

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

ANNUAL PERFORMANCE REPORT (APR) **For the period** **1st April 2018 – 31st March 2019**

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PREFACE

I am pleased to introduce Merthyr Tydfil LPA's Annual Performance Report for the period 2018-19. The financial difficulties for Councils continue but without a resilient, resourceful and pro-active Planning Service the economic growth of the County Borough will suffer and its residents and cultural and environmental assets will not be protected from harmful development. The continued close working relationships with our communities and stakeholders will ensure development in the right places and in doing so attract businesses and visitors whilst also boosting population.

It is clear from the evidence within this report and as captured on the 'value of planning' dashboard that the performance of the Planning Service is undoubtedly having a positive impact on delivering these objectives. I am delighted that in the vast majority of the indicators Merthyr Tydfil's Planning Service performance is excellent and is consistently year on year well above the Welsh Average.

Councillor David Hughes- Cabinet Member for Planning and Neighbourhood Services.

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1.0 VALUE OF PLANNING IN MERTHYR TYDFIL (2018/2019)

Value of Planning in Merthyr Tydfil 2018/19

Planning service key data



11 FTE jobs in planning service



387 applications handled



£0.2m collected in fees

LDP Land Safeguarded



5,044 ha Special Landscape Area

117 ha Green Wedge

3,423 ha Local Nature Reserve

154 ha open space



5,880 ha minerals



Residential

150 ha



Retail & leisure

9 ha



Commercial

37 ha



Waste

0 ha

LDP Value

£1.3m uplift value

(based on land allocated for whole plan period)

Value adding policies ✓ 56%

Applications

15 major

258 minor

112 other



0 DCOs dealt with

0 DNS dealt with

6 LBC applications granted

9 refusals appealed

0 judicial reviews

Decisions

✓ 299 approvals (77%)

x 31 refusals (8%)

72 subject to pre app

Refusals

■ Delegated ■ Committee

Approvals

■ Delegated ■ Committee

Permissions

Permissions

■ Consistent with local plan
■ Departures from local plan



Residential

157 units

£5.0m uplift value

9% affordable



Retail & leisure

42,967 m²

£1.3m uplift value



Tourism

0 bedspaces

85 self catering units



Commercial

17,932 m²

£0.2m uplift value



Renewables & other

31 MW

0 tonnes waste

0 tonnes minerals

0 ha remediation

0 ha formal open space

Contributions

Section 106 income

£0.0m

Breakdown

- Training and employment
- Sports and leisure
- Environmental
- Community/cultural
- Formal open space
- Primary health
- Education
- Infrastructure
- Active travel
- Highways
- Affordable housing

CIL income



£9,550 total

Completions



Residential

44 units

36% affordable

£5.2m uplift value

£0.1m council tax



Retail & leisure

1,382 m²

£1.4m uplift value

20 gross FTE jobs

£0.0m business rates p.a



Commercial

1,443 m²

£1.5m uplift value

33 gross FTE jobs

£0.0m business rates p.a



Renewables

0 MW

£0 community benefit



Tourism

45

15 FTE jobs

45 self catering units

Enforcement

137 enforcement complaints

12 planning contraventions

7 enforcement notices

1 breach of condition notices

0 stop notices

0 section 125 notices



Wider indicators



£35,441 spend on consultancy fees



£0 health benefits of affordable housing provision p.a



9 internal consultees



£10,000 recreational benefits from open space created p.a

0 Energy statements

0 EqlAs

1 Environmental statements

0 Travel plans

0 HIAs

5 Transport assessments

In 2018/19 the total value of planning was

£14.9m

SOURCES: Planning function outputs (LPA survey), Land and property value data (JLL estimates), business rates valuations (Valuation Office Agency), employment densities (English Homes & Communities Agency), Council tax rates (Stats Wales), Health benefits from Affordable Housing (Department for Communities and Local Government Appraisal Guide, based on various studies outlined in appraisal databook), Community benefit from renewables (Renewables UK Cymru). Some of the calculations require high level assumptions to convert between units/m2/ha. Where possible, benchmarks have been employed otherwise reasonable assumptions have been used. Business rate, council tax and gross FTE job estimates based on assumption of 100% occupancy and do not factor in any displacement. Numbers of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value adding policies' refers to the proportion of policies the team has identified as adding 'intangible value' that are included in local plans. Approvals and refusals do not sum to 100% due to applications carry across years. The total value of planning only incorporates some of the metrics presented in the dashboard.



ARUP

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2.0 CONTEXT

- 2.1 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.
- 2.2 Merthyr Tydfil has a population of approximately 60,183 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

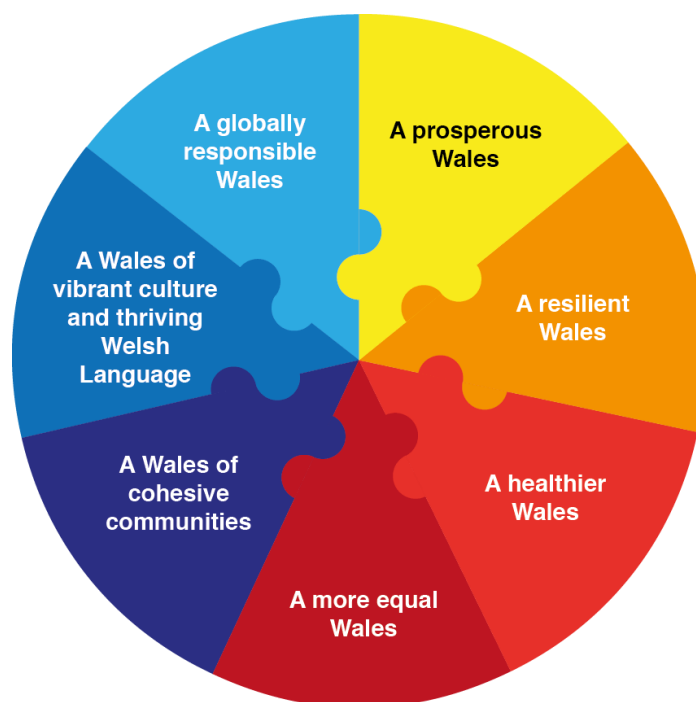
- 2.3 The Merthyr Tydfil Local Development Plan was adopted in May 2011 and covers the period from 2006 – 2021. The Replacement Merthyr Tydfil Local Development Plan (LDP) (2016 – 2031) is currently being prepared.
- 2.4 A ‘Deposit Plan’ for the Replacement (LDP) was submitted to the Ministers of the Welsh Government for independent examination on 21 January 2019, followed by the results of the Focused Changes public consultation on 18 March 2019. Following formal acceptance of the submitted Replacement LDP on 20 March 2019, the Ministers of the Welsh Government appointed Mr Paul Selby BEng (Hons) MSc MRTPI to conduct the independent examination to assess the soundness of the LDP. It is anticipated that the Replacement LDP will be adopted in December 2019/January 2020.

The Wellbeing of Future Generations (Wales) Act 2015

- 2.5 The Cwm Taf Public Services Board (PSB) was established by The Wellbeing of Future Generations (Wales) Act.

‘the Act makes all the public bodies involved think more about the long term, work better with people, communities and each other, look to prevent problems and take a more joined-up approach to its work’.

2.6 The overall aim is for Cwm Taf to contribute to the seven national Well-being goals for Wales:



2.7 In accordance with the Well Being of Future Generations Act, a Wellbeing Plan has been produced by Cwm Taf (PSB). The ambition of the board is to *'work as One Public Service, with communities, to support the development of resilient communities that are informed, connected, active and resourced and have the ability to adapt and influence change and improve well-being'*.

2.8 The Wellbeing of Future Generations (Wales) Act also requires Merthyr Tydfil County Borough Council to set and publish Wellbeing Objectives and to identify how it would work towards meeting those Wellbeing Objectives. Focus on the Future (Wellbeing in our Community) 2017 -2022 was approved by Full Council on 26th July 2017.

2.9 Focus on the Future (Wellbeing in our Community) 2017 -2022, sets the following objectives:

Best Start to Life

- Children get the best start to life.
- Children and young people are equipped with the skills they need to be successful learners and confident individuals.

Working Life

- Making skills work for Merthyr Tydfil: Developing the workforce of the future.
- Developing the environment and infrastructure for business to flourish.

Environmental Wellbeing

- Communities protect, enhance and promote our natural environment and countryside.
- Communities protect, develop and promote our heritage and cultural assets.

Living Well

- Developing safer communities.
- People have good physical and mental wellbeing.
- People live independently.

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

2.10 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

2.11 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.



2.12 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. It should be noted that the Replacement LDP seeks to identify 5 Special Landscape Areas across the County Borough, Local Nature Reserves in each ward and support the implementation of the Open Space Strategy.

2.13 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

2.14 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.

2.15 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 adopted 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

2.16 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.

2.17 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.

2.18 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 2014 based Welsh Government (WG) population projections (published 2016) show the population increasing

slightly to nearly 59,400 in 2024, but then declining back to 59,000 at 2031. It is worth noting that the most recent Mid-Year Population estimate from WG shows the population at 60,183 in 2018, an increase of 230 people from the previous year.

3.0 PLANNING SERVICE

Setting within the wider organisation

- 3.1 The structure of the Local Authority is the Chief Executive supported by four Chief Officers heading up Education, Social Services, Community Regeneration and Planning & Neighbourhood Services.
- 3.2 Planning sits within the Place and Transformation Directorate, which also includes Estates, Engineering and Fleet as well as the Neighbourhood Services which comprise of Waste, Highways, Street Cleansing, Parks, Cemeteries and Grounds Maintenance.
- 3.3 The Planning & Countryside Department includes the following services: Development Control, Planning Policy, Countryside and Building Control which are all lead by the Chief Officer Planning and Neighbourhood Services.
- 3.4 The Chief Officer is supported by three Group Leaders who have line management responsibility for Development Control (including Enforcement and Conservation), Planning Policy (including GIS officer) and Building Control respectively. The department is supported by three technical support/registration staff who sit within the same office. Also within the department are an Ecologist, Landscape Architect and Biodiversity Officer who are managed directly by the Head of Service.

Wider organisational activities impacting on the service

- 3.5 The impact of ten years of austerity continues to be felt both directly and indirectly by the Planning Division, as savings and staff reductions in other departments contribute to the ability of the Planning Division to deliver its functions. A significant number of experienced and senior officers have left the organisation which has resulted in knowledge vacuums.

Operating budget

Table 1: Projected and actual income

Planning application fee income	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Projected Income	£297,470	£314,470	£314,470	£192,000	£192,000	£192,000	£192,000
Actual Income	£315,059	£160,710	£180,000	£266,043	£171,875	£234,101	£172,921

- 3.6 Table 1 indicates the clear fluctuations in the level of income received each year. Unsurprisingly these variations correspond to the economic climate at that time and

uncertainties in the market. Due to these peaks and troughs, the budget is set by considering the trend over the previous 5 years.

- 3.7 The service does not retain its fee income in order to re-invest in the service; any additional income received 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

- 3.8 The Planning and Countryside Service is currently fully staffed, with the Group Leader Policy being seconded for 2 years. The service now consists of 15 full time staff.
- 3.9 The Development Control team consists of a total of 8.5 staff comprising the group leader, a principal planning officer, two full time planning officers, a conservation officer, one part time planning officer and one enforcement officer (job shared by two people). The planning officers validate their own applications and carry out front desk duty, registration and administration of applications is carried out by two technical support staff..
- 3.10 The Planning Policy team comprises of 3.5 staff - the Group Leader, two full time policy officers, one part time policy officer.
- 3.11 The Countryside team (Ecologist, Landscape Architect and Biodiversity Officer) 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.
- 3.12 The departments training budget, whilst limited has not been reduced over the last five 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. The Council offers management training courses. There are also opportunities in house for staff to take advantage of professional development training. For example, specialist officers (e.g. Conservation Officer and Ecologist) provide short seminars to enable staff to enhance their knowledge of specific topic areas.
- 3.13 The department is also represented on national (Planning Officers Society for Wales) and regional groups (e.g. the South Wales Development Managers Group and the South Wales Enforcement Group). These groups provide excellent opportunities for sharing experiences/knowledge, problem solving and undertaking tasks to improve/change specific aspects of the planning process. The ultimate aim is to provide consistency and make the planning process more efficient and easier to engage for all users. The groups often invite specialist officers of various organisations (e.g. from Welsh Water, Natural Resources Wales, Welsh Government, Planning Inspectorate etc.) to the meetings in order to discuss specific topic areas in an attempt to find solutions to existing problems.
- 3.14 Development Control officers have also learnt and adapted their skills to take account of the lack of certain specialist officers e.g. Urban Design Officer, Tree Officer etc. within the

Authority.

4.0 LOCAL STORY

Workload

- 4.1 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-application enquiries.

Table 2 – Applications received/determined and 8-week determination figures.

	2014/15	2015/16	2016/17	2017/18	2018/19
Applications received	336	455	387	377	387
Applications determined	308	385	362	323	330
% within 8 weeks	93%	97%	99%	100%	99.7%

- 4.2 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.
- 4.3 The performance level, in terms of the speed of determining planning applications, has been extremely consistent in the last five years (see table 2). Performance has continued to be well above the Welsh Average, and in three out of the four quarters in 2018/19 Merthyr Tydfil were first in the Welsh Government Development Management Quarterly Survey (joint second in the other quarter). Statutory and non-statutory pre-application enquiries have also impacted workload (see Table 3). However, the number of pre-application enquiries received (both statutory and non-statutory) is consistent with the previous year and is again encouraging. The vast majority of agents/architects/applicants who engage in this process find it helpful which is evidenced by further engagement in other schemes and better quality applications which can be determined quicker.

Table 3 – Pre-application enquiries (received)

	2017/18	2018/19
Statutory	48	48
Non-statutory	27	24

- 4.4 The enforcement indicators at Section 5 of this report highlight that a fair/good level of service is being provided. It is noted that 26% of all enforcement complaints in 2018/19 resulted in the submission of a planning or other application. This is an increase of 11% since 2017/18.
- 4.5 There were no ombudsman complaints in 2018/19 and the department received no formal complaints.

4.6 The service priorities and local pressures are as follows:

Service Priorities 2019/20

- To continue to be in the top quartile of best performing LPA's in terms of determining applications within 8 weeks.
- To ensure 80% of enforcement cases are investigated in 84 days or less.
- To assess (and if necessary recommend changes) to the Planning Committee process/procedures. In 2018/19 50% of all applications reported to Committee were deferred for a Fact Finding Site Visit. This compared to only 12.5% of applications being deferred for site visits in 2017/18. This clearly causes delay in the determination of applications and frustration and potential loss of income to agents/applicants. Likewise holding the Committee at 5.00pm causes problems due to occasional clashes in the four week cycle with Full Council. This results in the Planning Committees being held up to six weeks apart. A Planning Committee starting earlier in the day would ameliorate this problem.
- Attendance of Members at Planning Committee is also a concern. Only one Committee in 2018/19 had the full complement (11) of Members.
- Topic related and other focused training for Councillors.

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.
- Monitoring compliance of conditions and major site restoration at Ffos y Fran land reclamation site.
- Although the new administration has a majority, it is very slender. This leads to a degree of uncertainty in the decision making process.

Performance Framework

4.7 Merthyr Tydfil has again performed 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.

4.8 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*

4.9 This indicator (i) 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

- 4.10 Based on the residual method the LPA has a housing land supply of 1.2 years. Based on past build rates it has a capacity of 6.2 years.
- 4.11 With regard to (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 WLGA consultation is awaited before steps are taken to amend the Council's constitution to allow public speaking.

5.0 OUR PERFORMANCE 2018-19

- 5.1 This section details our performance in 2018-19. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture.
- 5.2 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

- 5.3 As at 31 March 2019, 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 2019. This document has been prepared. As stated above, it is anticipated that the Replacement LDP will be adopted in December 2019/January 2020.
- 5.4 During the APR period we had 1.2 years of housing land supply identified, making us one of 19 Welsh LPAs without the required 5 years supply.

Efficiency

- 5.5 In 2018-19 we determined 330 planning applications, each taking, on average, 50 days (7 weeks) to determine. This compares to an average of 77 days (12 weeks) across Wales. Figure 1 shows the average time taken by each LPA to determine an application during the year.

Figure 1: Average time taken (days) to determine applications, 2018-19

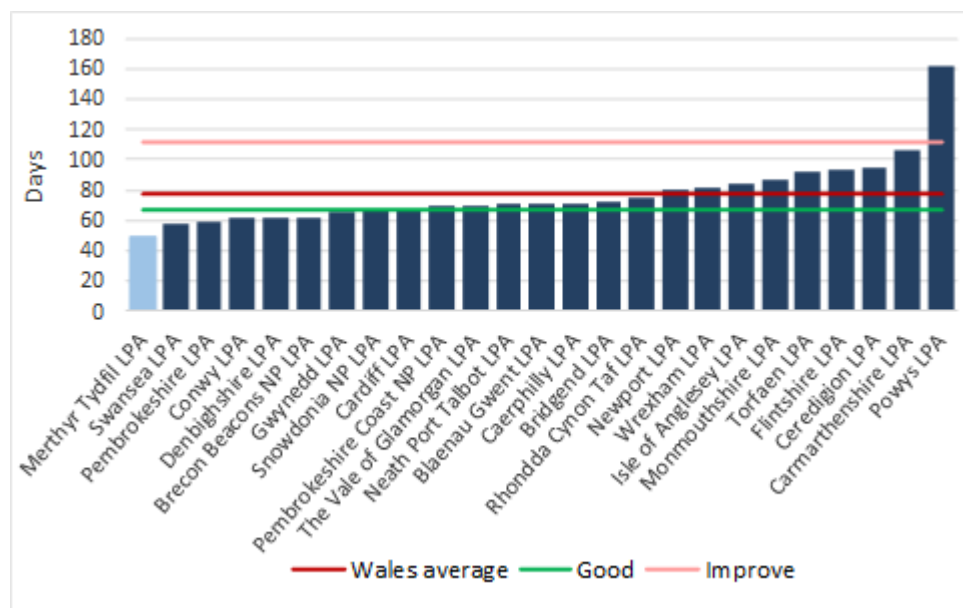
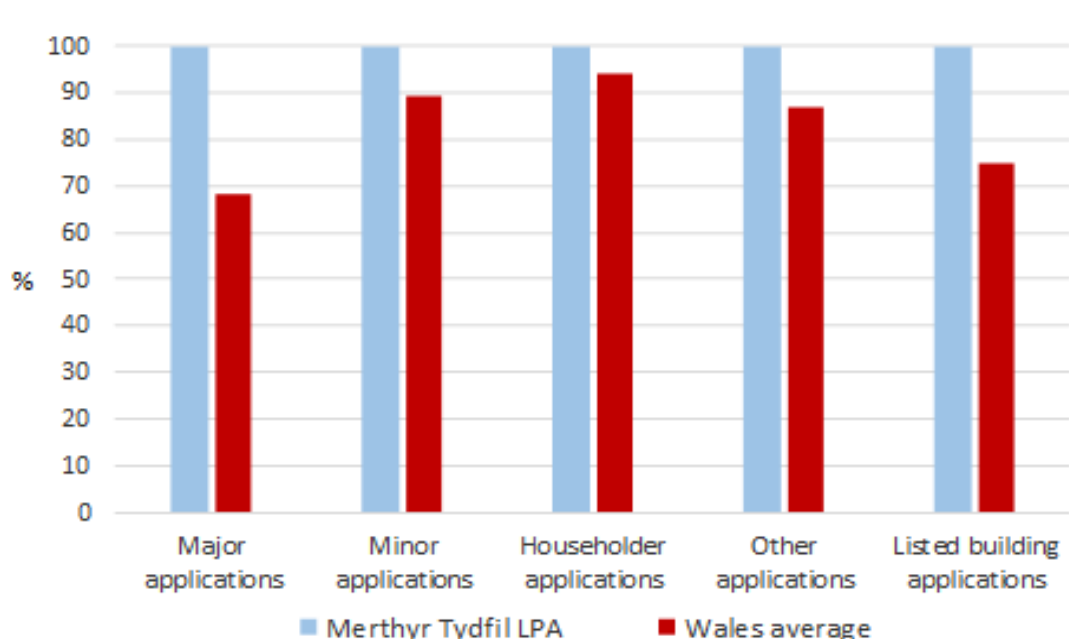


Table 4 – Average time taken (days) to determine applications in Merthyr Tydfil in the last 4 years

	2015/16	2016/17	2017/18	2018/19
Average Time taken (days)	48	56	50	50

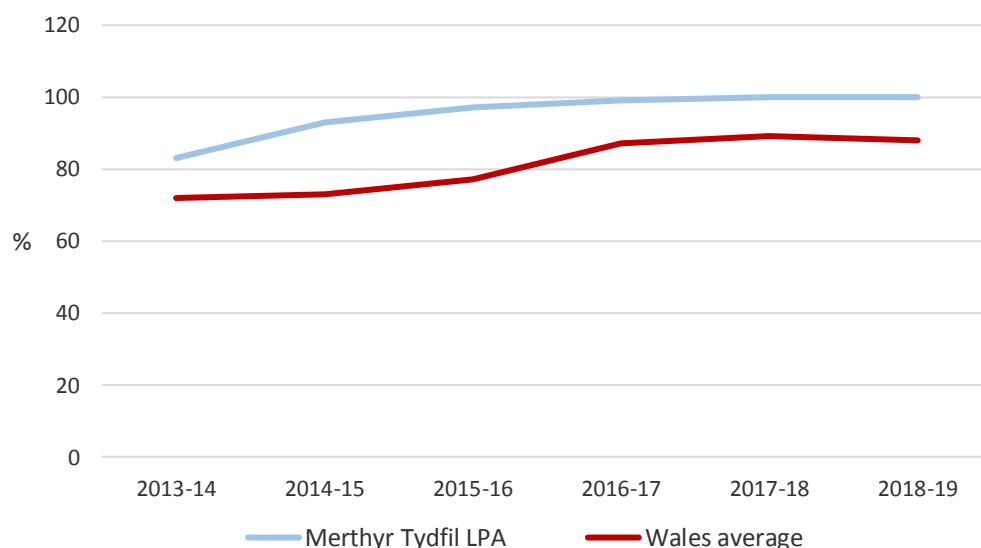
- 5.6 Table 4 illustrates the consistency in the speed of determining applications in the past 4 years. It should also be noted that in each year the average determination time equates to, or is less than, the statutory 8 week period (i.e. determination period required by legislation).
- 5.7 99.7% of all planning applications were determined within the required timescales. This was the highest percentage in Wales and we were one of 20 LPAs that had reached the 80% target.
- 5.8 Figure 2 shows the percentage of planning applications determined within the required timescales across the main types of application for our LPA and Wales. It shows that we determined 100% of minor applications within the required timescales. We also determined 100% of Listed Building Consent applications within the required timescales.

Figure 2: Percentage of planning applications determined within the required timescales, by type, 2018-19



5.9 Between 2017-18 and 2018-19, as Figure 2 shows, the percentage of planning applications we determined within the required timescales stayed the same at 100%.

Figure 3: Percentage of planning applications determined within the required timescales



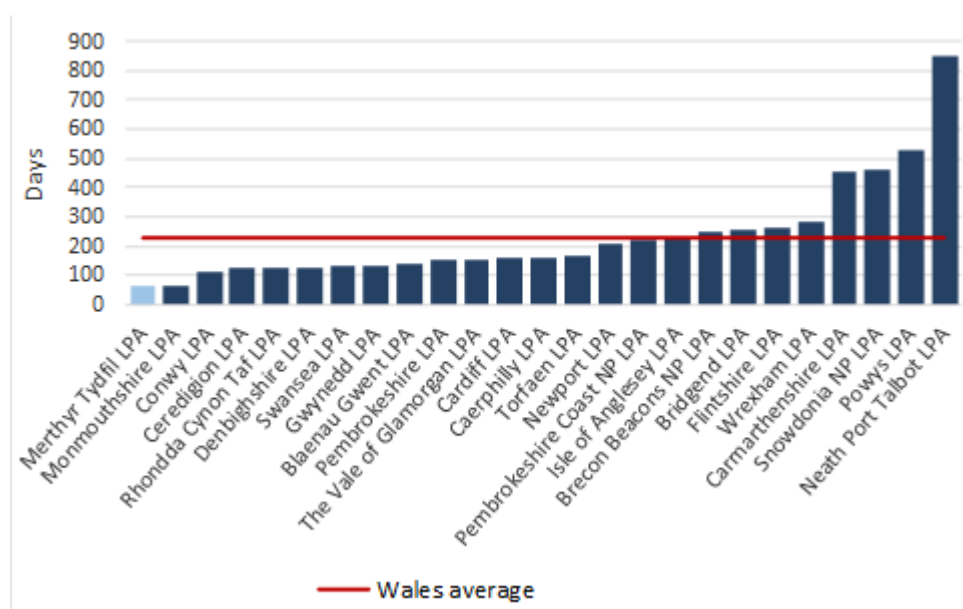
5.10 Over the same period:

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

Major applications

5.11 We determined 9 major planning applications in 2018-19, none of which were subject to an EIA. Each application took, on average, 63 days (9 weeks) to determine. As Figure 4 shows, this was the shortest average time taken of all Welsh LPAs.

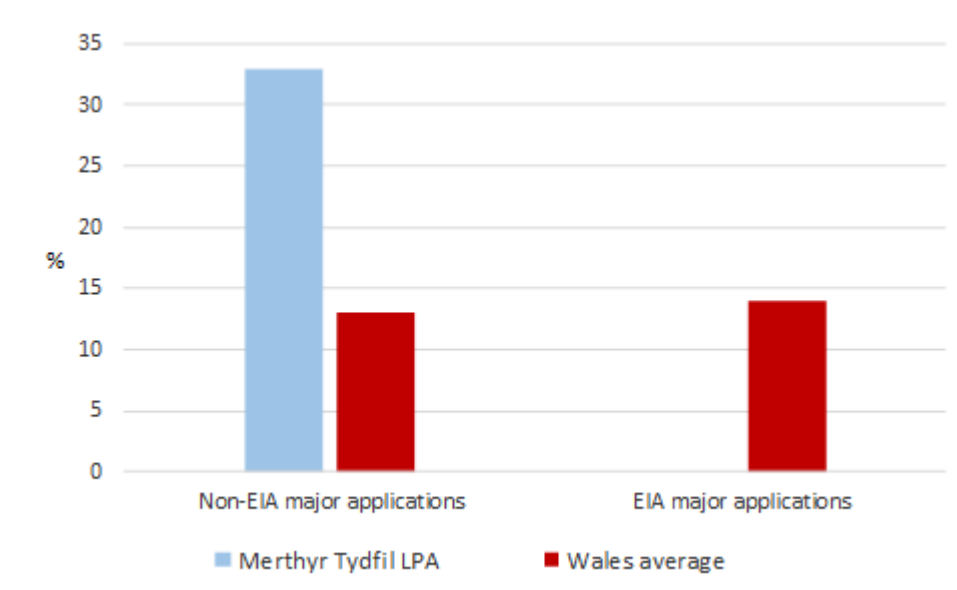
Figure 4: Average time (days) taken to determine a major application, 2018-19



5.12 100% of these major applications were determined within the required timescales, compared to 69% across Wales.

5.13 Figure 5 shows the percentage of major applications determined within the required timescales by the type of major application. 33% of our 'standard' major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

Figure 5: Percentage of Major applications determined within the required timescales during the year, by type, 2018-19

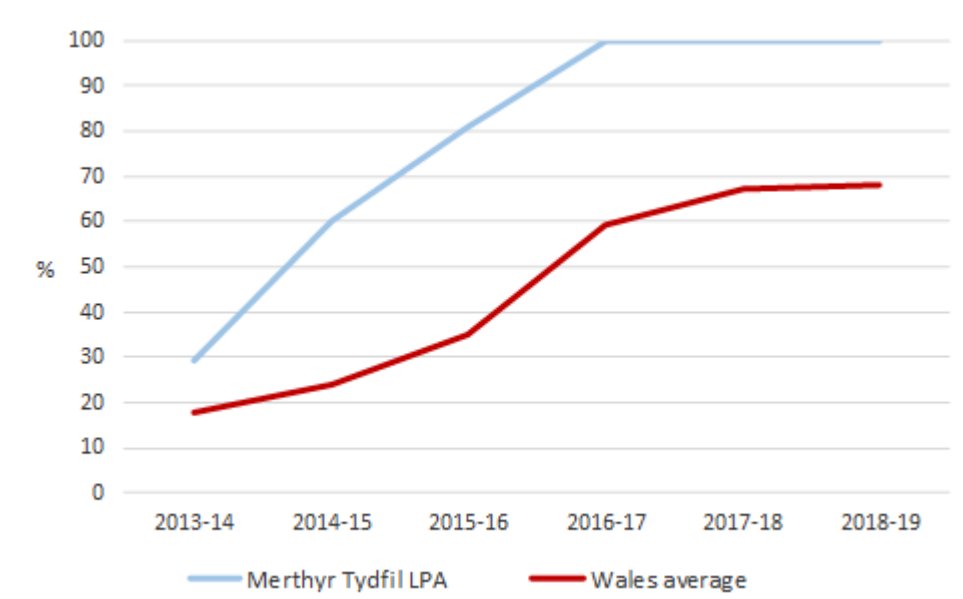


5.14 In addition, we determined 6 major applications that were subject to a PPA in the required timescales during the year.

5.15 Since 2017-18 the percentage of major applications determined within the required timescales had stayed the same at 100%. In contrast, the number of major applications determined increased while the number of applications subject to an EIA determined during the year stayed the same

5.16 Figure 6 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 6: Percentage of major planning applications determined within the required timescales



5.17 Over the same period:

- The percentage of minor applications determined within the required timescales stayed the same at 100%;
- The percentage of householder applications determined within the required timescales stayed the same at 100%; and
- The percentage of other applications determined within required timescales stayed the same at 100%.

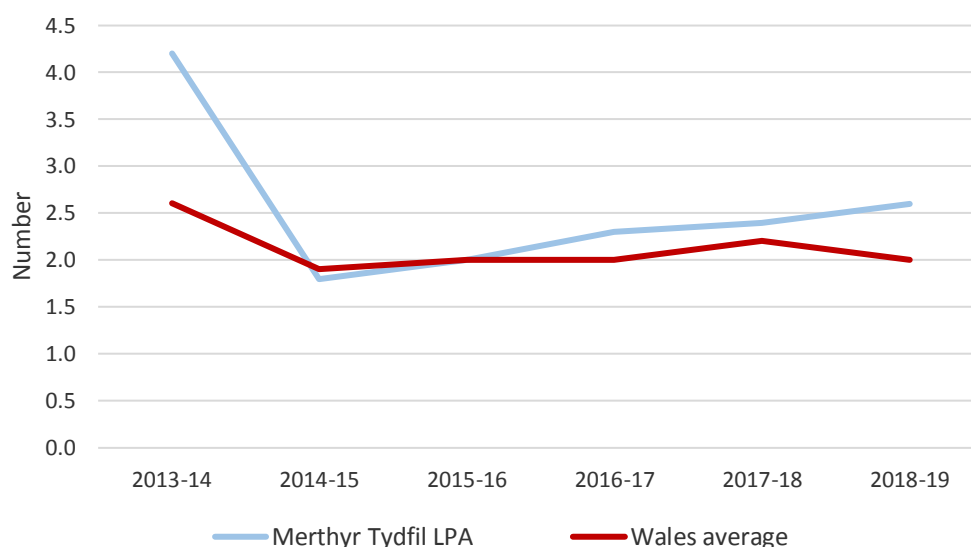
Quality

5.18 In 2018-19, our Planning Committee made 15 planning application decisions during the year, which equated to 5% of all planning applications determined. Across Wales 7% of all planning application decisions were made by planning committee.

5.19 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; 0.5% across Wales.

5.20 In 2018-19 we received 10 appeals against our planning decisions, which equated to 2.6 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 2016-17 and how this compares to Wales.

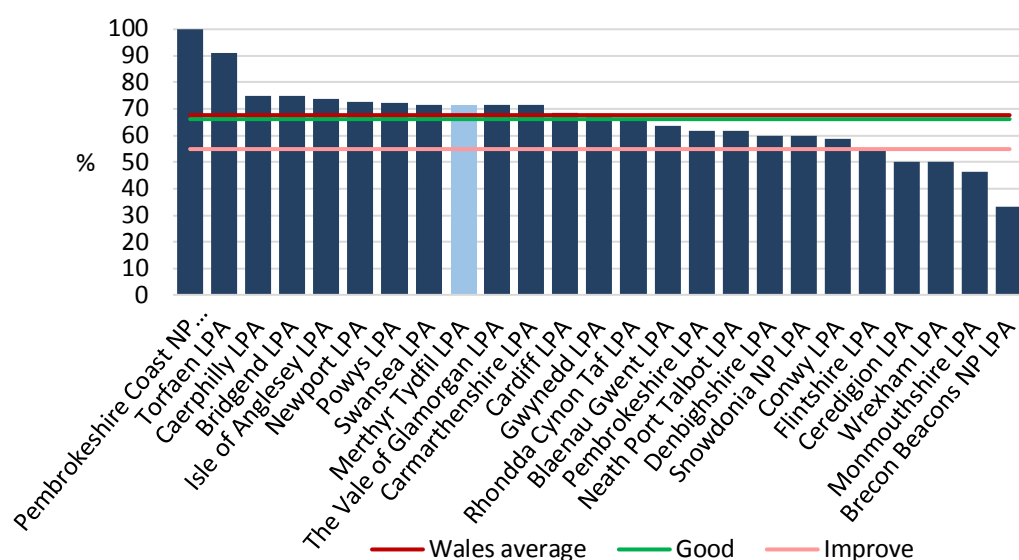
Figure 7: Number of appeals received per 100 planning applications



5.21 Over the same period the percentage of planning applications approved was 90%.

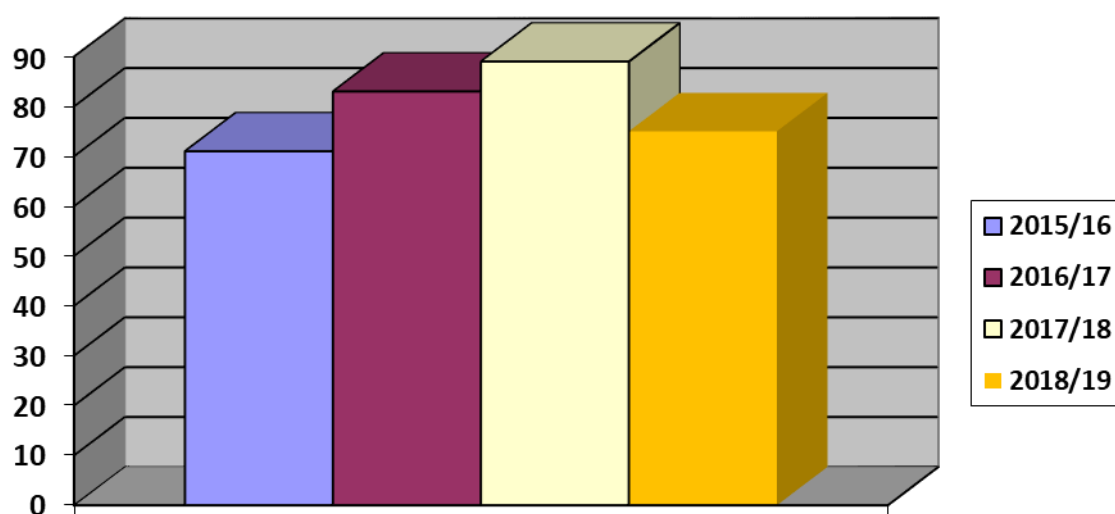
5.22 Of the 8 appeals that were decided during the year, 75% were dismissed. Figure 8, which is provided by Data Cymru (via Welsh Government data), is incorrect. The graph indicates that 71% of appeals were dismissed rather than 75%. This was higher than the percentage of appeals dismissed across Wales as a whole and we were one of 14 LPAs that reached the 66% target.

Figure 8: Percentage of appeals dismissed, 2018-19



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

Table 5 - Percentage of appeals dismissed (Merthyr Tydfil)



5.24 Table 5 indicates the percentage of appeals that have been dismissed following Merthyr Tydfil's decision to refuse an application. In the 4 years since 2015/16, 30 appeals have been determined by the Planning Inspectorate with only 6 being allowed. Therefore, in the last 4 years, 80% of appeals have been dismissed. This is well above the Welsh Average and results in Merthyr Tydfil being one of the best performing local planning authorities in terms of favourable appeal decisions.

Engagement

5.25 We are:

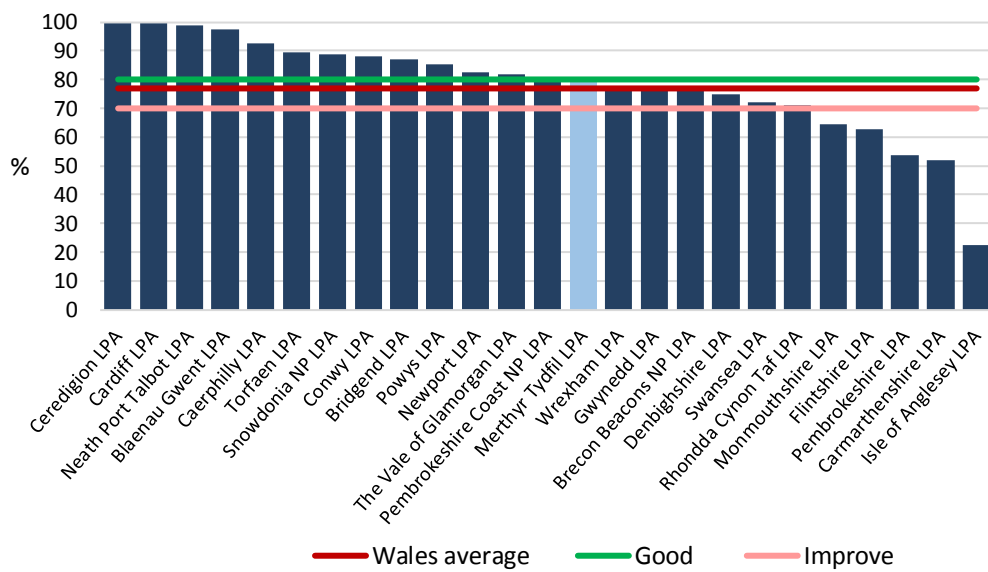
- the only LPA that did *not* allow members of the public to address the Planning Committee;
- one of 22 LPAs that had an officer on duty to provide advice to members of the public; and
- one of 21 LPAs that had an online register of planning applications.

Enforcement

5.26 In 2018-19 we investigated 128 enforcement cases, which equated to 2.1 per 1,000 population. This compared to 1.9 enforcement cases investigated per 1,000 population across Wales.

5.27 We investigated 79% of these enforcement cases within 84 days. Across Wales 77% were investigated within 84 days. Figure 9 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

Figure 9 Percentage of enforcement cases investigated within 84 days, 2018-19



5.28 The average time taken to pursue positive enforcement action was 49 days.

APPENDIX A - PERFORMANCE FRAMEWORK

OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE
Plan making			
Is there a current Development Plan in place that is within the plan period?	Yes		No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+
Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	<12	13-17	18+
Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	Yes		No
LDP review deviation from the dates specified in the original Delivery Agreement, in months	<3		4+
Annual Monitoring Reports produced following LDP adoption	Yes		No
The local planning authority's current housing land supply in years	>5		<5
Efficiency			
Percentage of "major" applications determined within time periods required	>60	50.1-59.9	<50
Average time taken to determine "major" applications in days	Not set	Not set	Not set
Percentage of all applications determined within time periods required	>80	70.1-79.9	<70
Average time taken to determine all applications in days	<67	67-111	112+
Percentage of Listed Building Consent applications determined within time periods required	>80	70.1-79.9	<70

WALES AVERAGE	Merthyr Tydfil LPA LAST YEAR	Merthyr Tydfil LPA THIS YEAR
Yes	Yes	Yes
73	N/A	N/A
17	-	16
Yes	-	Yes
1	-	0
Yes	Yes	Yes
6 of 25	1.6	1.2
68	100	100
232	149	63
88	100	100
77	50	50
75	100	100

MEASURE	GOOD	FAIR	IMPROVE
Quality			
Percentage of Member made decisions against officer advice	<5	5-9	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+
Engagement			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
Enforcement			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	>80	70.1-79.9	<70
Average time taken to take positive enforcement action	<100	101-200	200+

WALES AVERAGE	Merthyr Tydfil LPA LAST YEAR	Merthyr Tydfil LPA THIS YEAR
9	0	0
68	89	75
0	0	0
Yes	No	No
Yes	Yes	Yes
Yes	Yes	Yes
77	87	79
167	82	49

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>It is anticipated that a Replacement LDP will be adopted in December 2019/January 2020.</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
The LDP is being progressed in line with the Delivery Agreement.	

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	
"Good"		"Improvement needed"
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	1.2
<p>The 2019 Joint Housing Land Availability Study shows a housing land supply of 1.2 years.</p> <p>Using the past build rates calculation, the Council has a housing land supply of 6.2 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	
"Good"	"Fair"	"Improvement needed"
More than 60% of applications are determined within the statutory time period	Between 50% and 60% of applications are determined within the statutory time period	Less than 50% of applications are determined within the statutory time period

Authority's performance	100
77% 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. Given that 66% of major applications were determined after 56 days (hence 66% were subject to an agreement to extend the period of time to determine the application), it is clear that there has been a positive working relationship between officers and agents/applicants/developers through this part of the development process.	

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	63
The time period for dealing with such applications has halved since last year and only 6 days over the 56 day target to deal with all applications which are not subject to an Environmental Impact Assessment (EIA). Major applications usually require complex assessments which often take time and results in numerous amendments. The speed in determining major application is undoubtedly reliant on the skills of the officer and their relationship with the agent/developer/applicant. The planning officers and support service staff work hard to create positive relationships which are often helped by comprehensive pre-application enquiry meetings and responses. The 2018/19 figure not only shows that such relationships are working but also highlights the keenness to determine applications speedily so that much needed major development occurs in the right locations, at the right time, in Merthyr Tydfil.	

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 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period

Authority's performance	100
This consistent performance (over the past 3 years) is a reflection of the commitment and dedication of officers and support staff and their relationship with Members and all other stakeholders. The processes and procedures (which have been amended over the years) have served the department well and been central to this performance. More importantly, so has the work ethic, enthusiasm and talent of the officers and their keenness to learn and work as part of a team.	

Indicator	08. Average time taken to determine all applications in days	
"Good"	"Fair"	"Improvement needed"
Less than 67 days	Between 67 and 111 days	112 days or more

Authority's performance	50
Once again this is an extremely pleasing statistic and again shows unbelievable consistency (2017-18 =50 days; 2016-17=56 days; 2015-16=48 days; 2014/15=53 days). This is a 'real' statistic as it is not skewed by agreements from agents/applicants to extend the time period for determining applications. In the last 4 years, Merthyr Tydfil has been the best performing local planning authority in Wales in terms of the average speed in determining all applications. This is clearly beneficial for its residents and those who wish to develop, work, visit or set up home in the County Borough.	

Indicator	08a. Percentage of Listed Building Consent applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	100
This shows the close working relationship between planning officers, the Conservation Officer and Cadw. The County Borough has a number of Listed Buildings at risk and others in need of urgent repairs and a long term viable use. It is therefore essential that every possible effort is put into getting appropriate schemes consented in the most efficient time period. Early advice, often combined with the pre-planning application enquiry process, undoubtedly aids smooth and speedy	

decision making.

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
The ability of officers to recognise politically sensitive applications and discuss (and where appropriate seek amendments to proposals) such schemes with Councillors should not be underestimated in aiding this level of performance. The positive relationship and trust between officers and Councillors is essential for this level of performance to continue.	

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	75
Since 2014, Merthyr Tydfil has performed well above the Welsh Average in terms of the percentage of appeals dismissed. Indeed, in each year performance has been above 71%. The evidence suggests that the pre-application enquiries and the ability to alter applications through the determination process certainly aids this level of performance. It also reflects the strength of the LDP policies.	

Indicator	11. Applications for costs at Section 78 appeal upheld in the reporting period	
"Good"	"Fair"	"Improvement needed"
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

Authority's performance	0
As was the case in the previous three years, there were no applications for costs.	

SECTION 4 – ENGAGEMENT

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

Authority’s performance	No
As highlighted in the main body of the report, 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. However, it should be noted that, following the 2017 local election, Merthyr Tydfil now has a new administration. To date there has been no desire to change the current committee procedure.	

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

Authority’s performance	Yes
A duty planning officer is available Monday to Friday to provide general planning advice both face to face and by telephone. Advice can be provided by a welsh speaking planning officer upon request.	

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

Authority's performance	Yes
All documents are available to view on-line.	

SECTION 5 – ENFORCEMENT

Indicator	15. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	
“Good”	“Fair”	“Improvement needed”
More than 80% of enforcement cases are investigated in 84 days	Between 70% and 80% of enforcement cases are investigated in 84 days	Less than 70% of enforcement cases are investigated in 84 days

Authority’s performance	79
<p>This performance is above the Welsh Average and only 1% below being a ‘good’ performance. Given that the service only has 1 full time enforcement officer post (made up of 2 job share officers), this level of performance is reflective of the commitment of, and close working relationship between, the two officers. Indeed the two officers are an essential part of the Development Control team and provide significant input into the decision making process through their planning judgements (e.g. should an application be invited following a breach of planning control) and weekly involvement in team meetings. Performance regarding this indicator is also reflective of the approach to breaches taken by each local planning authority. Some may decide to quickly conclude that it is not expedient to take any further action. Others, as in the case of Merthyr Tydfil, may still invite applications although it is not expedient to take any further action. This clearly prolongs the process but provides the offender with a planning permission which often helps if they wish to sell their property in the future. Indeed 26% of all enforcement cases resulted in an application being submitted.</p>	

Indicator	16. Average time taken to take positive enforcement action	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	49
<p>The time period for taking positive enforcement action has almost halved since last year (2017/18=82 days). This is a result of the negotiation skills of the officers to remove breaches and encourage valid planning applications to be submitted. The speed in which Enforcement Notices, Section 215 Notices, Breach of Condition Notices are served is also a priority. Given the number of applications submitted via the enforcement route, a team approach is essential with planning officers determining such applications effectively and quickly (see average time to determine all planning applications above).</p>	

SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

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

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

Authority's returns	Full returns provided.

Indicator	SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.
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Granted (square metres)	
Authority's data	16,445

Refused (square metres)	
Authority's data	0

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

The 16,445m² relates to applications:

- P/17/0020 (Erection of vehicle repair service/MOT building with associated car parking and landscaping);
- P/18/0065 (Construction of 16 storage units with associated changes to access and boundary fence);
- P/18/0078 (Erect mezzanine floor to include external alterations to the building);
- P/18/0133 (Erection of side extension, alteration to roof and increase ridge height, new external cladding and other external alterations including insertion of new window and door);
- P/18/0136 (Retrospective change of use from garden centre (Sui Generis) to office use (B1), alterations to window and door arrangements, and siting of two storage containers);
- P/18/0137 (Change of use of council offices and highway depot to general offices with re-use shop and waste storage/recycling facilities including the erection of a new building and extension to former salt storage building with associated parking areas and other facilities);
- P/18/0229 (Change of use from vacant (undeveloped land) to B2/B8 use);
- P/18/0248 (Alterations and extensions to existing building);
- P/18/0265 (Increase height of existing single storey building and erection of extension to northern elevation);
- P/18/0269 (Change of use from former Dairy (B2 use class) to a coach/bus depot (Sui Generis use), the manufacture of paving to include a storage shed, an office and 1 storage container (B2 use class) and a self-storage business comprising of 30 storage containers (B8 use class);
- P/18/0309 (Construction of 3 storey building accommodating offices, welfare facilities, storage and workshop areas);
- P/18/0333 (Change of use to B2 use class (General Industrial) and B8 use class (Storage or Distribution));
- P/19/0013 (Erection of two storage buildings, fencing and associated lighting);
- P/19/0017 (Proposed warehouse building with associated infrastructure/engineering works to existing hard standing areas and access/parking areas).

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.

Indicator	SD2. Planning permission granted for renewable and low carbon energy development during the year.
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Granted permission (number of applications)	
Authority's data	2

Granted permission (MW energy generation)	
Authority's data	31

This relates to planning applications:

- P/18/0049 (Change of use of storage building to renewable energy facility including the installation of a biomass boiler – 1MW);
- P/18/0331 (Installation of ground mounted solar farm – 29.8MW).

Indicator	SD3. The number of dwellings granted planning permission during the year.
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Market housing (number of units)	
Authority's data	157

Affordable housing (number of units)	
Authority's data	14

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

9% of all dwellings granted planning permission during the year were affordable.

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

Number of residential units (and also hectares of non-residential units) which were GRANTED permission	
Authority's data	25 residential units, 5Ha of non-residential land

Number of residential units (and also hectares of non-residential units) which were REFUSED permission on flood risk grounds	
Authority's data	0

The dwellings granted permission were included in planning applications:

- P/18/0080 (Conversion of the first floor into 8, 1 bedroom self-contained flats, to include external alterations);
- P/18/0163 (Change of use at ground floor to nail salon (sui generis) and change of use at 1st and 2nd floor into 1, 2 bedroom flat to include the installation of a roller shutter at ground floor, UPVc windows at 1st and 2nd floors and rear access door and steps);
- P/18/0169 (Change of use at ground floor from retail (A1) to restaurant (A3), change of use at first floor from offices (A2) to four, 1 bedroom flats (C3);
- P/18/0282 (Change of use of building from a refuge (Sui Generis) to shared self-catering holiday accommodation;
- P/18/0320 (Change of use from A1 to A3 at ground floor (former Burtons Shop) and provide 11 self-contained units over the 1st and 2nd floors and within the attic space, to include a roof light to the front elevation and a balustrade to provide an external balcony area to flat 5 (at 2nd floor).

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.

Indicator	SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.
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Previously developed land (hectares)	
Authority's data	39

Greenfield land (hectares)	
Authority's data	7

The total amount of development permitted during this period was 46.10ha with 39.00ha of this total area permitted on previously developed land & 7.1 on greenfield land. This equates to 85% of development being permitted on previously developed land.

Indicator	SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.
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Open space lost (hectares)	
Authority's data	7

Open space gained (hectares)	
Authority's data	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.

The open space lost is included in applications:

- P/16/0094 (Creation of tourist holiday park comprising 57 camping and caravan pitches. The restoration and change of use of the farm house to accommodate an office, store rooms and shop. Conversion and extension to existing barn to provide tourist information area and cafe. Erection of two amenity buildings and construction of a new vehicular access road, landscaping and associated infrastructure works);
- P/17/0294 (Demolition of existing dwelling (Y Goedwig) and erection of 22 dwellings with associated access road);
- P/18/0047 (Erection of detached dwelling);
- P/18/0108 (Erection of detached barn and access road);
- P/18/0311 (Construction of a new Primary school on the former School Site and provision of internal access road, car park and games area on part of the Godre'r Coed playing field site);
- P/18/0335 (Erection of new bike hire centre with associated bike washing facilities and storage areas. Erection of new catering unit and staff office building);
- P/18/0339 (Change of use of land to part of school grounds and erection of palisade fencing to perimeter);
- P/18/0350 (Construct 5, 2 bedroom bungalows);
- P/18/0365 (Erection of detached dwelling);
- P/18/0392 (Residential development);
- P/19/0003 (Erection of 3 pairs of semi-detached dwellings with off road parking).

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 requirements to provide equivalent alternative provision nearby.

Indicator	SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.
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Gained via Section 106 agreements (£)	
Authority's data	0

Gained via Community Infrastructure Levy (£)	
Authority's data	21,086

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

No S106 contributions were secured from residential developments (new build and conversion) during the reporting period.

The Council agreed £21,086 of CIL during the reporting period, resulting in a total of £21,086 of financial contributions agreed.