an ageing population putting pressure on health and social care services.



**79%** of households have internet access. (NSW 2015)



More people are accessing digital services on mobile devices.

Median income in Torfaen £23,786  
Wales £24,713  
GB £28,024 (Paycheck 2014)

Our Corporate Plan has three priorities that will be focus of the council's activities over the next five years...

**A clean and green Torfaen**

Cleaner and greener communities and a sustainable local environment that residents can be proud of.

**Raising educational attainment**

All our young people are given the best possible chance in life by attaining a good standard of education.

**Support for Torfaen's most vulnerable residents**

A healthier community where the most vulnerable people are assisted to lead healthy, independent lives, where the council and other agencies work to prevent suffering and hardship and to reduce inequality.

**Urban rural mix and major settlements**

Situated at the eastern edge of the South Wales Valleys Torfaen CBC is bordered by Monmouthshire CBC to the east, Newport City Council to the south, Caerphilly CBC to the south west and Blaenau Gwent CBC to the north west. Torfaen covers an area of 126km<sup>2</sup> and is the 5th smallest unitary authority in Wales. It is situated at the eastern edge of the South Wales Valleys and is part of a networked Cardiff city region at a strategic location along the M4 corridor.

It has three main settlements: the two key settlements of Cwmbran in the South and Pontypool in the centre; with the town of Blaenavon in the North. Cwmbran serves as an economic driver for Torfaen and operates as a sub-regional centre for services to the wider region; and with the A4042(T) and A4051 is also well located to the M4 and the Cities of Newport and Cardiff. Pontypool serves as a major district centre providing an important link between North and South Torfaen and provides important cross valley links to communities in Caerphilly and Monmouthshire along the A472-A4042 corridor. Surrounded by outstanding landscapes, environments and ecological resources and with a significant industrial heritage, it contains one of the most complete surviving industrial landscapes, the Blaenavon Industrial Landscape World Heritage Site, which is of international importance.

Torfaen has a growing population (92,052 as of June 2016) and there is significant pressure for growth in the south of the County Borough. Over 50% of the population of Torfaen is located in

Cwmbran and the LDP aims to secure and manage further investment around this key settlement. The pressure for growth and regeneration must be balanced against the objectives to conserve and enhance the environment. The Torfaen LDP Strategy seeks to deliver planned, sustainable growth reflecting the role and function of the key settlements.

Approximately 80% of the land use in Torfaen is characterised as greenspace with 20% urban areas. The enclosed character provides attractive upland valley landscapes which also limit connectivity to other valley communities to the North, West and North East.

### **Population change and influence on LDP/forthcoming revisions**

The Torfaen LDP has adopted a growth strategy; with a requirement of 4,700 new dwellings over the 2006-2021 Plan Period. The latest Welsh Government 2014 Based Population Projections for Wales (September 2016) forecast that, by 2021, the population of Torfaen will increase to 92,273. (The assumptions are based on past trends; and projections done in this way do not make allowances for the effects of local or central government policies on future population levels or distribution - they indicate what is expected to happen if these trends continue). However the development strategy pursued by the LDP was to have growth in excess of the population projections. The latest June 2017 mid-year population estimate for Torfaen was 92,264; compared to 92,052 in June 2016. This shows that the LDP strategy for an increase in population in Torfaen appears to be happening.

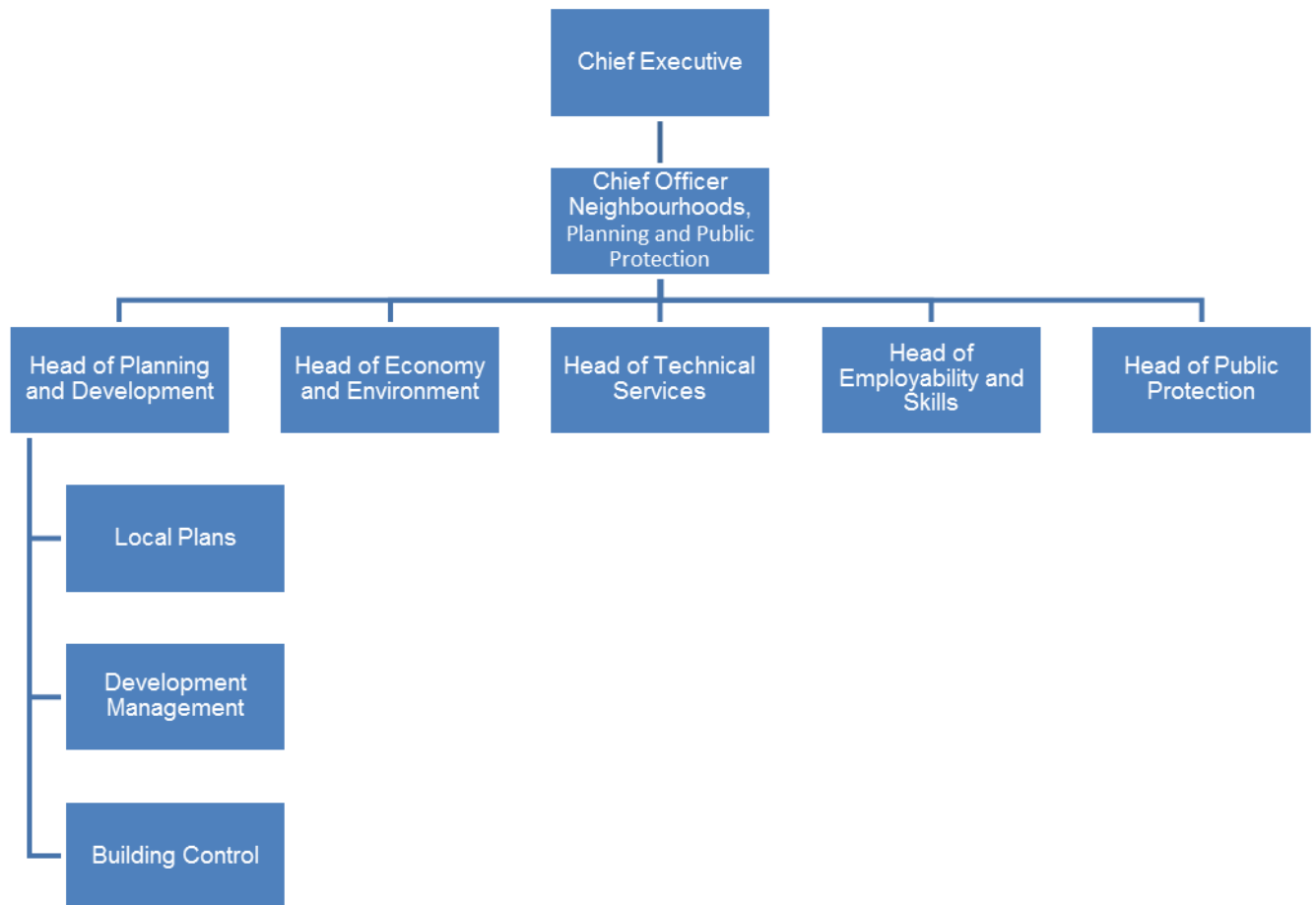
## **PLANNING SERVICE**

### **Organisation setting**

The Planning Service is within the Neighbourhoods, Planning and Public Protection Department alongside other service areas which cover public protection, economic development, regeneration, environment, waste and transportation. The purpose is:

*To plan and deliver safe and sustainable communities by producing a Borough wide land use policy framework and effectively manage development proposals to achieve the highest possible design standards and maximum community benefits.*

The Department was led by the former Chief Planning Officer who retired in June 2017. Following this, the Department was re-organised by bringing together Development Management, Forward Planning (now renamed Planning Policy and Implementation) and Building Control services into a single service area under the newly appointed Head of Planning and Development. The Head of Planning and Development reports directly to the new Departmental Chief Officer as shown in the diagram below:



It was previously reported that the Council had commenced an ambitious organisational transformation programme in 2017 to drive change up to 2022. This is known as 'T22.' The programme set about to answer some key questions:

- What kind of council will we be in 2022?
- How will customers get services from us?
- How can we make sure we spend every penny wisely?
- How can we get the community to do their bit?

The first phase saw the transformation of administration and business support services which realised savings of £1,000,000 per annum and a number of non-financial benefits.

This transformation programme is currently in its second phase which includes:

- The priorities and case for transformation;
- The indicative benefits to be realised by T22;
- The initial strategies and roadmap for delivering T22;
- Bringing it all together and enabling the transformation and;
- The governance and values guiding how we transform.

The priorities for transformation in phase 2 are children’s services, customer and digital, support services and enabling transformation. The two most likely to have an impact on planning services are the ‘Enabling Transformation’ which includes work on a future way of working which is the future operating model for Torfaen which includes a vision, set of design principles and approach to organisational structure. This will drive the way the organisation works and is likely to lead to changes in the way decisions are made, the way in which services are provided and the organising structure of the organisation. The ‘Customer & Digital’ programme is also likely to have an impact. It will look at how we can become much more digitally enabled in the delivery of services, including review of the technology estate and how it can be better organised to meet the organisation’s needs. It will result in a programme of work to look at our services from a customer perspective and investigating opportunities to become more effective and efficient.

We previously reported an intention to establish a joint conservation service with Monmouthshire Borough Council. This was set up at the beginning of 2019 for an initial period of 2 years. Officers from both authorities are now well integrating and working effectively together.

## Operating Budget

The three year working budget, expenditure and income for Planning (Development Management and Planning Policy & Implementation) is shown in the table below:

	2016/17		2017/18		2018/19		3 Year Total	
	Working Budget	Actual	Working Budget	Actual	Working Budget	Actual	Working Budget	Actual
Income	£372,280	£351,092	£496,300	£607,935	£523,300	£465,134	£1,391,880	£1,424,161
Cost	£774,397	£723,348	£896,700	£758,113	£878,436	£749,099	£2,549,533	£2,230,560
Net Cost	£402,117	£372,255	£400,400	£150,177	£355,173	£283,965	£1,157,690	£806,399
Change		(£29,862)		(£250,223)		(£71,208)		(£351,291)

The three year working budget and actual expenditure for Planning Policy and Implementation and Development Management is included in the table below. The service area retains all of the fee income generated for its activities. Future budget provision is set taking account of income, projected workload and staffing levels.

The fee income spiked with increased levels in 2017/18 due to the submission of the Grange Hospital application during the period. The year prior and since show a steady increase. The level of fee income going forward is projected to be in line with the approved budget.

The Council also commenced its commissioning of resources to undertake workstreams to underpin its new LDP which is funded from the specific reserve for this purpose. The expected timeframes have varied slightly, resulting in less expenditure than budgeted in 17/18 and 18/19, however the funding remains in the specific reserve until it is expended.

## **Staff Resources**

The Planning Service employs a total of 15.2 full time equivalent officers broken down as follows:

- Development Management (DM): 5 full time, 2 part time and 1 temporary planning officers
- Planning Policy and Implementation (PPI): 4 full time planning officers
- Building Control (BC): 3 full time and 1 part time technical officer

Three of the above officers are currently studying professional planning and Building qualifications, one with the assistance of the council and another through a bursary programme.

The Service has been recently re-organised with staff being given additional responsibilities to make sure we can be responsive to pressures as they arise. For example, two of the DM officers now have enforcement responsibilities which has allowed the Enforcement Team leader to adopt a wider management role in the service. Another DM officer is currently working on the replacement LDP. This flexibility allows staff resources to be deployed quickly to address pressures as they arise.

In addition to internal re-organisation, the Service has actively sought to work together with partners to ensure the Service remains effective and resilient.

As previously mentioned the Council is successfully operating a joint conservation service with Monmouthshire Borough Council. This has brought about a far more resilient and effective service with officers from both Councils integrating well with each other. We are currently looking at options to extend this working relationship.

PPI officers are currently working with neighbouring local planning authorities in producing the new LDP. A number of studies have been jointly commissioned and best practice being actively explored along with opportunities to reduce duplication of work.

Finally, we are exploring a Planning Performance Agreement with one of the main registered social landlords operating within the County Borough in order to deliver affordable housing more effectively and efficiently. We are anticipating completion of the Agreement within the next few weeks.

As with all other service areas the staffing level in the Planning service has been impacted by budget reductions over the years. One of the consequences of this has been to prioritise core

activities to ensure statutory responsibilities are properly met whilst still focusing on achieving the best development possible through local planning decisions.

It is recognised that budget pressures will continue and various measures are being put in place to mitigate this. For example, it is intended to review discretionary fees and amend to ensure they are more proportional to the cost of providing the service.

### **Workload/Pressures**

Torfaen is a relatively small local planning authority with a small workforce. This means the team can sometimes be challenged when a number of large projects come at the same time. There are currently two very large planning applications being dealt with and a major appeal has recently been won. However, the biggest impact on workload at this time is the review of the LDP and production of a replacement LDP within a challenging timescale.

The table below shows the number of applications received and determined in the last five years and the number 'in hand.' Overall the Development Management Team have determined significantly more than have been received. There are currently 4.7 FTE case officers (including the temporary officer) in Development Management and a total of 203 applications in hand (13 major). This equates to an average workload of 43 applications per officer.

	2014-15	2015-16	2016-17	2017-18	2018-19	5 year TOTAL
Total number of applications received	670	719	668	670	647	3374
Total number of applications determined	744	806	676	657	673	3556
Total number of applications in hand	-	-	224	233	203	

The backlog of planning applications has been reduced and is currently manageable although the target of 180 applications has not yet been reached. It is also noted that there are a number of older applications that remain undetermined and will need to be addressed (see 'performance' below).

Previous budget reductions has impacted on the service area over the years and a decision was taken to reduce discretionary non-fee based services. Professional officers are now focused on statutory responsibilities and other fee earning activities. For non-fee earning enquiries, customers are directed to the planning portal and the Council's website. The Council's website is in significant need of improvement to help direct customers to services, but this has stalled due to other priorities and capacity issues.

The Annual Monitoring Report for the current LDP has recently been submitted to Welsh Government Ministers. As reported earlier, a decision has already been made to review the



adopted LDP which is currently being prepared, with an anticipated adoption date of December 2021. The AMR will also feed into the Torfaen Replacement LDP.

An overview of the LDP Monitoring Data for the 2019 AMR provides an interesting insight into the implementation of the LDP over the monitoring period. In addition in combination with the 2015, 2016, 2017 & 2018 AMRs, trends can be identified over the wider monitoring period. Of particular note is the following between 1<sup>st</sup> April 2018 - 31<sup>st</sup> March 2019:-

### Housing

- Housing Delivery is behind the LDP target of 4,700 dwellings by 2021. To date (1st April 2019) 2,820 units (60% of the total housing requirement) has been delivered;
- Planning permission for 227 new residential dwellings have been granted during the year, 121 market and 106 Affordable units;
- The plan is performing well in terms of Affordable Housing Delivery. A further 94 units were delivered in the year. To date against the 1,132 target; 903 dwellings or 79.8% has been delivered;
- The 2019 Torfaen Joint Housing Land Availability Study (JHLAS) indicates the housing land supply figure is for 2019 is 3.4 years; slightly down from 3.9 years in 2018;
- An Outline Planning Application and Listed Building Application is being considered for the major regeneration scheme at Mamhilad Action Area (Policy SAA4).

### Employment

- The employment allocation under Policy EET2/6 at Usk Vale, Mamhilad, near Pontypool are now under construction, with some units already completed.
- The Police HQ at Llantarnam has been approved and work commenced on site.

### Health

- Construction of the new Grange University Hospital at Llanfrechfa, Cwmbran (Policy SAA7) is well underway;

### Education

- Construction has commenced on a replacement Croesyceiliog Secondary School and a new Torfaen Learning Zone (sixth form + college), both in Cwmbran.

### S106 Contributions from new development

- Through planning permissions granted during 2018-2019 financial contributions totalling approximately £370,658 alongside provision of affordable housing were secured by planning from new development for the provision of community facilities including highways improvements, education, adult recreation, children's play, etc.

### Community infrastructure Levy (CIL)

- With the commencement of the replacement plan the position in relation to the Community Infrastructure Levy for Torfaen is being reviewed.

The key issues arising from the monitoring which will need to be considered in the new LDP are as follows:

1. What growth strategy we pursue, noting that the current LDP has stood us in good stead going forward; with an estimated 2,363 deliverable dwellings and another 1,620 dwellings on sites with issues. But, we have to take account of WG household projections, the growth aspirations of the City Deal agenda, the need to maintain a 5 year housing land supply throughout the new plan period and increasing house build rates and declaration of a climate emergency;
2. There is expected to be further development pressure on Cwmbran with the construction of the new Hospital, removal of the Severn Bridge tolls etc;
3. Lack of small housing sites for both affordable housing and Small/medium housebuilders - but corresponding pressure on employment land & open spaces;
4. New residential and employment market in north of the County Borough is limited by economics, lack of acceptable sites, limited primary school provision and highway capacity;
5. Greater emphasis will be needed on employment and Job Creation bearing in mind recent loss of large companies, lack of large units and “move-on” space, housing pressure on employment sites (and open spaces), stalled LDP employment sites, lack of new land going forward and need to retain existing employers;
6. Uncertainty over:
  - the future WG National Development Framework (NDF) and the impact on the review LDP;
  - Lack of progress on WG LDP Manual v3;
  - Cardiff City Region Strategic Development Plan (SDP); and
  - Cardiff Capital Region City Deal.
  - Viability following Brexit, climate concerns and national priorities.

## **Service Improvements**

The main area of improvement mentioned in previous APRs is the purchase and implementation of a new software solution to manage and process applications. This new software enabled public access to information on planning applications and documents over the internet. It also allowed the ability for users to set up alerts and monitor progress of planning applications.

Further training and development was carried out at the beginning of the year and this was followed up by the commencement of a review of our procedures for dealing with planning

applications. This review is being carried out internally by officers in the service area, but needs to be fitted in with other duties so is taking longer than expected.

Going forward there are a number improvements being undertaken or considered:

1. Review of discretionary fees and services
2. Planning Performance Agreement with a registered social landlord to help in the delivery of affordable housing
3. Operation of a joint conservation service with a neighbouring local planning authority
4. Working with neighbouring local planning authorities to produce Local Development Plans.
5. Review of system procedures for dealing with planning applications

## **Performance**

Overall, our Planning service has performed well in nearly all areas identified in the Planning Performance Framework. The only area showing a need to improve is the 5 year land supply. The Authority's current position and approach to this is explained fully in Section 1 (Plan Making) below.

There were 2 indicators showing as 'fair' relating to Average time taken to determine applications and percentage of LBC applications determined in time.

Concerning the average time, 95 out of the 203 applications in hand are more than 6 months old. Carrying that amount of older applications will affect average determination times and needs to be addressed. It is proposed to review all the older applications and bring as many as possible to a decision. Going forward, there needs to be better monitoring of individual caseloads to ensure older undecided applications are kept to a minimum and only where justified.

The slowness in dealing with LBC applications has already been addressed and is anticipated to show improvement going forward.

The only other area we intend to check is why a number of applications were going over time by just a few days. It is anticipated that if this gap can be closed, the 'in time' performance will improve.

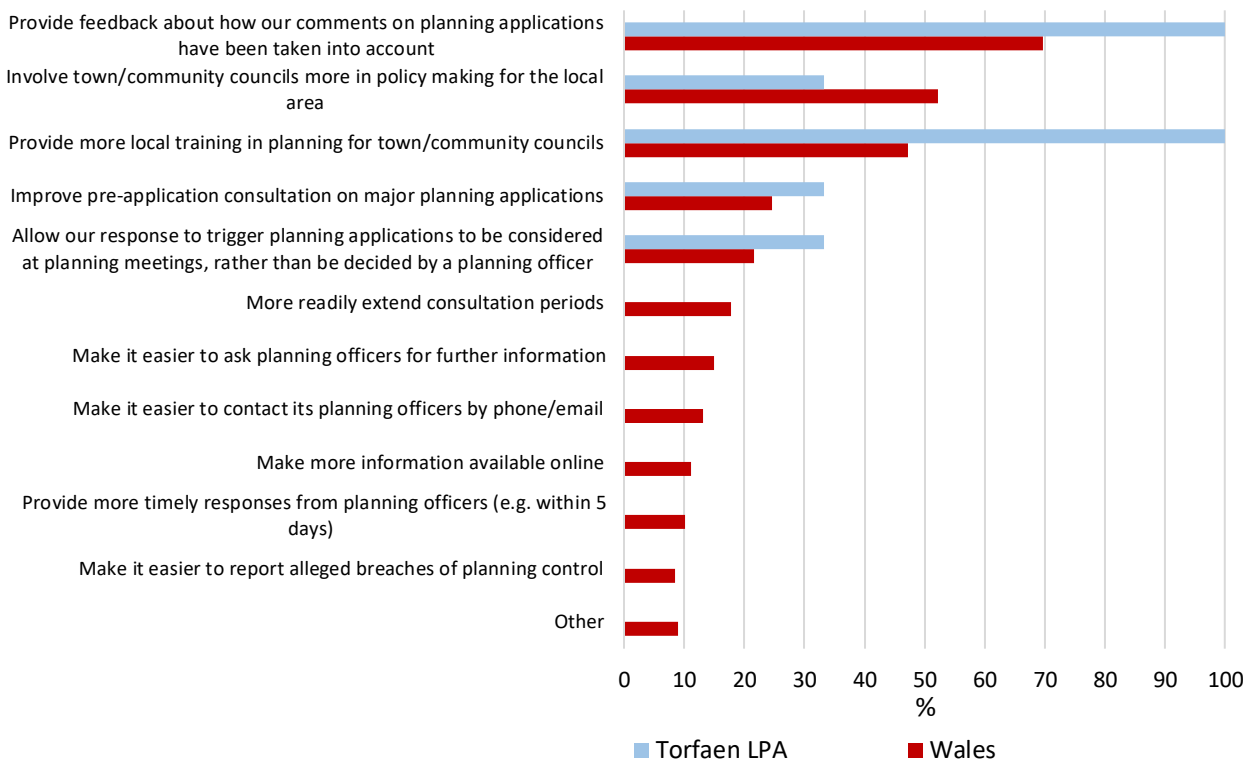
There were only 4 complaints in this reporting period relating to planning and none were upheld.

## WHAT SERVICE USERS THINK

In previous years a customer survey has been carried out with customers who had submitted a planning application during that year. This year we conducted a survey of clerks' of the town and community councils that are statutory consultees for our planning authority. There are 6 such councils in our area, and we received 4 responses to the survey.

The respondents were asked to select the three ways in which they thought our LPA could help town/community councils to participate more effectively in the planning system. Figure 2 shows the percentage of respondents that selected each option as one of their three choices. 'Provide feedback about how our comments on planning applications have been taken into account' and 'Provide more local training in planning for town/community councils' were the most frequently selected option for our LPA.

**Figure 2: Ways LPAs could help town/community councils participate more effectively in the planning system, 2018-19**



## **OUR PERFORMANCE 2018-19**

This section details with our performance in 2018-19. 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 2019, we were one of 23 LPAs that had a current LDP in place. We were required to submit an Annual Monitoring Report in October 2019. This document has been prepared, reported to Council and referred to Welsh Government Ministers.

During the APR period we had 3.9 years of housing land supply identified, making us one of 19 Welsh LPAs without the required 5 years supply.

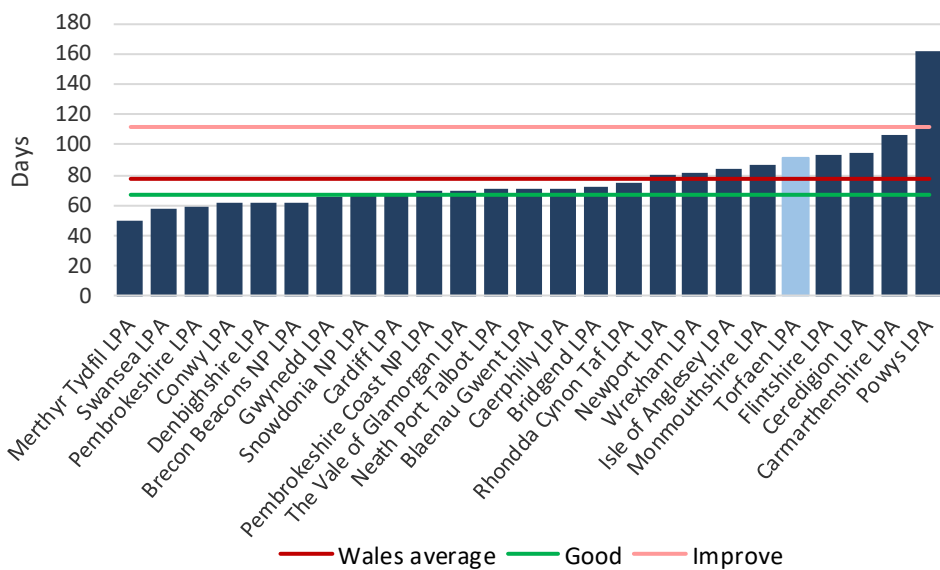
3 respondents to the 2018-19 town and community council clerks' survey (75%) said that their council contributed to the production and/or review of our LDP. Of these, 100% agreed that the LDP process is easy to understand, and 50% agreed that their council is satisfied with how the LDP process is going, compared to 64% and 62% respectively across Wales.

It should be noted that these percentages are only based on 3 responses and should be treated accordingly. Having said that there is clearly a need to engage more with the community councils as part of both the plan making and development management activities.

### **Efficiency**

In 2018-19 we determined 545 planning applications, each taking, on average, 92 days (13 weeks) to determine. This compares to an average of 77 days (11 weeks) across Wales. Figure 3 shows the average time taken by each LPA to determine an application during the year.

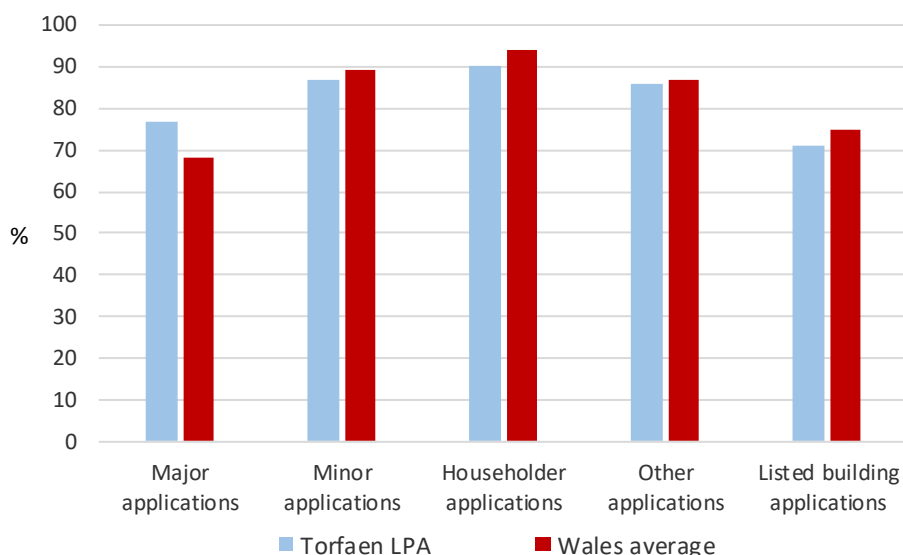
**Figure 3: Average time taken (days) to determine applications, 2018-19**



87% of all planning applications were determined within the required timescales. This compared to 88% across Wales and we were one of 20 LPAs that had reached the 80% target.

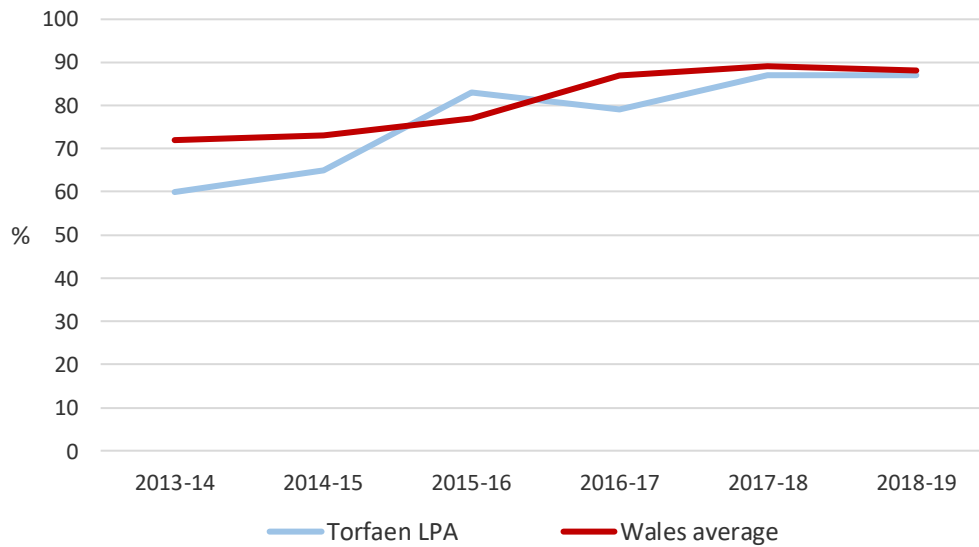
Figure 4 shows the percentage of planning applications determined within the required timescales across the main types of application for our LPA and Wales. It shows that we determined 90% of householder applications within the required timescales. We also determined 71% of Listed Building Consent applications LPA within the required timescales.

**Figure 4: Percentage of planning applications determined within the required timescales, by type, 2018-19**



Between 2017-18 and 2018-19, as Figure 5 shows, the percentage of planning applications we determined within the required timescales stayed the same at 87%.

**Figure 5: Percentage of planning applications determined within the required timescales**



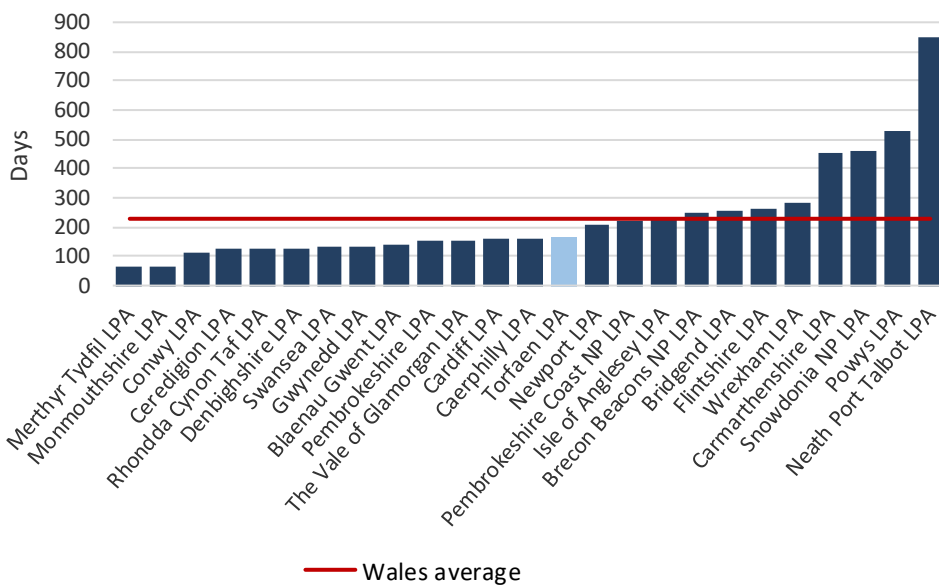
Over the same period:

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

### Major applications

We determined 13 major planning applications in 2018-19, 15% (2 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 164 days (23 weeks) to determine. As Figure 6 shows, this was shorter than the Wales average of 232 days (33 weeks).

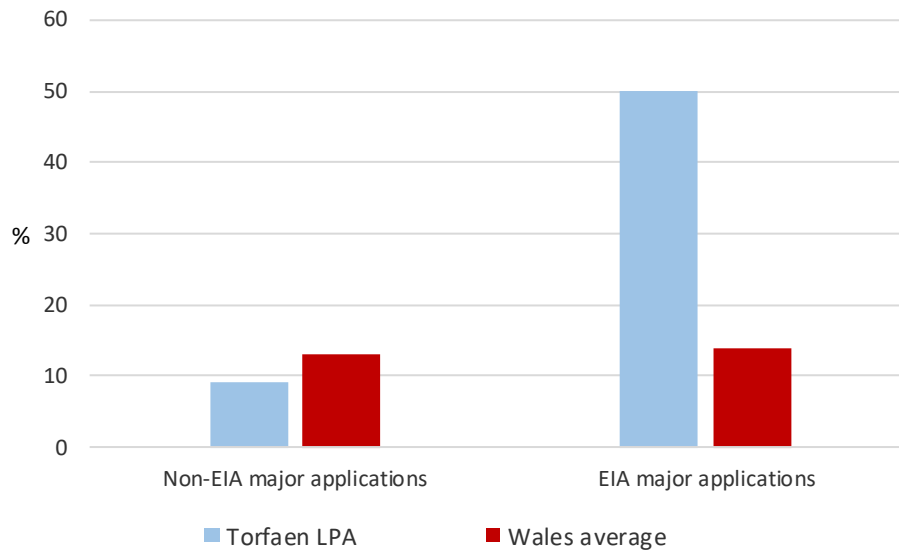
**Figure 6: Average time (days) taken to determine a major application, 2018-19**



77% of these major applications were determined within the required timescales, compared to 69% across Wales.

Figure 7 shows the percentage of major applications determined within the required timescales by the type of major application. 9% of our 'standard' major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

**Figure 7: Percentage of major applications determined within the required timescales during the year, by type, 2018-19**

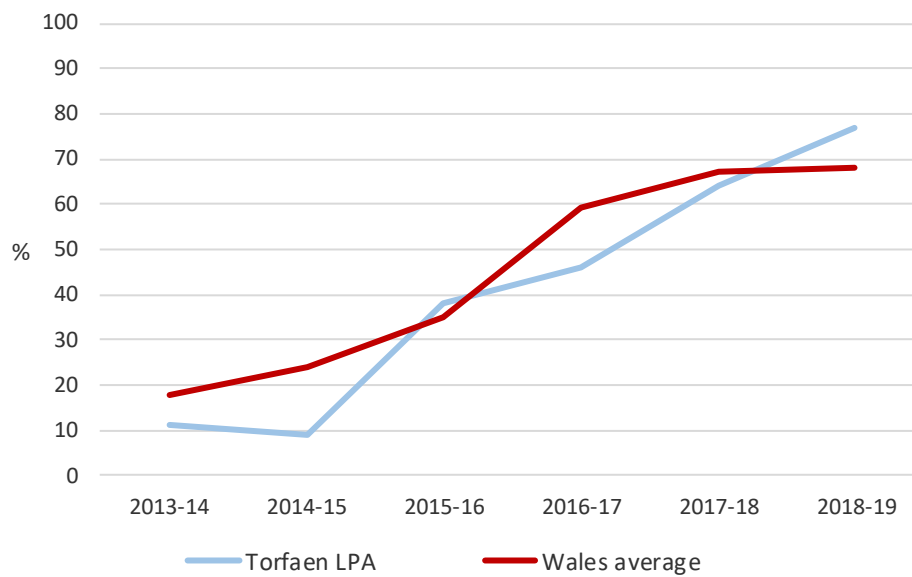


Since 2017-18 the percentage of major applications determined within the required timescales had increased from 64%. In contrast, the number of major applications determined decreased while the number of applications subject to an EIA determined during the year stayed the same.

Figure 8 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 8: 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 89% to 87%;
- The percentage of householder applications determined within the required timescales decreased from 92% to 90%; and
- The percentage of other applications determined within required timescales increased from 85% to 86%.

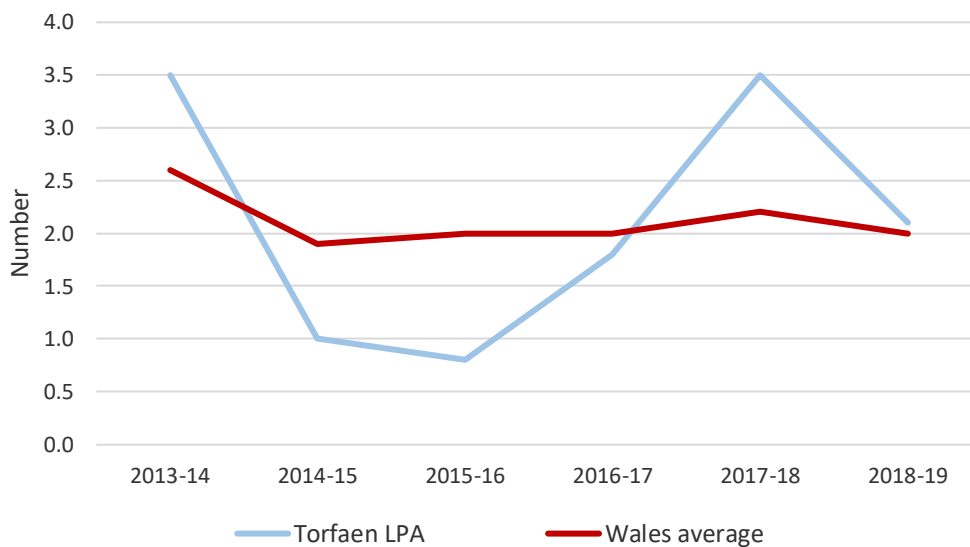
## Quality

In 2018-19, our Planning Committee made 27 planning application decisions during the year, which equated to 5% of all planning applications determined. Across Wales 6% of all planning application decisions were made by planning committee.

0% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales.

In 2018-19 we received 12 appeals against our planning decisions, which equated to 2.1 appeals for every 100 applications received. Across Wales 2 appeals were received for every 100 applications. Figure 9 shows how the volume of appeals received has changed since 2017-18 and how this compares to Wales.

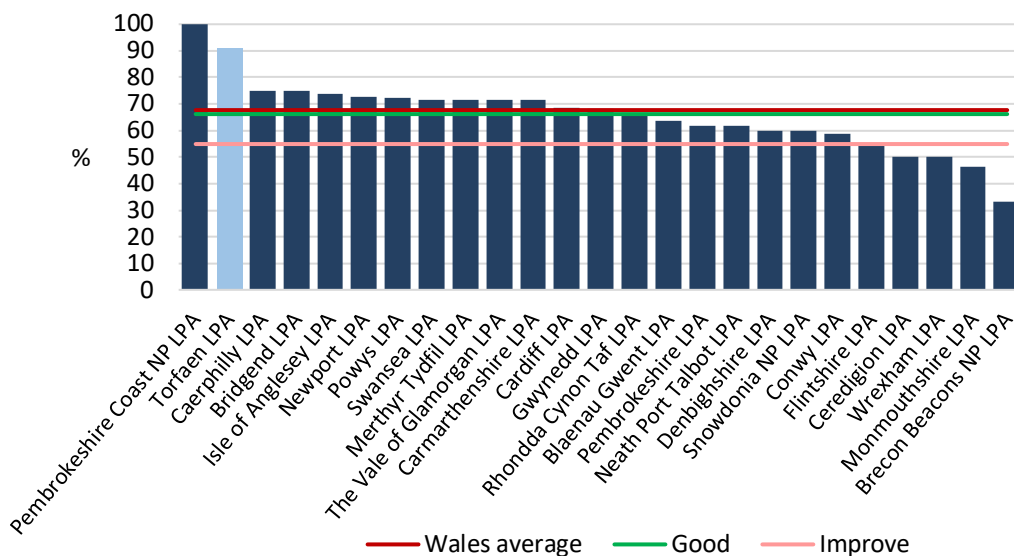
**Figure 9: Number of appeals received per 100 planning applications**



Over the same period the percentage of planning applications approved increased from 74% to 76%.

Of the 11 appeals that were decided during the year, 91% were dismissed. As Figure 10 shows, this was the second highest percentage of appeals dismissed in Wales and we were one of 14 LPAs that reached the 66% target.

**Figure 10: Percentage of appeals dismissed, 2018-19**



During 2018-19 we had no applications for costs at a section 78 appeal upheld.

One respondent (33%) to the 2018-19 town and community council clerks survey reported that they were either 'very satisfied' or 'somewhat satisfied' with how the Planning Inspectorate deals with their council around appeals, compared to 55% of the respondents across Wales.

## Engagement

We are:

- one of 24 LPAs that allowed members of the public to address the Planning Committee;
- one of 22 LPAs that had an officer on duty to provide advice to members of the public; and
- one of 21 LPAs that had an online register of planning applications.

2 (67%) of the town and community council clerks that responded to the 2018-19 survey felt that their council has enough time and resources to effectively contribute to development management in our area, compared to 59% of clerks that responded across Wales. 2 (67%) reported that they are 'always' able and 1 (33%) reported that they are 'sometimes' able to respond to applications within the 21 day statutory time period.

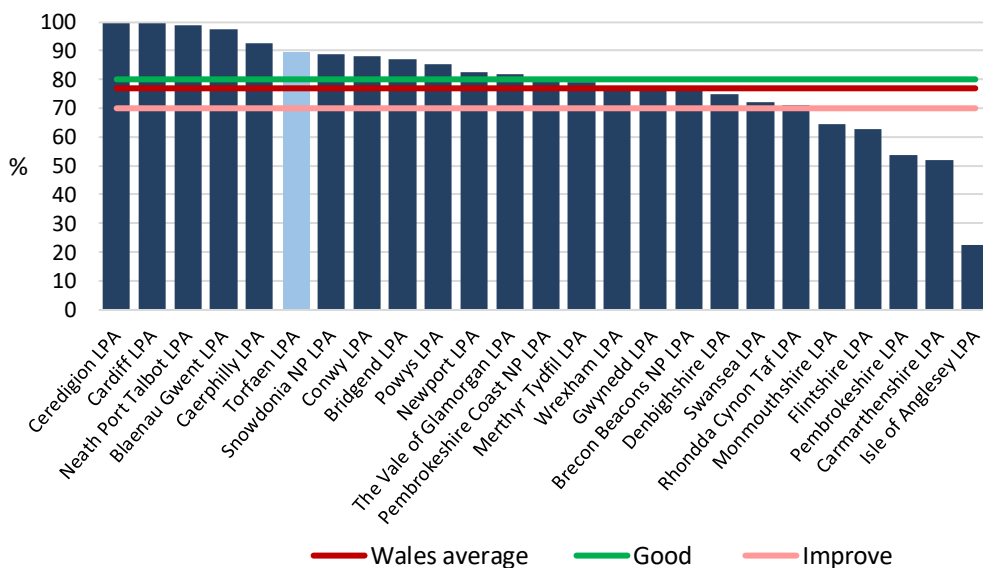
As Table 2 shows, 56% of respondents to our 2017-18 customer survey agreed that the LPA gave good advice to help them make a successful application.

## Enforcement

In 2018-19 we investigated 253 enforcement cases, which equated to 2.7 per 1,000 population. This compared to 1.9 enforcement cases investigated per 1,000 population across Wales.

We investigated 89% of these enforcement cases within 84 days. Across Wales 77% were investigated within 84 days. Figure 11 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

**Figure 11: Percentage of enforcement cases investigated within 84 days, 2018-19**



The average time taken to pursue positive enforcement action was 47 days.

In the 2018-19 town and community council clerks survey, 2 respondents (67%) stated that our LPA investigates enforcement cases 'very promptly' or 'reasonably promptly', compared to 36% of respondents across Wales. 2 respondents (67%) reported that they are either 'very satisfied' or 'somewhat satisfied' with how our LPA generally responds to investigating breaches. This was 40% for Wales.

## ANNEX A - PERFORMANCE FRAMEWORK

### OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	Torfaen LPA LAST YEAR	Torfaen LPA THIS YEAR
<b>Plan making</b>						
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	Yes	Yes
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	73	N/A	N/A
Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	<12	13-17	18+	17	-	7
Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	Yes		No	Yes	-	Yes
LDP review deviation from the dates specified in the original Delivery Agreement, in months	<3		4+	1	-	N/A
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	Yes	Yes
The local planning authority's current housing land supply in years	>5		<5	6 of 25	3.6	3.9
<b>Efficiency</b>						
Percentage of "major" applications determined within time periods required	>60	50.1-59.9	<50	68	64	77
Average time taken to determine "major" applications in days	Not set	Not set	Not set	232	163	164
Percentage of all applications determined within time periods required	>80	70.1-79.9	<70	88	87	87
Average time taken to determine all applications in days	<67	67-111	112+	77	83	92
Percentage of Listed Building Consent applications determined within time periods required	>80	70.1-79.9	<70	75	67	71
<b>Quality</b>						
Percentage of Member made decisions against officer advice	<5	5-9	9+	9	6	0
Percentage of appeals dismissed	>66	55.1-65.9	<55	68	57	91

MEASURE	GOOD	FAIR	IMPROVE
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+
<b>Engagement</b>			
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
<b>Enforcement</b>			
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	>80	70.1-79.9	<70
Average time taken to take positive enforcement action	<100	101-200	200+

WALES AVERAGE	Torfaen LPA LAST YEAR	Torfaen LPA THIS YEAR
0	0	0
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
77	94	89
167	No Data	47

## 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
The current Local Development Plan is in place and expires in March 2021. A new LDP is currently being prepared.	

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	N/A
The LDP is currently within 12 months of the Replacement LDP Delivery Agreement	

Indicator	03. Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	
“Good”	“Fair”	“Improvement needed”
The Delivery Agreement is submitted less than 12 months after Regulation 41 is triggered	The Delivery Agreement is submitted within 12 and 18 months after Regulations 41 is triggered	The Delivery Agreement is submitted more than 18 months after Regulation 41 is triggered

Authority’s performance	7
Replacement Delivery Agreement accepted June 2018.	

<b>Indicator</b>	<b>04. Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?</b>	
<b>"Good"</b>		<b>"Improvement needed"</b>
An LDP Revision Delivery Agreement has been submitted by the LPA and agreed with the Welsh Government		No LDP Revision Delivery Agreement has been submitted by the LPA or agreed by the Welsh Government

<b>Authority's performance</b>	Yes
Replacement Delivery Agreement accepted June 2018.	

<b>Indicator</b>	<b>05. LDP revision deviation from the dates specified in the original Delivery Agreement, in months</b>	
<b>"Good"</b>		<b>"Improvement needed"</b>
The LDP revision is being progressed within the dates specified in the original Delivery Agreement		The LDP revision is being progressed later than the dates specified in the original Delivery Agreement

<b>Authority's performance</b>	yes

<b>Indicator</b>	<b>06. Annual Monitoring Reports produced following LDP adoption</b>	
<b>"Good"</b>		<b>"Improvement needed"</b>
An AMR is due, and has been prepared		An AMR is due, and has not been prepared in time

<b>Authority's performance</b>	Yes
AMR for the period 2018-19 has been reported to Council and submitted to Welsh Government.	



<b>Indicator</b>	<b>07. The local planning authority's current housing land supply in years</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
The authority has a housing land supply of 5 years or more		The authority has a housing land supply of less than 5 years

<b>Authority's performance</b>	<b>3.9</b>
--------------------------------	------------

The 2019 AMR whilst noting that the Council, using the ‘residual method’, has 3.4 years housing land supply at April 2019 (slightly down from the 3.9 years in April 2018 and despite an actual increase in annual housing completions from 324 to 382 dwellings respectively) considers that the lack of the required five-year land supply is due to the long period of the housebuilding recession following the 2007 market crash and large allocated sites not coming forward until late in the plan period. However, the 2019 Torfaen JHLAS forecasts that 1,936 dwellings will be built over the next five years and the Council has commenced its review of the LDP; in part because of an expected continuing lack of a five year land supply going forward, with adoption timetabled in December 2021.

Also, using an alternative ‘10-year past build rate method’ for calculating land supply, it is estimated that there is 9.0 years housing land supply going forward (1,936 forecast dwellings over next 5 years / 216 dwellings p.a. (10 year average)). Similarly, noting that the adopted Torfaen LDP envisaged that 308 dwellings would be delivered per annum over the plan period (4,700 dwellings / 15.25 years = 308 dwellings); annual housebuilding rates are now ‘back on track’, and have actually been well in excess of this figure in recent years (324 dwellings in 2018 and 382 dwellings in 2019); and are forecast (in the 2019 JHLAS) to be an average of 387 dwellings p.a. (1,936 dwellings / 5 years) over the next five years.

For these reasons, the Council on 23<sup>rd</sup> October 2018, resolved that: *“for the duration of the dis-application of paragraph 6.2 of TAN1, when there is less than a five-year housing land supply in Torfaen, ‘low weight’ be given to the need to increase housing land supply as a material consideration in determining planning applications for housing.”* Therefore, given that paragraph 6.2 of TAN1 is still dis-applied and there is less than a five year housing land supply in Torfaen, it is recommended in this 2019 AMR that the Council re-confirms its resolution to give this material consideration a ‘low weight’ for the same reasons.

However with recent planning permissions delivery of a number of strategic sites are now well underway specifically South Sebastopol (1200 dwellings), Llantarnam SAA3 (450 dwellings), Former Police College (350 dwellings) and therefore a significant increase in housing delivery should be seen over the plan period. The Council continues to promote appropriate new housing development in the County Borough with a number of windfall schemes well underway including (Former Llantarnam Comprehensive (226 dwellings), Former Llantarnam Primary (78 dwellings), Former Kemys Fawr School (31 dwellings), Former Foundry Cottages (31 dwellings) Former Pontymoile School (39 dwellings) Former Two Locks Nursery (14 dwellings); and the number of windfall site dwellings will now be higher than that forecast in the LDP. Significantly the Windfall allowance has been exceeded with 2 years of the plan remaining and therefore additional acceptable windfall development is expected which will contribute to improving housing delivery. Residential demolitions (which are netted off the completion figures) are expected to be as per the forecast in the LDP; with small site housing completions likely to be below the LDP forecast.

## SECTION 2 - EFFICIENCY

Indicator	08. Percentage of "major" applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
60% or more of applications are determined within the statutory time period	Between 50% and 60% of applications are determined within the statutory time period	Less than 50% of applications are determined within the statutory time period
<b>Authority's performance</b>	77	
<p>This is considered to be good performance particularly when compared to Torfaen's last year performance of 64% and the national average of 68%. Officers work well with developers on large schemes and whilst always seeking to try and work within developers timescales and deal with applications as quickly as possible, we are focussed on outcomes in preference to speed. Developers are always encouraged to go through the pre application route before submitting applications as this reduces time delays later in the process.</p>		

Indicator	09. 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
<b>Authority's performance</b>	164	
<p>Although this is not currently benchmarked, Torfaen's performance is well below the national average of 232 days. In addition, it is slightly worse than last year's figure of 163.</p> <p>However, this needs to be looked at in conjunction with the above indicator which demonstrates a co-operative approach with developers to agree reasonable timescales for determination.</p>		

Indicator	10. Percentage of all applications determined within time periods required	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
80% or more of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period
<b>Authority’s performance</b>	87	
<p>Whilst this is comfortably above the target, it has been noted that a number of applications have only slightly gone beyond the determination date or agreed extension of time. This occurs at the end of the process when the application is ‘signed off’ under delegated powers. This will be looked at as part of our procedures review to see if this can be tightened up.</p>		

Indicator	11. Average time taken to determine all applications in days	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
67 days or less	Between 67 and 111 days	Greater than 112 days
<b>Authority’s performance</b>	92	
<p>This is noted as ‘fair’ performance, but is also above the national average of 77 days and the previous figure of 83 days. Whilst we are focussed on outcomes more than speed we need to find out whether that is the only reason for the above average figure.</p> <p>There are currently 203 applications in hand. 95 of these are more than 6 months old. The determination of these older applications are contributing to the overall average time. These will need to be reviewed to bring to determination as many as possible to ensure as few as possible are more than 6 months old and only where justifiable.</p>		

Indicator	12. Percentage of Listed Building Consent applications determined within time periods required	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
80% or more of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period
<b>Authority’s performance</b>	71	
<p>This is a fairly new indicator that was first reported in the last APR. Current performance, although categorised as ‘fair’ is an improvement of last year’s figure of 67%.</p> <p>This is expected to improve in future years when the joint conservation service with one of our neighbouring local planning authorities is properly ‘bedded’ in.</p>		

### SECTION 3 - QUALITY

Indicator	13. Percentage of Member made decisions against officer advice	
"Good"	"Fair"	"Improvement needed"
Less than 5% of decisions are made contrary to officer advice	Between 5% and 9% of decisions are made contrary to officer advice	More than 9% of decisions are made contrary to officer advice
<b>Authority's performance</b>	0	
No officer recommendation was overturned by the Planning Committee.		

Indicator	14. Percentage of appeals dismissed	
"Good"	"Fair"	"Improvement needed"
More than 66% 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
<b>Authority's performance</b>	91	
10 out of 11 appeal decisions supported the Council's decision. This is well above the national average.		

Indicator	15. Applications for costs at Section 78 appeal upheld in the reporting period	
"Good"	"Fair"	"Improvement needed"
The authority has not had costs awarded against it at appeal	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
<b>Authority's performance</b>	0	
There have been no award of costs against the Council.		

**SECTION 4 – ENGAGEMENT**

<b>Indicator</b>	<b>16. Does the local planning authority allow members of the public to address the Planning Committee?</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee
<b>Authority’s performance</b>	Yes	
<p>Both supporters and objectors are allowed to address the Planning Committee.</p> <p>Since introducing the new software solution for planning along with public access to planning applications, we have streamlined our third party speaking processes. Customers are now able to track any applications of interest to make sure they have plenty of time to register their intention to speak at Planning Committee.</p>		

<b>Indicator</b>	<b>17. Does the local planning authority have an officer on duty to provide advice to members of the public?</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
A duty planning officer is available during normal office hours	A duty planning officer is available, but not always during normal office hours	There is no duty planning officer available
<b>Authority’s performance</b>	Yes	
<p>This duty continues to be performed by planning technical officers backed up by professional planning officers.</p>		

<b>Indicator</b>	<b>18. 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)?</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
All documents are available online	Only the planning application details are available online	No planning application information is published online
<b>Authority’s performance</b>	Yes	
<p>The Public Access system allows customers to search applications, view content and documents, monitor applications and submit comments on line.</p>		

**SECTION 5 – ENFORCEMENT**

<b>Indicator</b>	<b>19. 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</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
80% or more of enforcement cases are investigated in 84 days	Between 70% and 80% of enforcement cases are investigated in 84 days	Less than 70% of enforcement cases are investigated in 84 days
<b>Authority’s performance</b>	89	
Our performance is ‘good’ and well above the national average of 77.		

<b>Indicator</b>	<b>20. Average time taken to take positive enforcement action</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
100 days or less	Between 101-200 days	Greater than 200 days
<b>Authority’s performance</b>	47	
Our performance is significantly better than the benchmark and national average.		

## 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.

<b>Authority's returns</b>	
This information is not yet automated and needs to be obtained manually. The officer who normally collects and presents this data has recently left the Authority.	Going forward, in order to record and present this data more efficiently we will review how the data is gathered and explore ways in which this can be automated.

<b>Indicator</b>	<b>SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.</b>
<b>Granted (square metres)</b>	
<b>Authority's data</b>	8,008
<b>Refused (square metres)</b>	
<b>Authority's data</b>	0
Only 0.8ha of allocated sites were developed during year.	

<b>Indicator</b>	<b>SD2. Planning permission granted for renewable and low carbon energy development during the year.</b>
<b>Granted permission (number of applications)</b>	
<b>Authority's data</b>	3
<b>Granted permission (MW energy generation)</b>	
<b>Authority's data</b>	2
3 small scale developments within existing public/employment areas.	

<b>Indicator</b>	<b>SD3. The number of dwellings granted planning permission during the year.</b>
<b>Market housing (number of units)</b>	
<b>Authority's data</b>	160
<b>Affordable housing (number of units)</b>	
<b>Authority's data</b>	103
263 dwellings were permitted during the monitoring period. Of these, 103 (40%) were affordable.	

<b>Indicator</b>	<b>SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.</b>
<b>Number of residential units (and also hectares of non-residential units) which were GRANTED permission</b>	
<b>Authority's data</b>	1
<b>Number of residential units (and also hectares of non-residential units) which were REFUSED permission on flood risk grounds</b>	
<b>Authority's data</b>	0
1 application for non-sensitive development approved in C2 floodplain. Employment area with accompanying FCA.	



<b>Indicator</b>	<b>SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.</b>
<b>Previously developed land (hectares)</b>	
<b>Authority's data</b>	7
<b>Greenfield land (hectares)</b>	
<b>Authority's data</b>	8
Approximately 48% of development granted permission on PDL.	

<b>Indicator</b>	<b>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.</b>
<b>Open space lost (hectares)</b>	
<b>Authority's data</b>	1
<b>Open space gained (hectares)</b>	
<b>Authority's data</b>	1

<b>Indicator</b>	<b>SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.</b>
<b>Gained via Section 106 agreements (£)</b>	
<b>Authority's data</b>	370,658
<b>Gained via Community Infrastructure Levy (£)</b>	
<b>Authority's data</b>	0