

Welsh Government

Evidence Paper in advance of the Public Accounts Committee Scrutiny Session – 09.03.2020

Inquiry into effectiveness of local planning authorities in Wales

1. Introduction

1.1 Land use planning manages the use and development of land in the public interest. The framework within which the planning system operates comprises: primary legislation; secondary legislation; circulars and directions. Planning policy applies the legal framework to different land uses in different locations and circumstances. The Welsh Government has developed comprehensive national planning policies, contained in Planning Policy Wales (PPW). PPW was first published in 2002 and is kept under review. Edition 10 of PPW was published in December 2018 and fully reflects the Well-Being of Future Generations, Active Travel and Environment Acts by promoting placemaking as the organising principle for the planning system. In addition, a series of Technical Advice Notes (TANs) outline how the policy should be delivered by local planning authorities and by the Planning Inspectorate (PINS). Whilst not having the force of law, PPW and TANs must be taken into account by all those involved in the planning process; they have been tested and upheld by the Courts.

1.2 The Building Act 1984 includes powers to make building regulations in respect of design and construction of buildings and the services, fittings and equipment provided in connection with buildings. The building control function is delivered by local authorities and Approved Inspectors (AI).

Local Planning and Building Control Authorities

1.3 There are 25 local planning authorities (22 Principal Authorities and 3 National Park Authorities). The 3 National Park Authorities are local planning authorities in their own right, they have no building control responsibilities. The majority of local authorities manage the planning and building control function within the same department.

1.4 The main elements of the planning system are as follows:

- development plans are required at national, strategic(regional) and local levels;
- development requires planning permission; and
- breaches of planning control may be subject to enforcement procedures.

1.5 The main elements of the building control system are as follows:

- building regulations set out procedures and performance requirements of completed buildings to ensure the health, safety, welfare and sustainability.

- the building control system is operated by local authorities (Local Authority Building Control (LABC)) or a private sector Approved Inspectors.
- local authorities have non chargeable duties including enforcement, demolitions, dangerous structures, safety at sports grounds, party wall act advice, neighbour disputes.
- Approved Inspectors do not have any enforcement powers.

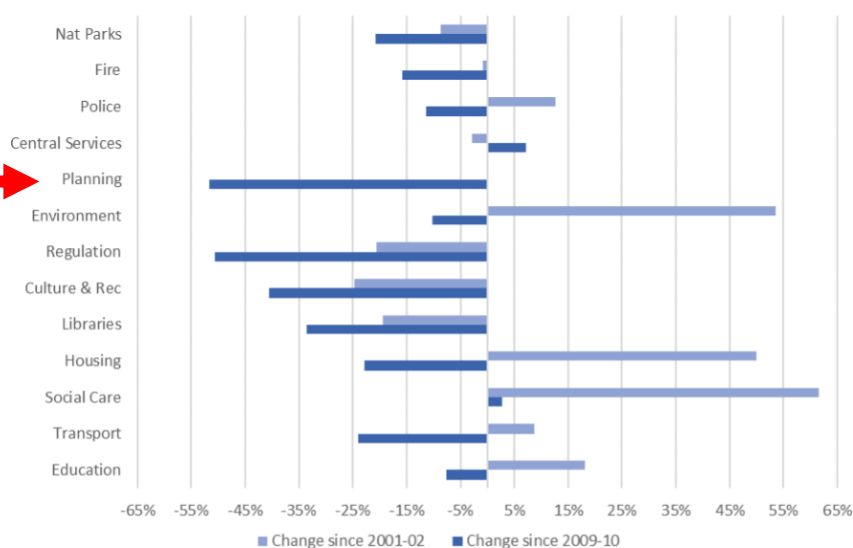
1.6 A more detailed description of the planning and building control systems is provided in Annex A and B

2. The challenges of delivering planning services with less resources

2.1 The planning system has experienced a long-term reduction in resources in terms of capability, capacity and resilience, which extends back to local government reorganisation in 1996. The former County Councils provided capability and capacity in relation to specialist planning skills in critical areas such as strategic planning, minerals and waste, biodiversity, landscape and demography. In many areas, following the creation of unitary authorities, specialist skills have been lost - with local planning authorities focusing on core functions, being mainly local development plan preparation and decision making on applications.

2.2 The declining resources devoted to planning since 2009-10 is clearly demonstrated by evidence submitted by the WLGA to the National Assembly Finance Committee in 2019, and the Audit Commission report. According to the WLGA submission since 2009-10, resources allocated to planning have declined by over 50% - more than any other service area. This comes at a time when local planning authorities have experienced growing public and political expectations to effectively implement the statutory duties placed upon them by the Planning (Wales) Act 2015 (Planning Act) and the Well-being of Future Generations (Wales) Act 2015 (Wellbeing Act).

Figure 1: Real Terms Change in Service Spend, from 2001-02 and 2009-10, £m



Source: Base estimates: RO (2001-02 & 2009-10) and RA returns (2017-18)

Excerpt from page 11 of WLGA submission to National Assembly ELCG Committee – Welsh Government Budget 2019-20, dated 25 October 2018

2.3 The decline in resources has been accompanied by ageing of the workforce due to the absence of public sector employment opportunities for young planners at the start of their career. Royal Town Planning Institute member records for 2018 indicate the average age of their members employed by local authorities in Wales to be 45 years. This has significant implications for public sector workforce planning, and the future sustainability of the planning profession.

**Age Analysis of RTPI Members in Wales
Associate, Chartered and Licentiate members**

	Number	% of total	Average age
Local Authority	370	47%	45
Other Public Sector	69	9%	46
Total Public Sector	439	56%	
Private Sector	242	31%	41
Independent Consultants	39	5%	60
Total Private Sector	281	36%	
Other	50	6%	50
England Public	15	2%	37
TOTAL	785	100%	45

Excerpt from RTPI Membership study, 2018

2.4 Declining resources have inevitably resulted in reduced performance despite the best efforts of many LPAs to mitigate impacts. The evidence base for the Planning Act, in particular the Independent Advisory Group report, considered the availability of resources. The report recommended that local planning authorities prepare an annual performance report to a common standard, and that an All Wales Performance Report be prepared.

https://gov.wales/sites/default/files/publications/2018-10/towards-a-welsh-planning-act_0.pdf

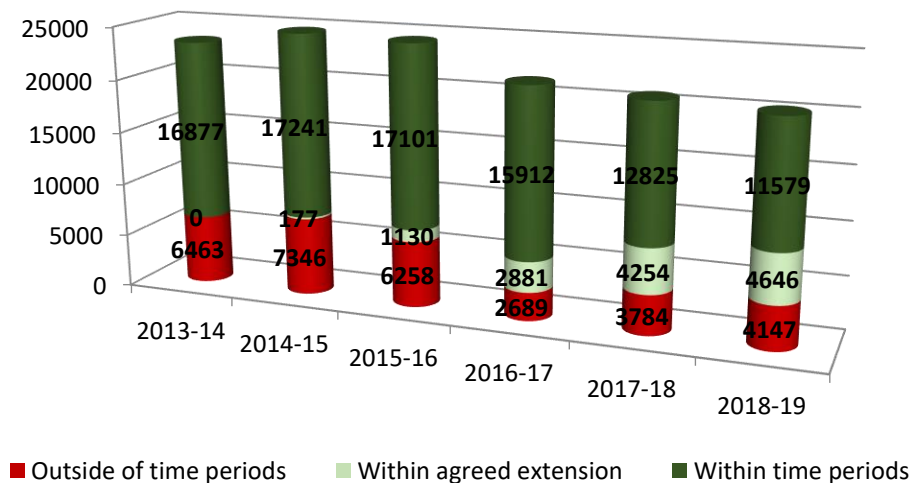
2.5 Since 2014-2015, annual performance reports (APRs) have been produced covering the performance of local planning authorities, the Planning Inspectorate, Welsh Government and Statutory Consultees. The latest summary performance table is attached at Annex C and the latest full report can be viewed by following the link below:

<https://gov.wales/planning-services-annual-performance-report-2018-2019>

2.6 The report for 2018-19 includes significant insights from local planning authorities on how they are managing declining resources, and the impacts this is having on their services. Approaches reported include:

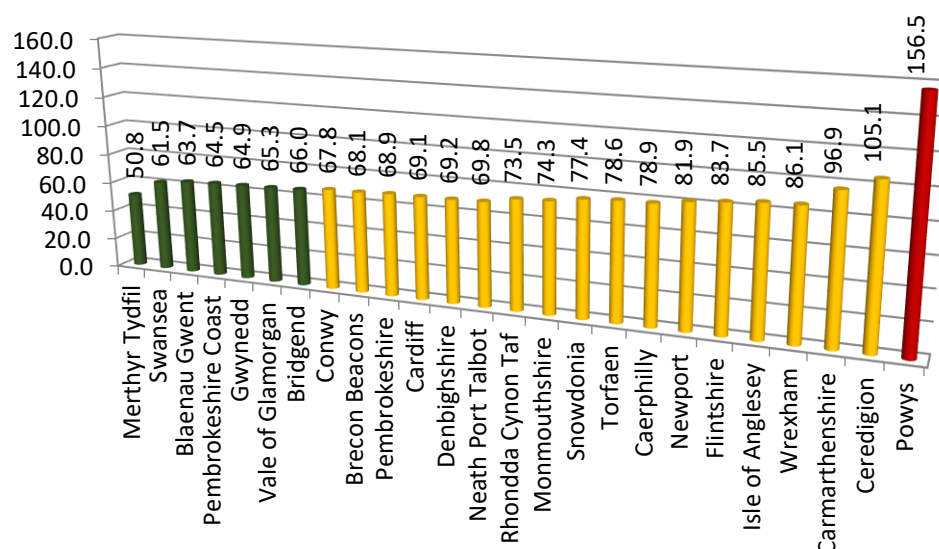
- Staff vacancies are being held open, posts are being deleted following retirement, and in some cases unpaid leave is being used to find in-year savings. This is impacting on the service provided, with severe pressure during periods of staff absences.
- Enforcement and forward planning officers are being redeployed to take on a development management caseload, whilst some authorities are considering using non-planners to handle applications.
- LPAs are reporting gaps in expertise due to retention issues. There are significant gaps in expertise affecting processing of major applications, and gaps in enforcement, conservation and landscape disciplines.
- Internal consultees are taking longer to respond due to their own resource pressures. In particular, some Highways Departments have stopped giving pre-application advice.
- Many LPAs are having to be creative in seeking alternative funding streams and are charging for services in order to bridge the resource gap, including:
 - Fast-tracking applications for an additional fee; and
 - Greater reliance on Planning Performance Agreements, for the additional fee income they provide.
- In North Wales, proactive joint working seeking to standardise practice on built heritage and biodiversity issues while processing applications has been achieved, although this stops short of actually sharing expertise.

2.7 One of the most apparent impacts from the reduction in resources is the increase in the average time taken to determine planning applications. Whilst a higher proportion of applications are determined “on time” than ever before, most of these are subject to an agreed extension of time, rather than being determined quicker. Applicants can refuse to agree an extension if they desire, but anecdotal evidence indicates applicants would rather maintain a positive relationship with the relevant planning officer than risk a refusal.



All planning applications determined “on time” (including within an agreed extension) – 2013-14 to 2018-19

2.8 There are also significant variations between local planning authorities in the average time taken to determine planning applications



Average time taken to determine planning applications in days 2013-14 – 2018-19

2.9 The Welsh Government has sought to assist local planning authorities to address capacity, capability and resilience challenges in a comprehensive way, whilst recognising local accountability about the level and type of service provided. This has included:

- Putting in place the legislative framework to support collaboration;
- Providing grant aid for collaborative projects;
- Setting appropriate levels of planning application fees with a view to moving closer to full cost recovery; and
- Supporting the development of tools which allow local planning authorities to demonstrate the value which planning creates.

2.10 The Planning Act includes enhanced arrangements for collaborative working, to improve resilience and increase efficiency. Legislation relating to joint planning boards allows two or more local planning authorities to merge their planning functions. This complements existing arrangements to prepare joint LDPs. The ability to prepare SDPs allows cross boundary issues to be fully considered and planned for and permits the efficient preparation of LDPs which sit below them. Local planning authorities have been reticent to use the available legislative tools with the exception of the Joint Gwynedd Ynys Mon LDP. In 2017, the Cabinet Secretary for Energy, Planning and Rural Affairs invited thirteen local planning authorities about to review their LDPs to submit proposals to prepare Joint LDPs, where there are common housing markets and employment areas. The invitation was declined, with authorities preferring to prepare individual LDPs, confirming this could be achieved within 3 ½ years. Alongside specific planning legislation, local government legislation has also been in development to address similar issues. The Local Government and Elections Bill includes proposals to introduce Corporate Joint Committees, which would allow local authorities to collaborate in a formal way. Strategic Planning has been identified as a specific area for collaboration for Corporate Joint Committees.

2.11 Collaboration has also been promoted through the use of Welsh Government Grant aid. Recent examples of local authority projects in receipt of grant aid include joint working in North Wales to standardise of practice on built heritage and biodiversity issues in processing applications, and the creation of a standardised development viability model for South West Wales authorities, in order to inform LDPs and negotiations on planning applications. Both projects have the potential to be used by authorities across Wales, helping to fill knowledge gaps and increase expertise.

2.12 Funding from local planning services is obtained from two main sources:

- direct funding from local authority corporate income; and
- fee income derived from planning applications.

2.13 Significant areas of local planning authority activity do not attract fee income. These include the determination of Listed Building applications and enforcement work. In recent years, core income has been supplemented by fees charged for discretionary services.

2.14 The Welsh Government has taken a number of steps since 2015 to better understand the cost of delivering a development management service, and to help LPAs recover their costs. In 2015, the Welsh Government implemented a rise in planning application fees of approximately 15%. This change accompanied the legislative changes introduced by the Planning Act, and was intended to help local planning authorities cover relevant additional costs. At the same time, a commitment was given to explore with local planning authorities the feasibility of moving towards a full cost recovery model for planning application fees. In general terms, planning application fees for major applications fund the costs associated with processing the application, whereas fees for local and householder applications do not. This situation is in contrast with Building Regulation fees, which are set locally and are intended to fully cost recover. Local authority building control services are, however, subject to market competition from private sector Approved Inspectors, which means any fee set must be competitive. There is some anecdotal evidence that local planning authority reliance on fee income from major applications is impacting negatively on public confidence in the objectivity of planning decisions. This is most evident where speculative planning applications are approved due to the absence of a 5 year housing land supply.

2.15 In 2016, the Welsh Government provided grant assistance to the WLGA to undertake research to explore the cost of delivering planning services in Wales, within the current legislative framework. WLGA commissioned the Planning Advisory Service to establish specific costs of the various activities associated with processing planning applications, and the majority of LPAs participated in this work. The results demonstrated there were significant differences in costs for similar tasks between authorities and found flaws in the current fee model. It drew a clear conclusion that LPAs which receive a significant portion of major applications are far closer to full cost recovery for their development management service, and the research evidenced previous assumptions of cross-subsidy between major and other applications.

2.16 Arup has been commissioned to undertake a further study which progresses the data-gathering work already undertaken by PAS, and to translate the data gained into an evidenced fee model. This research is ongoing and being developed alongside a working group of LPAs in South-East Wales. The outcome of this research, along with the proposed fee model, is due to be published in Spring 2020. Timescales for implementation of the new model and the research findings will depend on whether primary legislation is necessary. As an interim measure, the Welsh Government is currently consulting on a 20% planning application fee increase from 2015 levels. The consultation on this interim fee-increase finishes on 13 March 2020. Subject to the responses received, it is anticipated the fee-increase will be in force by Summer 2020. We are aware that in some cases, the 2015 planning application fee-increase was matched by corresponding reductions in central local authority funding, resulting in no net gain for planning services. We are exploring options to increase the likelihood of any planning application fee-increase being retained and used to improve the capacity, resilience and capability of local planning services.

2.17 The planning system manages the use and development of land in the public interest. In managing the future development and use of land, it can create

significant value for landowners, and external costs for society. Information on the value which planning creates and the mitigation of external costs arising from it, should be used to inform decisions on the funding of planning services locally. To help further understanding in this area, the Welsh Government has provided grant funding to the RTPI, to produce a toolkit which allows local planning authorities to estimate value created through planning. For Wales as a whole, the estimated value created by planning in financial year 2016/17 was £2.35Bn.

<https://www.rtpi.org.uk/media/2896429/Value-of-Planning-Handout.pdf>

2.18 In England, The Independent review of building safety (Hackitt Review) has identified numerous problems with the building control system. It has proposed a new regulatory regime for high risk buildings that will require a more rigorous and investigatory skill set than is currently required from those responsible for building regulation oversight.

2.19 Indications are that all 22 LA building control authorities suffer from an ageing workforce. On average approximately 50% of technical staff are fully qualified. Recruitment and retention is an issue. A number of authorities recently have struggled to replace staff leaving or retiring with consequent impact on capacity.

3. The delivery of responsibilities under the National Development Framework and the Wellbeing of Future Generations Act 2015

3.1 The planning system is a key policy lever to improve the sustainability of development. Initially, this was achieved through Section 39 of the Planning and Compulsory Purchase Act (2004) which required plan-making authorities, when exercising the functions of preparing the Wales Spatial Plan and LDPs, to have regard to the objective of contributing to the achievement of sustainable development. In practice, the need to take into account national planning policy - which includes policies on sustainable development - and the requirement for Strategic Environmental Appraisal (incorporating sustainability appraisal), effectively demonstrated how those plans contributed to the achievement of sustainable development. In turn, this approach is transmitted to individual planning decisions, through the statutory requirement for planning decisions to be in accordance with the development plan, unless material considerations indicate otherwise.

3.2 As the concept of sustainable development in the Welsh context has matured, so has the approach to implementing sustainable development through planning. The Planning, Wellbeing of Future Generations and Environment Acts were developed in parallel, to allow effective links to be made between the three pieces of complementary legislation. The statutory link between the planning system and sustainable development has been made explicit and strengthened by Section 2 of the Planning Act.

Section 2 “Sustainable development(1) This section applies to the exercise by the Welsh Ministers, a local planning authority in Wales or any other public body—

(a) of a function under Part 6 of PCPA 2004 in relation to the National Development Framework for Wales, a strategic development plan or a local development plan;

(b) of a function under Part 3 of TCPA 1990 in relation to an application for planning permission made (or proposed to be made) to the Welsh Ministers or to a local planning authority in Wales.

(2) The function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.”

3.3 To further strengthen the link between planning and the Wellbeing Act, planning policy has been reviewed, and preparation of the NDF commenced. A new version of PPW was published in 2018. PPW is our national land use planning policy statement. It demonstrates to local planning authorities and applicants how sustainable development, as expressed by the Wellbeing Act, should inform the preparation of statutory development plans (the NDF, SDPs and LDPs) and planning applications.

3.4 The new edition of PPW places the concept of ‘placemaking’ at the heart of national planning policy. Placemaking is sustainable development in action. It requires an integrated approach to development, which ensures that communities have all the services they need within easy reach, and that development is of high design quality. This principle moves away from processes such as simply counting houses to thinking about the outcomes and the quality of the places created. Placemaking is the holistic approach to the planning, design and management of spaces. It capitalises on a local community's assets, inspiration, and potential, with the intention of creating development that promote people's health, happiness, and wellbeing. It is therefore closely integrated with the wider objectives of the Wellbeing Act. It requires people engaged in the planning system to think about places and wellbeing holistically, rather than thinking of these as silos of discreet policy, developed in isolation.

3.5 PPW sets out the framework within which the Wellbeing Act should be implemented by local planning authorities (who are also under a duty to comply with the Wellbeing Act), in both their approach to the planning policies they develop, and the processes they use to formulate those policies, and ultimately make decisions in the light of the policies once adopted. PPW includes frequent references to the goals of the Wellbeing Act and sign-post markers throughout the text, highlighting where the Ways of Working are demonstrated.

3.6 The formulation of PPW followed the Wellbeing Act ways of working, in terms of taking a collaborative approach with stakeholders in the formulation of the draft version. Officials worked closely with the Future Generations Commissioner's office. Sophie Howe, the Commissioner has commented:

"...the Act has been fully used to create the policy from day one. The officials clearly used the 5 ways of working themselves and sought to maximise the contribution of the policy to the goals. I would like to stress that this one of the best examples we have seen to date of the use of the Act to design national policy in Wales and of engagement with my office."

Sophie Howe, Letter to the Climate Change, Environment and Rural Affairs Committee, 31st May 2019

3.7 The Wellbeing Act's goals and Ways of Working have also been central to the preparation of the NDF. For example, the five Ways of Working have been fundamental to how work has been progressed to date. Involving people in the development of the Framework is an integral part of the NDF process. Extensive engagement and involvement has taken place with stakeholders across Wales. The involvement undertaken has used a variety of methods with a range of stakeholders, including children and young people and protected characteristic representative groups. The approach to involvement has included:

- Workshops and drop-in sessions across Wales;
- Regular NDF newsletters sent to around 1,000 stakeholders, which include around 80 protected-characteristics representative groups;
- Information disseminated through existing networks such as One Voice Wales, the Royal Town Planning Institute and Public Service Board coordinators' network;
- Extensive use of social media and webinars to increase engagement;
- Working with Children in Wales to involve children and young people, including exploring how to interact with the new Youth Parliament;
- Accessible versions of the documents were been produced – Easy Read version & Young Persons' summary version; and
- Education resource packs for schools.

3.8 The NDF's involvement programme is an exemplar which could be replicated in the preparation of SDPs and LDPs. Effective implementation of the new policy approach advocated in PPW and NDF will require a culture change, both within local planning authorities and the development industry. Officials are currently working with stakeholders to develop a charter, under the name *Placemaking Wales*. This charter will allow local planning authorities, other public sector organisations, professional bodies and umbrella organisations to commit to the promotion of placemaking through their work. This group will work collaboratively to promote placemaking, highlight good practice and provide training and guidance.

3.9 The majority of LDPs were prepared and adopted prior to the Wellbeing Act. Where LDP reviews are currently underway, those draft plans must evidence they have been informed by wellbeing goals (including local wellbeing goals) and the ways of working. Those plans should also have regard to the new version of PPW

and be in conformity with the NDF, once it is adopted. Compliance with the Wellbeing Act will be assessed by Welsh Government scrutiny of individual LDPs as well as during independent examination by a Planning Inspector.

4. The Wellbeing Act in relation to community involvement in planning

4.1 Effective engagement and consultation are central aspects of the planning system, with legislation setting down minimum standards to be followed, both when preparing development plans and when determining planning applications. For development plans, the minimum requirements are set out in Part 6 of the Planning and Compulsory Purchase Act 2004. Further detail is set out in the LDP regulations and the Development Plans Manual. For development management, the requirements are set out in Part 3 of the Town and Country Planning Act 1990, and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, with further guidance provided by the Development Management Manual. The Welsh Government also provides core funding to Planning Aid Wales, a third-sector organisation with a remit to improve community involvement in the planning system.

4.2 To enhance community engagement in the planning application process, the Planning Act introduced a requirement for Pre-Application Community consultation for major development. Major development is defined as development of 10 or more houses, of more than 1,000 M² or on a site of more than 0.5 Ha.

4.3 Legislation provides for minimum requirements. Local planning authorities and applicants for planning permission are encouraged to go further than these statutory minimums. Local planning authorities are also required to produce a Community Involvement Scheme, when preparing or reviewing an LDP. This Scheme must set out the timetable for the preparation of the plan and all opportunities for the community to input into the plan's development. This may include supporting local communities to prepare Place Plans for their areas.

4.4 The Wellbeing Act sets out five Ways of Working which public bodies must adopt. Involvement is one of the 5 ways of working which must be observed when preparing development plans or determining planning applications. A revised version of the Development Plan Manual has been prepared to provide updated advice on involvement when preparing plans. The Commissioner's Office has contributed to the revised guidance, and a new version of the "Planning Your Community: A Guide to Local Development Plans" guidance document will be published later this year.

4.5 There are areas where public involvement in the planning system could be improved. For example, it is clear many communities and individuals do not understand the significance of the LDP in establishing the principle of development. When applications are subsequently submitted for planning permission, only detailed matters such as design of the scheme can be taken into account by the LPA. The principle of development has already been established by the plan. This can lead to significant public dissatisfaction when planning applications are submitted and objections to the development are rejected by the LPA on the grounds that the

principle of development has already been established by the LDP. Many of the traditional methods used to promote involvement could also be enhanced by greater use of digital tools, including social media. These communication methods may also help to improve access to the planning system for excluded and hard-to-reach groups. Work has commenced to scope possible projects to improve involvement in the planning system.

5. The role of planning committees and their decisions

5.1 The Local Government Act 1972 allows local authorities to arrange for the discharge of their functions, including the power to determine an application for planning permission, by a committee, sub-committee or by delegation to an officer of the authority. The criteria setting out the rules governing when a delegated decision may be made are provided within each Council's scheme of delegation. Most schemes of delegation allow for a local member to request that an application falling within their ward be determined by the Planning Committee (known as "calling in" the application for determination at Committee).

5.2 The evidence base for the Planning Act demonstrated wide variation in planning committee arrangements, procedures and delegation practices. The Independent Advisory Group report, which informed the Planning Act, concluded that smaller planning committees are likely to develop a better culture of informed and evidence-based decision making. Evidence from the Royal Town Planning Institute study into the operation of Planning Committees in Wales in 2014, indicated that in general the larger a committee, the lower the average attendance of Members, which can result in a lack of continuity of membership, and inconsistency in decision-making.

<https://gov.wales/sites/default/files/publications/2018-10/planning-committee-operation-study.pdf>

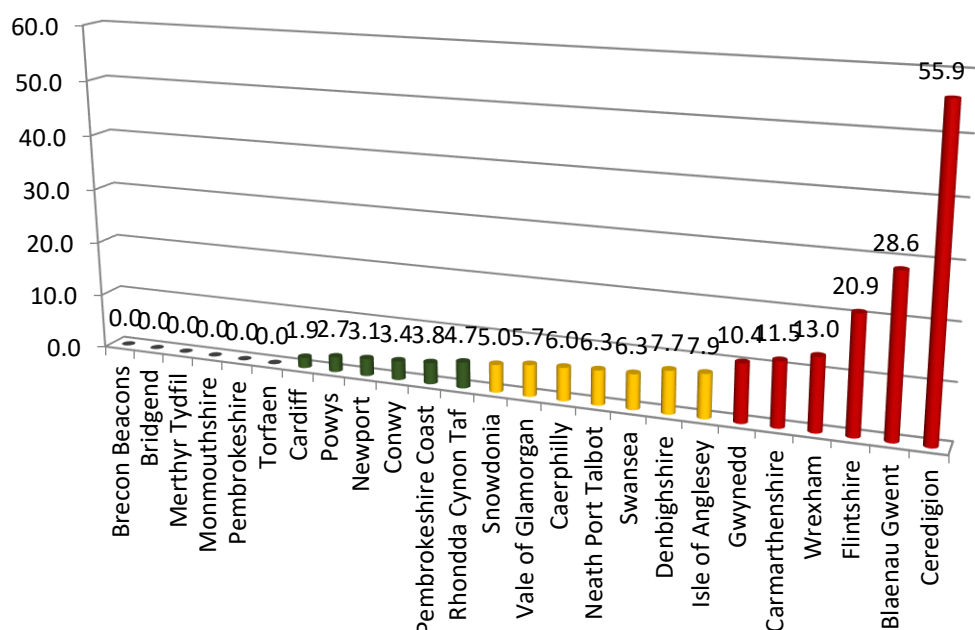
5.3 Following on from the recommendations made by the RTPI study, regulations have been made in relation to the structure and operation of planning committees:

- The size of the planning committee will be a minimum of 11 members and a maximum of 21 members but no more than 50% of the authority members (excluding National Park Authorities due to their lower number of members);
- Where wards have more than one elected member, only one should sit on the planning committee, in order to allow some members to perform the representative role for local community interests;
- A quorum for decision-making (50% of the committee); and
- Prohibit the use of substitute members.

5.4 Alongside the legislative provisions the Welsh Local Government Association and Planning Officers Society Wales produced a National Planning Committee Protocol.

5.5 The overall effect of the changes has been to introduce greater consistency and efficiency in the procedures used to determine planning applications whilst retaining local democratic accountability. This ensures that similar planning applications are

dealt with in the same way. Consistency has improved, however, inconsistent decision making remains evident in some authorities, particularly with regard to overturning officer recommendations. The officer recommendation on applications is based on policy set out in the relevant adopted development plan. This means member decisions contrary to officer advice are also contrary to the adopted plan. This approach undermines public confidence in a plan-led system. In many cases these are approvals, so are not challenged at appeals, as appeals can only be made against refusal of consent, or conditions attached to the grant of consent.



Percentage of Planning Committee decisions made contrary to officer advice 2014-15 – 2018-19

6. Conclusion

6.1 We welcome the Wales Audit Office Report into the Effectiveness of Local Planning Authorities in Wales. The Report confirms our understanding that local planning authorities are under significant pressure in terms of capacity and capability, at a time when the expectations of the public and politicians are high, particularly with regard to implementation of the Wellbeing and Planning Acts. The ability to maintain a good standard of service, at a time of considerably diminished resources is a significant achievement. Corporately, local planning authorities must do more to invest in and strengthen planning services, by ensuring fee income is retained within the planning service, and exploring with renewed vigour the opportunities for formal collaboration provided by the Corporate Joint Committee provisions contained in the Local Government and Elections Bill and through provisions contained within existing planning legislation.

Annex A The main elements of the planning system

Development plans

A.1 Since the Planning and Compensation Act 1991, planning applications and appeals must be determined in accordance with the development plan, unless material considerations indicate otherwise - the plan-led system. The plan-led system provides certainty about what development will, and will not, be acceptable in any given location

A.2 The Planning (Wales) Act 2015 (the Planning Act) broadened the definition of the development plan to include the National Development Framework (NDF), Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

National Development Framework

A.3 The NDF is the spatial representation of Welsh Government policy. It is prepared by Welsh Ministers, drawing together Government policy with spatial implications into one document. When approved, it will supersede the Wales Spatial Plan (WSP). Consultation on the draft NDF took place in 2019. The NDF will be scrutinised by the Senedd and approved by Welsh Ministers later in 2020. The NDF is closely linked to PPW, reflecting the approach to sustainable development through placemaking, and the seven goals and ways of working set out in the Wellbeing of Future Generations Act 2015 (the Wellbeing Act).

Strategic Development Plans

A.4 The Planning Act introduced SDPs to effectively deal with wider than local issues, transcending administrative boundaries. SDPs will set the scene and policy context for LDPs. They will follow a similar process to LDPs, including being scrutinised by an independent Inspector through a public examination. The Local Government and Elections Bill includes provisions to mandate Corporate Joint Committees to prepare SDPs.

Local Development Plans

A.5 Local planning authorities have a statutory duty to prepare LDPs, which establish the main framework for development in their areas, and set out the policies against which applications for planning permission are judged. By statute they must contribute to the achievement of sustainable development, and have regard to both the Wales Spatial Plan (until superseded by the NDF), and the local well-being plan. LPAs are required to adopt a Community Involvement Scheme at the beginning of the LDP preparation process, covering both the range and timing of stakeholder engagement, alongside a timetable for preparing the plan. Twenty-two of 24 LDPs have been adopted, with Ynys Mon and Gwynedd Councils sharing an adopted Joint LDP, and a further plan is at the examination stage, leaving only Flintshire Council yet to reach this stage. Two authorities - Snowdonia and Merthyr Tydfil - have recently completed LDP reviews. Eleven authorities are currently undertaking the first review of their plan.

Development management

A.6 Development management delivers the land use strategy set out in the development plan, using a principle that is pivotal within the planning system – that “development” requires planning permission.

A.7 “Development” is defined in the Town and Country Planning Act 1990 as:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change of use of any building or other land”.

A.8 The broad nature of the definition of development means that everything from the largest airport, down to the smallest garden fence or patio, requires planning permission. Development requiring permission falls into one of four categories depending on its size, complexity and potential impact:

- Developments of National Significance
- Major Development
- Local Development
- Permitted Development

Developments of National Significance

A.9 Legislation under the Planning Act 2015 provides for large infrastructure projects to be determined by the Welsh Ministers. The provisions in the Planning Act, and associated subordinate legislation, establish the process for the consenting of Developments of National Significance (DNS). DNS projects include energy projects with a generating capacity of between 10MW and 350MW, all onshore wind generation above 10MW, airports, railway infrastructure, dams and reservoirs,

Major and Local Development

A.10 Local planning authorities are responsible for determining planning applications for major and local development. Applications for major development account for around 3% of all applications. Given their importance both economically and to the public in general, the Planning Act introduced mandatory pre-application consultation for major developments as part of a strategy to ensure a good standard of design is incorporated into such planning applications as early as possible. This is intended to avoid later delays to their determination. Applications for local development are generally dealt with in the same manner as those for major development. Applications by householders to improve their homes account for at least a third of all applications.

Permitted Development

A.11 Some types of development such as a modest extension to a house, or a temporary change in the use of land do not require specific planning consent. Requiring the submission of a planning application would be a waste of resources given the limited planning impacts of such development, so the Welsh Ministers grant a general planning permission, currently set out in the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). Such permission is often referred to as “permitted development rights”. For some permitted development rights such as telecommunication equipment or farm buildings, the developer has to give notice to the local planning authority of their intention to build. The authority can then insist on considering certain details such as siting or appearance – a process referred to as “prior approval”. Authorities also have the power to take away permitted development rights by using an Article 4 Direction.

Enforcement

A.12 Where development requiring planning permission has taken place without the necessary consent, local planning authorities may take enforcement action. Local planning authorities have discretion whether to enforce, but should do so where it is expedient to do so in the wider public interest. Local planning authorities have a range of enforcement powers at their disposal. Non-compliance with enforcement action is an offence. The Planning Act introduced measures to remove opportunities to delay enforcement action.

Annex B The main elements of the building control system

B.1 The building regulations cover procedural requirements before starting building work and functional performance requirements of completed buildings to ensure the health, safety, welfare and convenience of people in and about buildings and the conservation of water, fuel and power.

B.2 The building regulations are administered by Building Control Bodies. Building Control Bodies can be operated by either the public sector (i.e. a local council) or a private company. Council run building control services operate under the generic term of Local Authority Building Control (LABC). Private companies operate under the generic term of Approved Inspector (AI). The enforcement of the building regulations (i.e. where things go wrong) rests solely with local authorities. Approved Inspectors do not have any enforcement powers.

B.3 Local authorities are required to recover their costs in administering the building regulations through charging fees in accordance with the Building (Local Authority Charges) Regulations. The charges are required to be published and should not create a surplus over a three year period. Approved Inspectors can choose their own charging mechanisms and are not required to make them public.

B.4 The building control system, for a local authority, is a much wider concept than compliance with the building regulations, and covers many other functions provided by local authorities regarding buildings, building safety and public safety more generally e.g. enforcement of unauthorised building work, demolitions, dangerous structures, party wall act advice and neighbour disputes. In addition local authorities are required to undertake administrative functions in relation to Approved Inspector roles e.g. registering initial notices and dealing with enquiries relating to them and keeping public register of information. These functions are non-chargeable.

Annex C

PLANNING PERFORMANCE FRAMEWORK TABLE - APRIL 2018 TO MARCH 2019																														
	Version: 3														Date: 15/07/2019															
MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE/ TOTAL	Blaenau Gwent	Brecon Beacons National Park	Brigend	Caerphilly	Cardiff	Carmarthenshire	Ceredigion	Conwy	Denbighshire	Flintshire	Gwynedd	Isle of Anglesey	Merthyr Tydfil	Monmouthshire	Neath Port Talbot	Newport	Pembrokeshire	Pembrokeshire Coast National Park	Powys	Rhondda Cynon Taf	Snowdonia National Park	Swansea	Torfaen	Vale of Glamorgan	Wrexham	
Plan making																														
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	73										34																111
Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	<12	13-17	18+	16	23	10	10	64	1	-5	15	7	12					16	2	1	13	16	23		58	13		7		
Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	Yes		No	Yes	Yes	Yes	Yes	No		Yes	Yes	Yes	Yes					Yes	Yes		Yes	Yes		No	Yes		Yes			
LDP review deviation from the dates specified in the original Delivery Agreement, in months	<3		4+	1		1				0	1	1	3					0				1	0			-1				
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes					Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes			
The local planning authority's current housing land supply in years	5+		<5	6	1.3	3.9	3.4	2.3	3.5	3.8	2.2	3.1	1.6	0.0	6.3	6.3	1.1	3.9	5.0	5.6	4.5	1.4	7.0	1.4	3.0	0.0	3.9	5.6	0.0	
Efficiency																														
Percentage of "major" applications determined within time periods required	60+	50.1-59.9	<50	67.8 326 of 481	100.0 10 of 10	100.0 5 of 5	38.1 8 of 21	16.7 3 of 18	86.7 39 of 45	39.1 9 of 23	65.2 15 of 23	60.0 9 of 15	93.8 15 of 16	35.3 12 of 34	33.3 3 of 9	55.0 11 of 20	100.0 9 of 9	88.9 8 of 9	75.0 6 of 8	77.3 17 of 22	36.4 4 of 11	100.0 9 of 9	84.1 37 of 44	46.2 12 of 26	0.0 0 of 4	88.4 38 of 43	76.9 10 of 13	81.0 17 of 21	87.0 20 of 23	
Average time taken to determine "major" applications in days				231.8	138.5	251.0	254.5	161.3	160.3	455.8	125.8	113.0	129.3	263.5	136.5	228.3	62.8	65.8	852.0	209.0	150.8	224.0	528.3	127.3	457.3	132.6	164.4	155.8	281.8	
Percentage of all applications determined within time periods required	80+	70.1-79.9	<70	88.1 20871 of 23687	97.3 286 of 294	98.8 575 of 582	80.0 702 of 878	86.4 748 of 866	90.9 2309 of 2541	72.6 886 of 1221	72.9 652 of 894	90.2 798 of 885	91.6 844 of 921	79.3 809 of 1020	85.4 809 of 947	80.9 651 of 805	99.7 329 of 330	88.4 973 of 1101	96.7 734 of 759	87.5 819 of 936	87.0 777 of 893	90.0 450 of 500	90.7 1091 of 1203	91.2 1052 of 1154	75.7 331 of 437	98.5 1873 of 1901	86.6 472 of 545	91.2 1114 of 1221	92.3 787 of 853	
Average time taken to determine all applications in days	<67	67-111	112+	77.2	70.8	62.3	72.5	71.0	67.3	106.3	95.3	62.0	62.0	93.8	65.3	84.0	49.5	86.3	70.5	80.0	58.8	69.0	161.5	74.7	66.8	57.2	91.9	70.0	82.0	
Percentage of Listed Building Consent applications determined within time periods required	80+	70.1-79.9	<70	74.7 582 of 779	100.0 1 of 1	100.0 43 of 43	62.5 10 of 16	73.7 14 of 19	87.7 50 of 57	66.0 31 of 47	61.1 33 of 54	92.5 37 of 40	69.4 25 of 36	35.0 7 of 20	66.7 40 of 60	71.4 25 of 35	100.0 6 of 6	88.6 70 of 79	100.0 4 of 4	75.0 21 of 28	24.1 7 of 29	100.0 18 of 18	81.0 51 of 63	27.3 3 of 11	56.0 14 of 25	83.3 15 of 18	71.4 5 of 7	71.4 25 of 35	96.4 27 of 28	
Quality																														
Percentage of applications determined under delegated powers				94.5	90.5	98.1	96.4	92.3	98.0	93.6	93.4	96.7	94.4	95.8	92.9	90.6	95.5	95.5	97.9	93.2	95.9	94.8	93.9	88.9	95.4	95.8	95.0	97.1	82.9	
Percentage of Member made decisions against officer advice	<5	5-9	9+	9.2 121 of 1310	28.6 8 of 28	0.0 0 of 11	0.0 0 of 32	6.0 4 of 67	1.9 1 of 52	11.5 9 of 78	55.9 33 of 59	3.4 1 of 29	7.7 4 of 52	20.9 9 of 43	10.4 7 of 67	7.9 6 of 76	0.0 0 of 15	0.0 0 of 50	6.3 1 of 16	3.1 2 of 64	0.0 0 of 37	3.8 1 of 26	2.7 2 of 73	4.7 6 of 128	5.0 1 of 20	6.3 5 of 79	0.0 0 of 27	5.7 2 of 35	13.0 19 of 146	
Percentage of appeals dismissed	66+	55.1-65.9	<55	67.7 360 of 532	63.6 7 of 11	33.3 1 of 3	75.0 18 of 24	75.0 12 of 16	68.4 39 of 57	71.4 15 of 21	50.0 4 of 8	58.8 10 of 17	60.0 6 of 10	55.0 11 of 20	68.2 15 of 22	73.7 14 of 19	71.4 5 of 7	46.2 6 of 13	61.5 8 of 13	72.7 24 of 33	61.5 8 of 13	100.0 6 of 6	72.2 13 of 18	66.7 24 of 36	60.0 3 of 5	71.6 68 of 95	90.9 10 of 11	71.4 20 of 28	50.0 13 of 26	
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+	0	1	0	0	1	4	1	0	1	0	0	1	1	0	0	0	1	0	0	1	0	0	0	0	0	0	2
Engagement																														
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
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	Yes	No	Yes	Yes	Yes	Yes	Yes	Partial	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Partial	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
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	80+	70.1-79.9	<70	76.9	97.4	76.4	86.9	92.5	99.5	51.8	99.5	88.1	75.0	62.7	76.5	22.6	78.9	64.5	99.0	82.7	53.6	80.5	85.2	71.1	88.7	72.0	89.3	81.7	77.0	
Average time taken to take positive enforcement action	<100	101-200	200+	166.7	282.3	294.3	21.3	227.5	7.3	No Data	531.5	170.3	147.8	120.3	131.5	197.8	48.5	232.1	136.0	180.8	249.0	331.8	122.0	58.0	198.0	73.0	46.5	76.0	82.0	