

# Merthyr Tydfil LPA

## PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2015-16

### PREFACE

Introduction to the report by the Cabinet Member responsible for the planning service.

*I am delighted to introduce Merthyr Tydfil LPA's Annual Performance Report for the period 2015-16. The ambition for Merthyr Tydfil Council is that the County Borough is more economically prosperous, more vibrant, and a more viable place to live. Planning is acknowledged as being key to this in order to meet the economic, social, cultural and environmental needs of the County Borough so that they reflect local aspirations, provide a basis for rational and consistent decisions and guide growth while protecting local diversity, character and sensitive environments.*

*The report shows that Merthyr Tydfil's Planning service is performing very well and is consistently above the Welsh Average across the range of performance indicators measured.*

Councillor Chris Barry - Cabinet Member for Regeneration, Planning & Countryside

### CONTEXT

Merthyr Tydfil is the smallest local authority in Wales with an area of around 11,100 hectares. Approximately one fifth of the County Borough lies within the Brecon Beacons National Park to the north, leaving some 8,668 hectares of land under the planning control of the County Borough Council.

Merthyr Tydfil has a population of approximately 59,500, of which, approximately 45,000 reside in the main town of Merthyr Tydfil which functions as the main commercial, retail and service centre of the County Borough and the Heads of the Valleys Region. The remainder of the population is distributed amongst eight interdependent settlements situated further south along the Taff and Taff Bargoed river valleys. These settlements contain a range of lower order services and facilities serving local needs. Merthyr Tydfil fulfils a key strategic role at the centre of the Heads of the Valleys region, benefiting from high levels of accessibility through its location at the intersection of the A470 (T) and A465 (T) strategic transport corridors in the north, and the A470 (T) and A472 strategic transport corridors in the south. The County Borough lies just 25 minutes north of Cardiff and the M4 corridor. The dualling of the A465 (T) will contribute to the establishment of an important new growth corridor across the Heads of the Valleys, and electrification of the Valley lines and the Metro will enhance levels of access to Cardiff and beyond.

#### Planning background

The Merthyr Tydfil Local Development Plan was adopted in May 2011 and covers the period from 2006 – 2021. The previous adopted development plan framework in Merthyr Tydfil was provided by:-

The Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991 -2006 (adopted August 1996)

The Merthyr Tydfil Borough Local Plan 1994 – 2006 (adopted May 1999)

The Mid Glamorgan (Merthyr Tydfil County Borough) Minerals Local Plan for Limestone Quarrying (adopted September 1999).

Place and fit within the community strategy and/or wider strategic and operational activity of the authority

The Single Integrated Plan (SIP) for Merthyr Tydfil was revised and approved by the Merthyr Tydfil Local Service Board in October 2015 and is the key overarching plan for the County Borough. The SIP forms part of the process for the local community to debate its own requirements and acknowledges that a partnership approach is essential to effective delivery of its aspirations.

The SIP's Vision for Merthyr Tydfil is: *To strengthen Merthyr Tydfil's position as the regional centre for the Heads of the Valleys, and be a place to be proud of where:*

- *People learn and develop skills to fulfil their ambitions;*
- *People live, work, have a safe, healthy and fulfilled life; and*
- *People visit, enjoy and return.*

The SIP and the LDP are complementary, with the latter expressing in appropriate land use terms, those elements of the SIP that relate to the development and use of land, such as reducing net outward migration, promoting community safety and improving access to facilities / services. The priorities of the SIP are also reflected, where appropriate, in the LDP. For example, a number of the LDP's strategic objectives reflect the supporting principles and priority outcomes of the SIP. The provisions of the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015 mean it is essential for future revisions of the SIP (Local Well-being plans) and the LDP to be developed from a common evidence base, be informed by common assessment processes and be targeted at delivering common objectives.

The Corporate Plan sets out the main priorities for the Council for 2013 – 2017, which are Raising standards, Improving Wellbeing, Economic Growth and Developing a Sustainable Environment. The overall vision of the LDP and its 12 strategic objectives contribute to the ability of the Council to meet these priorities.

The LDP also supports the following corporate plans and strategies:-

Local Housing Market Assessment (2014-2019)

SE Wales Local Transport Plan (2015)

Biodiversity Action Plan (2014-2019)

Town Centre Regeneration Strategy – the Big Heart of Merthyr Tydfil (2002)

Merthyr Tydfil Town Centre Strategic Review (2009)

Existing and previous major influences on land use (e.g. heavy industrial, agricultural, energy, transport)

The historical development of Merthyr Tydfil has been heavily influenced by the location and exploitation of mineral resources. There are a number of resources that continue to be worked within the County Borough as well as further reserves of coal and sandstone. In relation to the former, there are extant permissions for coal extraction at the Ffos-y-Fran land reclamation scheme on the eastern flank of the Merthyr Tydfil basin, which will restore over 900 acres of derelict land over a 15 year period up to 2024; limestone extraction at the Vaynor Quarry located to the north of the main Merthyr Tydfil settlement straddling the boundary of the Brecon Beacons National Park; and sandstone extraction at the Gelligaer Quarry situated to the east of the County Borough near Gelligaer Common.

#### Historic/landscape setting of the area, including AONBs, conservation areas etc

The County Borough benefits from a rich and distinctive natural heritage which includes highly valued landscapes and biodiversity sites. The landscape of the countryside is primarily characterised by steeply sloping valley sides with their high ridges and open moorland. Much of this landscape has, however, been modified through human activity over the centuries and this is reflected in two historic landscape designations, namely the Merthyr Tydfil Landscape of Outstanding Historic Interest and the Gelligaer Common Landscape of Special Historic Interest. Two thirds of the County Borough is semi-natural in character. It consists of a complex array of landscape types including open moorland, common land, broad-leaved and coniferous woodlands, agriculturally productive land, semi-improved grassland, old industrial landscapes and reclaimed areas. Merthyr Tydfil benefits from a range of environmental resources with a number of sites identified as having particular biodiversity and / or nature conservation importance. These include a Local Nature Reserve, two Sites of Special Scientific Interest and numerous Sites of Importance for Nature Conservation. The built fabric of the Merthyr Tydfil reflects a rich heritage ranging from imposing bridges and viaducts to more humble workers cottages. The County Borough has 8 Conservation Areas, over 230 Listed Buildings and 50 Scheduled Ancient Monuments.

#### Urban rural mix and major settlements

The County Borough comprises of a mix of urban, semi-urban and rural communities situated in a rich and varied natural, semi-natural and historic environment containing exceptional wildlife habitats, historic landscapes and archaeological features. The steeply sloping valley sides with their high ridges and moorland vegetation define the character of the area and provide an environmental and ecological context for the settlements of the County Borough.

Being the smallest authority in Wales, the number of towns and villages is limited with many settlements serving a mainly residential role, as such the LDP divides the County Borough into three distinct zones, namely the Primary Growth Area, comprising the northern sector which includes the main town centre of Merthyr Tydfil; the Secondary Growth Area, comprising the southern sector communities and the Other Growth Areas comprising the mid valley communities.

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

The primary aim of the adopted LDP is to facilitate a reduction in levels of out migration from the County Borough so that population levels stabilised by 2011 and a 10-year period of enhanced growth is achieved thereafter.

The 2011 Census data revealed that the first five years of the plan period had seen a significant level of population growth, from 56,627 in 2006 to 58,851 in 2011. This period also saw 1047 homes built in the County Borough, a much higher level of house building than there had been in the previous 20 years.

The population increase was primarily due to an increase in migration although there were also changes to the data for natural change (births and deaths). The 2011 based WG projections showed the population of the County Borough increasing to 62,316 by 2031, with the number of households increasing from 24,882 to 26,090. If this trend was used as a basis for any subsequent LDP strategy there would be an approximate housing requirement of approximately 1200-1400 dwellings, or 80-100 dwellings per annum. The 2014 based WG projections (recently published), show the population increasing slightly to nearly 59,400 in 2024, but then declining back to 59,000 at 2031.

## **PLANNING SERVICE**

### Setting within the wider organisation

- Following a senior management re-structure in February 2015 the Authority is split into two directorates namely People and Performance and Place & Transformation. The current Authority reporting structure takes the form of Chief Executive, Deputy Chief Executive, two Chief Officers in each Directorate with heads of service sitting below. This reporting structure was introduced in the summer of 2016 and updated organisation charts have not yet been produced.
- Planning sits within the Place and Transformation Directorate, reporting to the Corporate Director of Place & Transformation. The Place & Transformation Directorate also includes Regeneration, Neighbourhood Services (inc Property & Estates), Finance, Corporate Services and Public Protection & Housing.
- The Planning & Countryside Department includes the following services: Development Control, Planning Policy & Implementation (including Development Plan, Built Heritage & Conservation, Landscape, Ecology & GIS) and Building Control which are all headed up by the Head of Planning & Countryside.
- Following an Authority wide accommodation reorganisation in 2012 all the services that report to the Head of Planning and Countryside now sit in the same office. The Head of Service is supported by three Group Leaders who have line management responsibility for Development Control, Policy & Implementation and Building Control respectively. The Planning & Countryside service is supported by three technical support / registration staff who sit within the same office.

### Wider organisational activities impacting on the service

- The Council operates a transformation board, where identified efficiencies are reported on and monitored, the board consists of senior managers and Cabinet members and Service Heads are called to the transformation board to report on progress in delivering the savings.

Consultants carried out a Council wide value for money review in early 2015 but no meaningful results have been identified. At the end of 2014/15 and 2015/16 a 5% Directorate levy was imposed on each service area within the directorate in order to balance overspend in other areas.

- In order to meet the budget savings, other departments who support the planning service such as IT have reduced staff hours which has resulted in a reduced level of service directly affecting customer service in areas such as online access to planning applications etc, in addition the relationship with the IT/data base providers has suffered due to a change of roles in IT and their response rate is noticeably slower. The support now received is reactive rather than proactive which can be a hindrance to planning service delivery improvements. Similarly the Environmental Health service has suffered reduced resources and as a result do not contribute or engage with the pre-app process which is a disadvantage to both developers and the comprehensiveness of the Planning division's response.

#### Operating budget

<b>Planning application fee income</b>	2012-13	2013 - 14	2014 - 15	2015- 16
Projected Income	£297,470	£314,470	£314,470	£192,000
Actual Income	£315,059	£160,710	£180,000	£266,043

Over the last two years, two f/t posts have been reduced to p/t, one in the policy section and in DC. The inquiry & appeals DC budget, was reduced by 50% in 2015 on the basis of the trend for a low number of appeals being received and the limited number of these being dealt with by means of inquiry. Since the reduction of this budget we have needed to commission specialist (agricultural, renewable energy) advice on a number of occasions which has put pressure on this budget.

The level of income received is one factor in setting the following years operating budget, others include requests for growth to accommodate reductions in income targets or specific work streams (i.e. the LDP review, IT provision etc), which to date has accommodated any forward planning or operational activity of the service.

As noted in the table above whilst the income target was exceeded in 2012/13, the actual income received in the following two years was vastly reduced due to the economic climate and latterly the change in PD rights. Historically the income target has been influenced by the preceding year, as a result of failing to meet the income target in both 2013/14 and 2014/15 the target for 2015/16 reduced and was met by month 8 (as a result of 2 solar farm applications). In budget setting for 2015/16, accountants accepted our argument to take a longer term view on the Planning budget looking at the trend over the last 5 years (peaks and troughs).

The service does not retain its fee income in order to re-invest in the service; any additional income received (which from 1<sup>st</sup> Jan 2015 includes pre-app charges) is recovered by the corporate centre in order to offset the net cost of operating the service or reduce overspend in other areas.

### Staff issues

The Planning & Countryside Service is currently fully staffed and has no vacancies. However, in June 2015 the enforcement officer post was reduced as a result of a flexible working request to part time. Fortunately with the support of the Corporate Director an experienced Planning Officer from the Vale of Glamorgan Council was recruited into the other half of the p/t enforcement officer role. As such the service now operates with 2 part time enforcement officers, working on alternative days.

As a result of the re-structuring outlined above, the Planning & Countryside service (excluding Building Control) now consists of 15 full time staff (including the Head of Service, two group leaders and 3 support staff), 2 part time staff and 2 part time job share enforcement officers (equivalent to 1 post)

The Development Control team consists of a total of 5.5 staff comprising the group leader, a principal planning officer, two full time planning officers, one part time planning officer and one enforcement officer (job shared by two people). The planning officers validate their own applications, registration and administration of applications is carried out by the tech support team.

The Planning Policy & Implementation team comprises of the Group Leader, two full time policy officers, one part time policy officer, a conservation officer, an ecologist, a countryside officer, a landscape architect and a GIS officer. The implementation team consists of SPOD's (single points of dependency) and as such operates on a risk management basis when the post holder is on sick or leave. The Conservation post was vacant for 5 months from February 2015 (due to the new post holder having to give 3 months notice) but has been filled since July 2015.

The service therefore lost the equivalent of two part time posts during 2014/15, fortunately these were realised through voluntary reduction in hours so no redundancies have been made.

The Planning & Countryside Service Plan, which is reviewed annually, includes a workforce plan and succession plan, where skill shortages, development needs and strength areas are identified. 80% of planning officers are full RTPI members and the remaining 20% are encouraged to progress from licentiate members to full members. The Council does not pay for employee's membership of professional bodies. The departments training budget, whilst limited has not been reduced over the last three years as the importance of training and staff development is valued highly in such a small service area so as to remain resilient and high performing, in this respect the free training sessions recently facilitated by both Welsh Government and RTPI Cymru are welcomed and the opportunity for staff to attend is always taken. Monthly 1:1's and team meetings are an opportunity for both the employee and line manager to identify training needs. Staff have recently been supported through ILM qualifications using RCTCBC's training resources, and the Council is currently developing a "management academy" where training on performance & capability, grievance handling, disciplinary etc will be rolled out to all managers.

## YOUR LOCAL STORY

### Workload

2015/16 saw the highest number of applications received for 5 years, an increase of 119 applications on the previous year. The principal planning officer and the group leader determine the more complex applications. In addition to determining applications officers also validate their own applications, stamp and issue decisions, carry out desk duty rota and respond to pre-apps.

	<b>2014/15</b>	<b>2015/16</b>
<b>Applications received</b>	336	455
<b>Applications determined</b>	308	385
<b>% within 8 weeks</b>	93%	97%

Whilst Merthyr Tydfil receives a lower amount of applications than some other authorities, it must be acknowledged that the corresponding number of planning officers dedicated to determining applications is low, being 3 full time and one part time.

It is pleasing to note that performance levels in terms of the speed of determining planning applications were maintained during 2015/16 despite the increase in application numbers and continued to be well above the Welsh Average, sitting first in the table in all four quarters throughout the year. This is attributed to the team spirit instilled, management constantly seeking to improve efficiency and processes and the flexibility of officers in covering for colleagues. Managing customer service and expectations during this time was identified as being of utmost importance from the outset.

The number of enforcement complaints received has reduced gradually over the last 3 years, which was a contributory factor to the decision to reduce the level of enforcement staff. It is noted that 9% of all applications received in 2015/16 were as a result of enforcement investigations and the enforcement indicators at Section 5 of this report highlight that a good level of performance is being provided.

The LDP was adopted in May 2011, Annual Monitoring Reports (AMR) have been submitted to Welsh Government in each of the years following adoption, the latest AMR submitted is attached at Appendix 1. The first review report will be submitted to Welsh Government in spring 2016.

### Service Priorities 2015/16

- Maintain performance above the Welsh average.
- Maintain the percentage of enforcement cases resolved in 12 weeks.
- Adoption of the Open Spaces Strategy. The strategy aims to bring parity of provision of open space to all; in providing for healthy lives, a well-cared for environment and a vibrant economy.
- To introduce improved visual presentation of information to committee in order to aid the decision making process

## Local pressures

- Mineral applications – The LPA currently has an SLA with Carmarthenshire to determine its minerals applications and related work, however if that service was withdrawn or the Planning service budget was cut, service delivery would be affected as the work would have to be dealt with by officers without the appropriate skills and experience.
- Reliance on the principle planning officer to deal with the major and complex applications.
- Officers not being trained or equipped to deal with new types of renewable energy in advance of applications being submitted.
- Monitoring compliance of conditions and major site restoration at Ffos y fran land reclamation site.

## Performance Framework

It is pleasing to note that Merthyr Tydfil continue to perform above the Welsh average in every indicator (housing land supply is beyond our control). Feedback from customers (as detailed in the following section) is very encouraging and is recognition of the efforts invested in improvements to customer service and delivery of the planning service overall.

The only two identified areas for improvement (set out in Annex A) are the same as last year and relate to:-

- i) The local planning authority's current housing land supply in years, and*
- ii) The local planning authority does not allow members of the public to address the Planning Committee*

- i) This indicator is largely beyond the control of the LPA. Whilst we can allocate housing sites and determine applications quickly, it is the housebuilders and landowners that are responsible for and have the ability to deliver houses on the ground. Market forces and the economic conditions dictate finance and mortgage availability

Based on the residual method the LPA has a housing land supply of 1.6 years. Based on past build rates it has a capacity of 5.49 years.

In an attempt to address the level of houses built in the County Borough, the Council has used funding from the Welsh Government's Vibrant and Viable Places (VVP) programme in order to increase levels of confidence over the delivery of housing sites by securing outline planning permission on allocated sites and commissioning a significant amount of survey work. It is anticipated that by carrying out survey work (site investigations, ecology surveys etc.), prior to the submission of applications, potential developers will have more certainty in regard to the level of risk on site; in turn increasing the attractiveness of these sites to housebuilders.

- ii) The Council's Constitution does not allow members of the public to address the planning committee, as such in order to address this Council would need to support a change to the Constitution. A Councillor workshop was held in early 2016 to respond to the WLGA consultation on Planning Committee's, where there was general support for public speaking



at Committee. The outcome of the consultation is awaited before steps are taken to amend the Council's constitution to allow public speaking.

## WHAT SERVICE USERS THINK

In 2015-16 we conducted a customer satisfaction survey aimed at assessing the views of people that had received a planning application decision during the year.

The survey was sent to 117 people, 16% of whom submitted a whole or partial response. The majority of responses (58%) were from local agents. 26% were from members of the public. 11% of respondents had their most recent planning application refused.

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

- Strongly agree;
- Tend to agree;
- Neither agree nor disagree;
- Tend to disagree; and
- Strongly disagree.

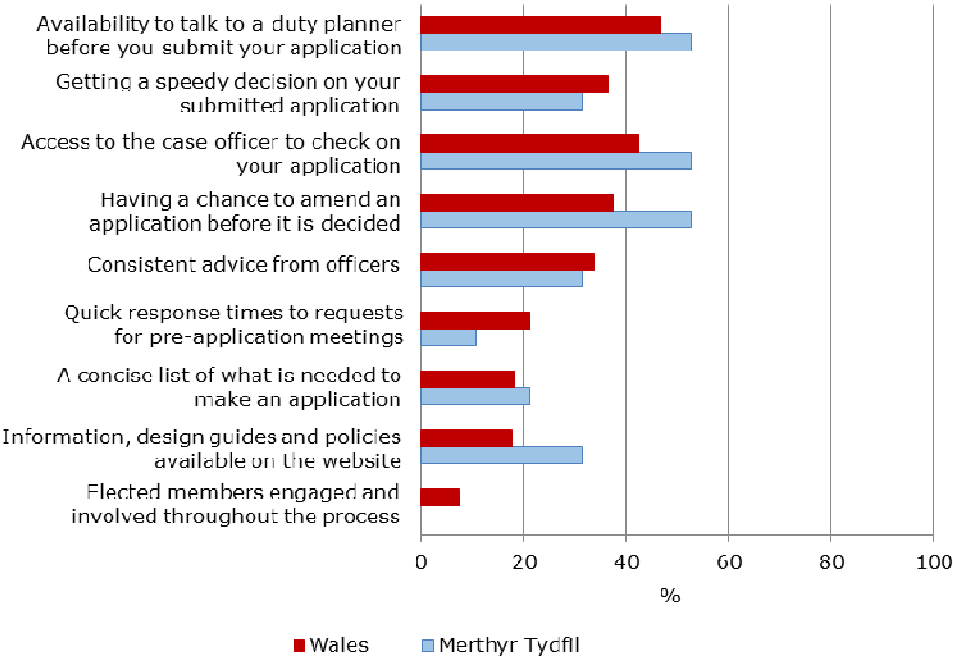
Table 1 shows the percentage of respondents that selected either 'tend to agree' or 'strongly agree' for each statement for both our planning authority and Wales.

**Table 1: Percentage of respondents who agreed with each statement, 2015-16**

Percentage of respondents who agreed that:	%	
	Merthyr Tydfil LPA	Wales
The LPA enforces its planning rules fairly and consistently	59	47
The LPA gave good advice to help them make a successful application	76	58
The LPA gives help throughout, including with conditions	69	49
The LPA responded promptly when they had questions	94	58
They were listened to about their application	76	57
They were kept informed about their application	67	49
They were satisfied overall with how the LPA handled their application	72	61

We also asked respondents to select three planning service characteristics from a list that they thought would most help them achieve successful developments. Figure 1 shows how often each characteristic was selected as a percentage of the total number of selections.

**Figure 1: Characteristics of a good planning service, Merthyr Tydfil LPA, 2015-16**



Comments received include:

- “The planning officer who dealt with my application was excellent. As I am someone who is very inexperienced with the planning permission process, he was consistently helpful and made the process far less painful than it could have been.”
- “We appreciated the continuity and consistency a single case officer offered where several applications on one particular retail development were submitted over a lengthy period. Also ease of communication and access to the case officer was good.”
- “Costs for planning are rising and I question if they reflect officers time or a requirement on behalf of local authorities to raise additional revenue.”

## OUR PERFORMANCE 2015-16

This section details our performance in 2015-16. 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

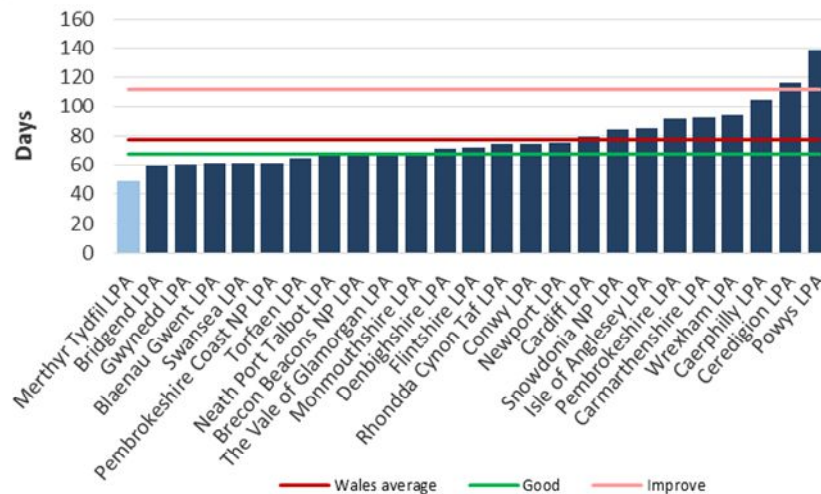
As at 31 March 2016, we were one of 22 LPAs that had a current development plan in place. We are required to submit an Annual Monitoring Report in October 2016. This document has been prepared.

During the APR period we had 1.6 years of housing land supply identified, making us one of 17 Welsh LPAs without the required 5 years supply.

### Efficiency

In 2015-16 we determined 385 planning applications, each taking, on average, 48 days (7 weeks) to determine. This compares to an average of 77 days (11 weeks) across Wales. Figure 2 shows the average time taken by each LPA to determine an application during the year.

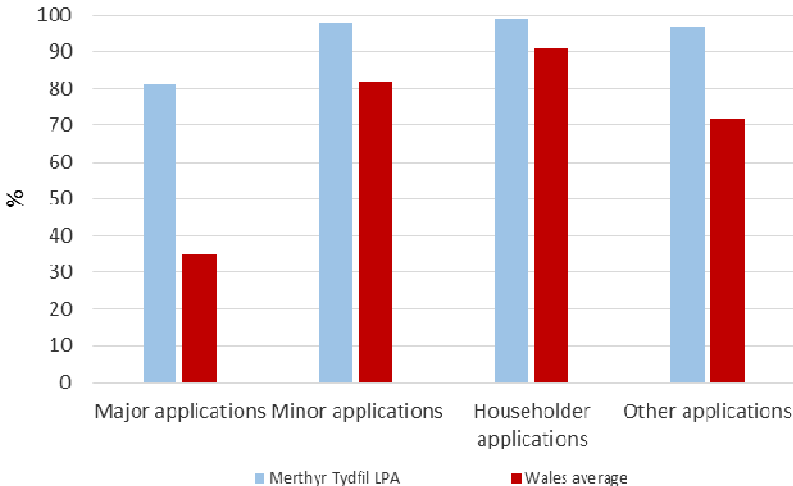
**Figure 2: Average time taken (days) to determine applications, 2015-16**



97% of all planning applications were determined within the required timescales. This was the highest percentage in Wales and we were one of 8 LPAs that had reached the 80% target.

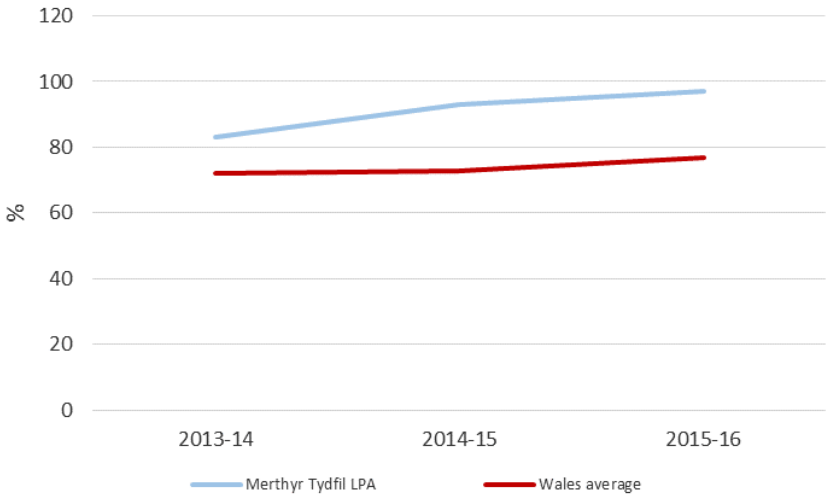
Figure 3 shows the percentage of planning applications determined within the required timescales across the four main types of application for our LPA and Wales. It shows that we determined 99% of householder applications within the required timescales.

**Figure 3: Percentage of planning applications determined within the required timescales, by type, 2015-16**



Between 2014-15 and 2015-16, as Figure 4 shows, the percentage of planning applications we determined within the required timescales increased from 93%. Wales also saw an increase this year.

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



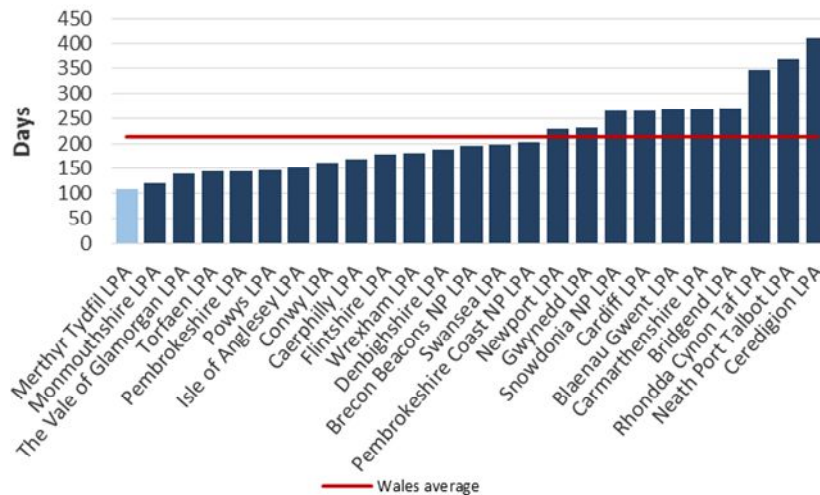
Over the same period:

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

### Major applications

We determined 16 major planning applications in 2015-16, none of which were subject to an EIA. Each application took, on average, 108 days (15 weeks) to determine. As Figure 5 shows, this was the shortest average time taken of all Welsh LPAs.

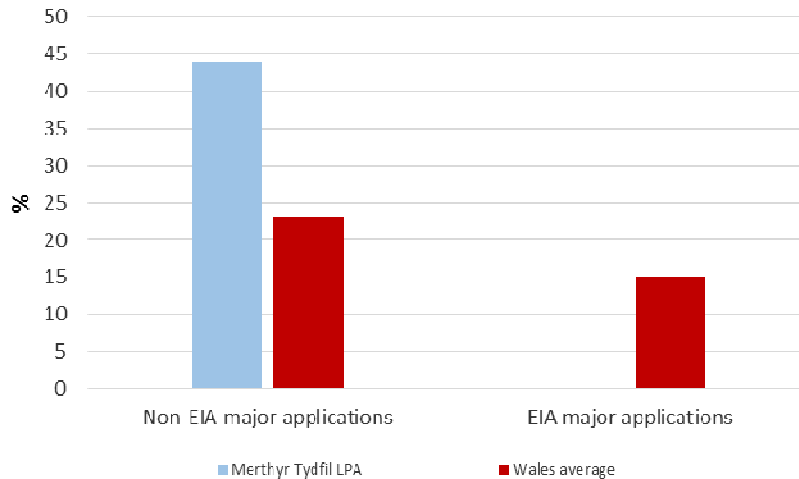
**Figure 5: Average time (days) taken to determine a major application, 2015-16**



81% of these major applications were determined within the required timescales, the highest percentage of all Welsh LPAs.

Figure 6 shows the percentage of major applications determined within the required timescales by the type of major application. 44% of our 'standard' major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

**Figure 6: Percentage of Major applications determined within the required timescales during the year, by type, 2015-16**

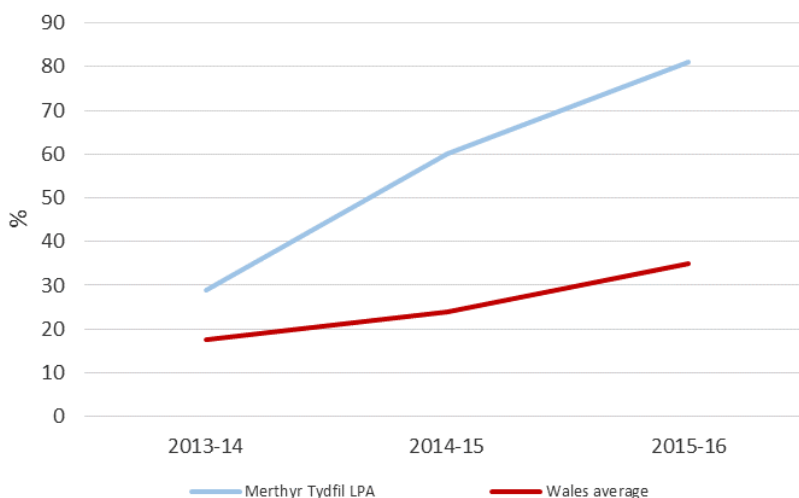


In addition we determined 6 major applications that were subject to a PPA in the required timescales during the year.

Since 2014-15 the percentage of major applications determined within the required timescales had increased from 60%. Similarly, the number of major applications determined increased while the number of applications subject to an EIA determined during the year stayed the same.

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

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



Over the same period:

- The percentage of minor applications determined within the required timescales increased from 93% to 98%;

- The percentage of householder applications determined within the required timescales increased from 97% to 99%; and
- The percentage of other applications determined within required timescales increased from 96% to 97%.

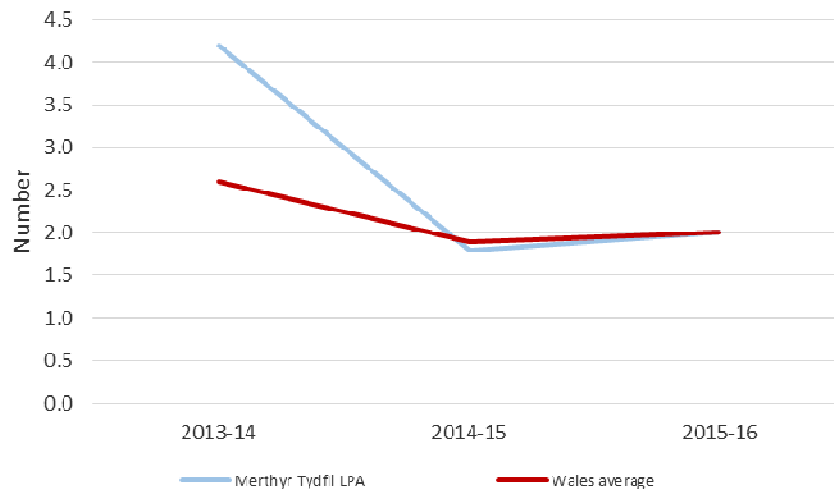
## Quality

In 2015-16, our Planning Committee made 29 planning application decisions during the year, which equated to 8% of all planning applications determined. Across Wales 7% 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. This equated to 0% of all planning application decisions going against officer advice; 0.6% across Wales.

In 2015-16 we received 9 appeals against our planning decisions, which equated to 2 appeals for every 100 applications received. Across Wales 2 appeals were received for every 100 applications. Figure 8 shows how the volume of appeals received has changed since 2014-15 and how this compares to Wales.

**Figure 8: Number of appeals received per 100 planning applications**

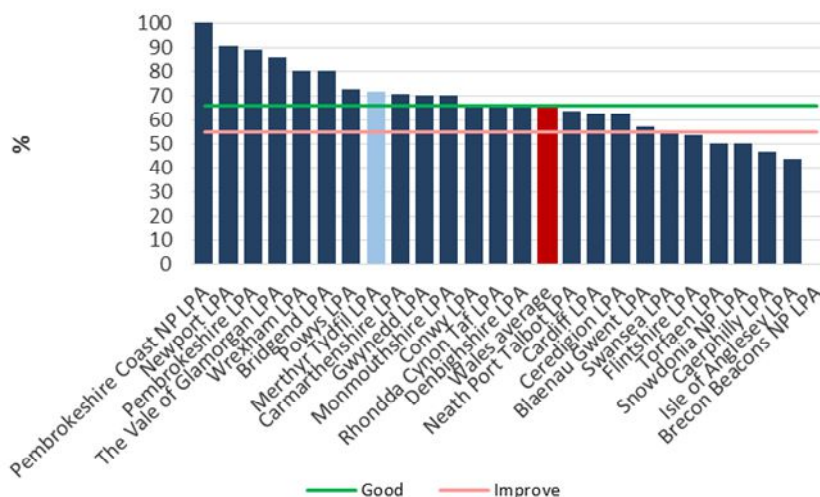


Over the same period the percentage of planning applications approved stayed the same at 91%.

Of the 7 appeals that were decided during the year, 71% were dismissed. As Figure 9 shows, this was higher than the percentage of appeals dismissed across Wales as a whole and we were one of 14 LPAs that reached the 66% target.



**Figure 9: Percentage of appeals dismissed, 2015-16**



During 2015-16 we had no applications for costs at a section 78 appeal upheld.

### Engagement

We are:

- the only LPA that did not allow members of the public to address the Planning Committee; and
- one of 20 LPAs that had an online register of planning applications.

As Table 2 shows, 76% of respondents to our 2015-16 customer satisfaction survey agreed that the LPA gave good advice to help them make a successful application.

**Table 2: Feedback from our 2015-16 customer satisfaction survey**

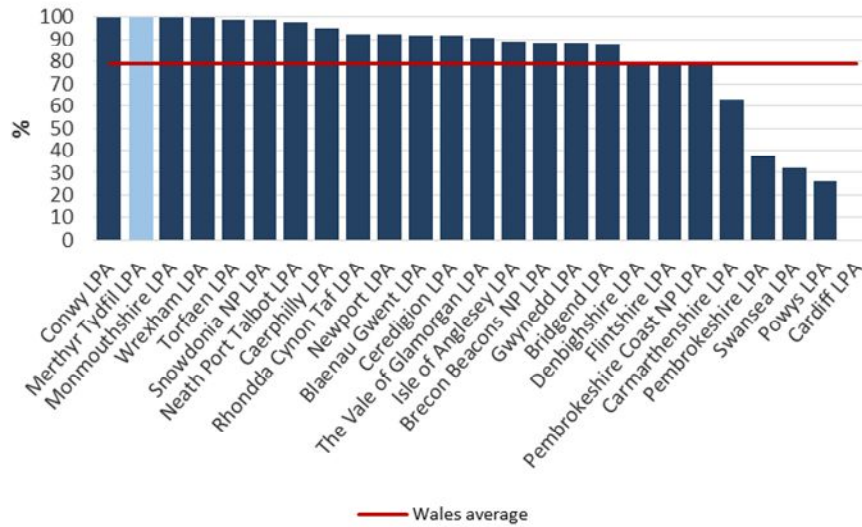
Percentage of respondents who agreed that:	%	
	Merthyr Tydfil LPA	Wales
The LPA gave good advice to help them make a successful application	76	58
They were listened to about their application	76	57

### Enforcement

In 2015-16 we investigated 223 enforcement cases, which equated to 3.8 per 1,000 population. This was the second highest rate in Wales. We took, on average, 3 days to investigate each enforcement case.

We investigated 100% of these enforcement cases within 84 days. Across Wales 79% were investigated within 84 days. Figure 10 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

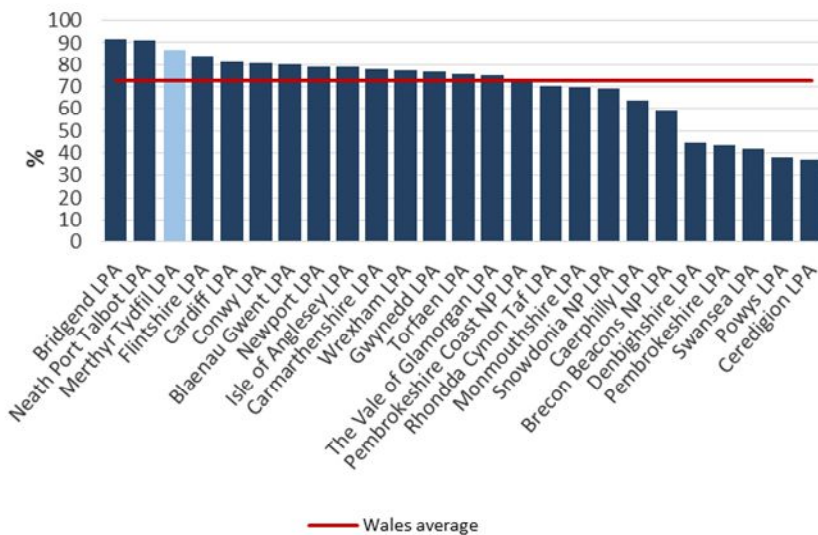
**Figure 10: Percentage of enforcement cases investigated within 84 days, 2015-16**



Over the same period, we resolved 189 enforcement cases, taking, on average, 89 days to resolve each case.

87% of this enforcement action was taken within 180 days from the start of the case. As Figure 11 shows this was the third highest percentage in Wales

**Figure 11: Percentage of enforcement cases resolved in 180 days, 2015-16**



**ANNEX A - PERFORMANCE FRAMEWORK**

**OVERVIEW**

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	Merthyr Tydfil LPA LAST YEAR	Merthyr Tydfil 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+	47	N/A	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	3.9	2.5	2.8
<b>Efficiency</b>						
Percentage of "major" applications determined within time periods required	Not set	Not set	Not set	35	60	81
Average time taken to determine "major" applications in days	Not set	Not set	Not set	213	53	108
Percentage of all applications determined within time periods required	>80	60.1-79.9	<60	77	93	97

MEASURE	GOOD	FAIR	IMPROVE
Average time taken to determine all applications in days	<67	67-111	112+
<b>Quality</b>			
Percentage of Member made decisions against officer advice	<5	4.9-8.9	9+
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2
<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>			

WALES AVERAGE	Merthyr Tydfil LPA LAST YEAR	Merthyr Tydfil LPA THIS YEAR
77	50	48
9	0	0
66	80	71
0	0	0
Yes	No	No
Yes	Yes	Yes
Yes	Yes	Yes

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	Merthyr Tydfil LPA LAST YEAR	Merthyr Tydfil LPA THIS YEAR
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	Not set	Not set	Not set	79	82	100
Average time taken to investigate enforcement cases	Not set	Not set	Not set	88	4	3
Percentage of enforcement cases where enforcement action is taken or a retrospective application granted within 180 days from the start of the case (in those cases where it was expedient to enforce)?	Not set	Not set	Not set	73	93	87
Average time taken to take enforcement action	Not set	Not set	Not set	210	75.5	89

**SECTION 1 – PLAN MAKING**

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

Authority’s performance	Yes
<p>The Merthyr Tydfil Local Development Plan (2006-2021) was adopted in May 2011 and remains extant.</p> <p>Work has commenced on the preparation of a replacement LDP which will cover the period from 2016 to 2031 following approval of the review report by Council in April 2016.</p>	

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

Authority’s performance	N/A
N/A	

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

Authority’s performance	Yes

Annual monitoring reports have been produced and submitted every October since the adoption of the LDP in May 2011.

Indicator	04. The local planning authority's current housing land supply in years	
<b>"Good"</b>		<b>"Improvement needed"</b>
The authority has a housing land supply of more than 5 years		The authority has a housing land supply of less than 5 years

Authority's performance	1.6
<p>The 2015 Joint Housing Land Availability Study shows a housing land supply of 1.6 years, which represents a decrease on the 2.8 years reported in 2015.</p> <p>Using the past build rates calculation, the Council has a housing land supply of 5.49 years.</p> <p>The planning system allocates housing sites and assists their delivery through prompt decision making, however the implementation and rate of delivery is within the gift of the house builder and land owner.</p>	

## SECTION 2 - EFFICIENCY

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

Authority's performance	81
<p>80% of major applications determined during this period were the subject of pre-application negotiations. This process enabled applications to be submitted with the necessary supporting reports, a scheme that had been agreed in principle and, if necessary, section 106 obligations established and a draft agreement prepared.</p> <p>Internal processes enable the application to be registered and transferred to the case officer within a short period of time (3 days). A planning committee is targeted which provides the best possible opportunity for the application to be determined in 8 weeks.</p> <p>This contributes to the reason why our performance is again this year way above the Welsh average of 35. Continued refinement of processes have resulted in a 21% improvement on last</p>	

year and demonstrates the high level of service provided.

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

Authority's performance	108
<p>In order to determine major applications as quickly as possible there needs to be commitment, trust and a good working relationship between the local planning authority (and other relevant lead officers of the Council) and the applicant and/or agent. A productive, informative, detailed and speedy pre-application process is an essential part of the process which improves both the quality of the application and speed of performance.</p> <p>Effective and consistent registration processes enable planning officers to start assessing the application (i.e. site visits etc) shortly after the application has been validated and registered.</p> <p>Since all major applications have to be reported to The Planning, Regulatory and Licensing Committee, the working relationship between officers and all Councillors (whether members of the committee or not) is open, honest and effective. This is reflected in the fact that <b>all</b> of the applications reported to the Committee in 2015/16 were approved/refused in accordance with the officer recommendation.</p> <p>These measures developed internally contribute to the reason why our performance is again this year way above the Welsh average.</p>	

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

Authority's performance	97
<p>In 2013 the Development Control section carried out a review of all processes and procedures with the main aim to improve service delivery. The consistency and quality of decisions and the speed at which they were delivered formed the main emphasis of the workshops. A new scheme of delegation was also agreed by the Council. The main benefits of the new delegation scheme are that applications submitted by the Council (other than major applications) do not have to be reported the Committee. Likewise those applications (other than major applications) which are subject to objections can still be determined under delegated powers.</p>	



This review resulted in refined, new and more efficient processes and procedures. These changes combined with the commitment of planning officers, planning support staff, Councillors and other sections of the Council has not only enabled a significant improvement in performance but also allowed this to be consistently achieved, resulting in Merthyr Tydfil being the top performing local planning authority in Wales in terms of determining applications in 8 weeks.

In addition to the above, weekly team meetings and monthly 1:1's help to resolve those more complex applications early in the decision making process.

This contributes to the reason why our performance is 20% above the Welsh average.

Indicator	08. Average time taken to determine all applications in days	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
Less than 67 days	Between 67 and 111 days	112 days or more

Authority's performance	48
<p>To determine all applications in an average time of just over 7 weeks reflects one of the major aims of the changes to procedures and processes that were introduced in 2013. The changes allow officers to determine application as soon as possible (i.e. following the 21 day statutory consultation/publicity exercises) rather than dealing with applications numerically based on the date they were validated.</p> <p>This performance is above the Welsh average and is consistent with performance last year.</p>	

### SECTION 3 - QUALITY

Indicator	09. Percentage of Member made decisions against officer advice	
"Good"	"Fair"	"Improvement needed"
Less than 5% of decisions	Between 5% and 9% of decisions	9% or more of decisions

Authority's performance	0
<p>Effective communication between planning officers and Councillors and the commitment of members of the Planning, Regulatory and licensing Committee to make decisions that accord with the Local Development Plan has resulted in no decisions being made contrary to officer recommendation.</p>	

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

Authority's performance	71
<p>The pre-application process has helped to provide applicants/agents with sufficient advice to enable them to conclude whether or not to progress with their proposal. Processes and procedures in place also provide sufficient time for officers to seek amendments or alterations to submitted applications to prevent potential acceptable applications being refused. These improvements in service delivery have not only resulted in a reduction in appeals but also helped reduce the number of appeals that are allowed.</p> <p>Having an up-to-date LDP also assists. Performance is again above the Welsh average</p>	

<b>Indicator</b>	<b>11. Applications for costs at Section 78 appeal upheld in the reporting period</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
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>	<b>0</b>
There were no applications for costs in 2015/16.	

**SECTION 4 – ENGAGEMENT**

<b>Indicator</b>	<b>12. 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>	<b>No</b>
<p>The Council’s Constitution does not currently allow members of the public to address the Planning Committee.</p> <p>A Councillor workshop was held during 2015/16 in order to respond to the WLGA consultation on Planning Committees, where the introduction of this was generally supported. The outcome of the consultation is awaited.</p>	

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

<b>Authority’s performance</b>	<b>Yes</b>
<p>A duty planning officer is available Monday to Friday (3 full days and two half days, in order to allow for team meetings) to provide general planning advice both face to face and by telephone. Advice can be provided by a welsh speaking planning officer upon request.</p> <p>Customer feedback informs us that the ability to speak to a planning officer and to be able to contact the case officer is a priority.</p>	

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

<b>Authority's performance</b>	<b>Yes</b>
The Planning division operates an electronic document management system, and all documents are available to view online.	

**SECTION 5 – ENFORCEMENT**

<b>Indicator</b>	<b>15. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

<b>Authority’s performance</b>	100
<p>Merthyr Tydfil has two part-time Enforcement Officers therefore it is essential that they follow set timescales and robustly monitor the enforcement caseload.</p> <p>The size of the Development Control team necessitates an extremely close working relationship between all officers and support staff. The Enforcement Officer attends the weekly team meetings which enables more complex cases to be discussed and a way forward to be agreed. This process, along with regular 1:1’s ensures that enforcement cases can be investigated as quickly as possible.</p> <p>This contributes to the reason why our performance is 20% above the Welsh average and continued refinement of process have resulted in an improvement in last year’s good performance.</p>	

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

<b>Authority’s performance</b>	3
<p>This average time-scale is in accordance with the Councils approved enforcement procedure which is to investigate each enforcement case within 5 days of the date of the complaint.</p> <p>Performance is significantly above the Welsh average of 88 days and is consistent with our performance on last year, confirming that Merthyr Tydfil provides a very good enforcement service.</p>	

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

<b>Authority’s performance</b>	87
<p>9% of all valid planning applications received were those which had been submitted following enforcement investigations, which identifies that a number of enforcement cases are resolved through the submission of a planning application The Enforcement Officers have a pro-active approach to encourage the submission of applications which also involves helping applicants to submit valid applications.</p> <p>This level of performance is consistent with last year and contributes to the reason why our performance continues to be above the Welsh average.</p>	

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

<b>Authority’s performance</b>	89
<p>This performance is a reflection of all the processes and procedures already highlighted in section 5 and the emphasis on both individual and team performance.</p> <p>Performance is significantly above the Welsh average of 210 days, proving that Merthyr Tydfil provides a very high level of service.</p>	

**SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS**

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

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

<b>Authority’s returns</b>	A full response was made in all 4 quarters.



<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>
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<b>Granted (square metres)</b>	
<b>Authority's data</b>	1,450

<b>Refused (square metres)</b>	
<b>Authority's data</b>	0

This indicator provides information on how the Planning system supports economic development to ensure the delivery of development.

The 1450 sqm recorded relates to application P/15/0090 for the construction of a wellbeing centre and offices for Merthyr Valleys Homes.

It should be noted however that it only records new build on allocated sites, and does not therefore pick up vacant buildings brought back into use etc.

<b>Indicator</b>	<b>SD2. Planning permission granted for renewable and low carbon energy development during the year.</b>
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<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>	6

This relates to:

- a 5 MW Solar PV park
- a 0.5MW wind turbine
- a 0.23 MW wind turbine

and demonstrates our contribution to delivering renewable and low carbon energy generation.

<b>Indicator</b>	<b>SD3. The number of dwellings granted planning permission during the year.</b>
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<b>Market housing (number of units)</b>	
<b>Authority's data</b>	211

<b>Affordable housing (number of units)</b>	
<b>Authority's data</b>	9

The planning system facilitates the provision of market and affordable housing to meet local housing requirements.

4% of all dwellings granted planning permission during the year were affordable.

The AMR provides further detailed information on dwellings granted.

<b>Indicator</b>	<b>SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.</b>
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<b>Number of residential units (and also hectares of non-residential units) that DID NOT meet all TAN 15 tests which were GRANTED permission</b>	
<b>Authority's data</b>	0

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

<b>Number of residential units (and also hectares of non-residential units) that MET all TAN 15 tests which were GRANTED permission</b>	
<b>Authority's data</b>	19

Despite a significant amount of land in Merthyr Tydfil being within the floodplain, the data shows that advice is consistently being followed in accordance with TAN15 and PPW.

<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>
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<b>Previously developed land (hectares)</b>	
<b>Authority's data</b>	6

<b>Greenfield land (hectares)</b>	
<b>Authority's data</b>	4

Planning ensures (as far as possible) that previously developed land is used before greenfield sites.

The total amount of development permitted during this period was 26.25ha with 6.92 ha of this total area permitted on previously developed land. This equates to 26% of development being permitted on previously developed land.

This year's data has been distorted by the fact that planning permission was granted for a solar farm which resulted in 15 hectares of development on greenfield land. If this permission was not taken into account, the percentage of development permitted on previously developed land would be 62%.

<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>
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<b>Open space lost (hectares)</b>	
<b>Authority's data</b>	3

<b>Open space gained (hectares)</b>	
<b>Authority's data</b>	0

This indicator measures how the planning system protects existing facilities and provides new open spaces, which provide recreational, environmental and amenity value to communities as well as contributing to the impact of climate change.

Only 0.25 ha of protected open space has been lost. However, since this is located within an allocated site it is considered acceptable.

The Council adopted an Open Space Strategy in 2016. This has proved useful for both pre-application discussions and during the planning application process. The detailed analysis contained within the Strategy has helped provide a solid evidence base to support the raising of objections to proposals that would otherwise entail the loss of open space and also to fulfil the requirement to provide equivalent alternative provision nearby.

<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>
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<b>Gained via Section 106 agreements (£)</b>	
<b>Authority's data</b>	55,000

<b>Gained via Community Infrastructure Levy (£)</b>	
<b>Authority's data</b>	223000

This indicator measures the level of financial contributions agreed for the provision of community infrastructure which supports sustainable development.

£55,000 worth of S106 contributions were secured from residential developments (new build and conversion) during the reporting period/

The Council adopted CIL in 2014 and received income from the erection of a new Lidl store and a town centre conversion.