

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

24 OCTOBER 2019

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

SUMMARY OF THE WALES AUDIT OFFICE ON THE EFFECTIVENESS OF LOCAL PLANNING AUTHORITIES IN WALES

1. Purpose of the Report

- 1.1 The Wales Audit Office's (WAO) report on the Effectiveness of Local Planning Authorities in Wales was published on 6 June 2019.
- 1.2 The WAO report considers the progress of local planning authorities in delivering their new responsibilities and the extent to which they are acting in accordance with the sustainable development principle contained within the Well-being of Future Generations (Wales) Act 2015.
- 1.3 The report also considers how efficient and effective the 'local planning system' is, focussing on their performance, income and expenditure to determine how resilient services are. The report also looks at decision making and stakeholder engagement.
- 1.4 This report is for noting.
- 1.5 The WAO report (and Summary Report) can be accessed by Members using this hyperlink <http://www.audit.wales/publication/effectiveness-local-planning-authorities-wales>

2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 In 2014, the National Assembly for Wales adopted a new Planning (Wales) Act. The new Act came into force in July 2015 and seeks to ensure the planning system is 'fair, resilient and enables development' against 5 key objectives:
 - a. a modernised framework for the delivery of planning services – the Act introduces powers to allow planning applications to be made directly to Welsh ministers in limited circumstances;
 - b. strengthening the plan led approach – the Act introduces a legal basis for the preparation of a national framework and strategic development plans;
 - c. improving resilience – allows Welsh ministers to direct local planning authorities to work together and to merge;
 - d. improving the development management system – the Act introduces statutory pre-application procedures for defined categories of application; and
 - e. enabling effective enforcement and appeals – secure prompt, meaningful action against breaches of planning control and increase the transparency and efficiency of the appeal system.
- 3.2 The Auditor General for Wales has completed a review of how local planning authorities are working and how they are implementing their new responsibilities.
- 3.3 More specifically, the report considers the progress of local planning authorities in delivering their new responsibilities and the extent to which they are acting in accordance with the sustainable development principle contained within the Wellbeing of Future Generations (Wales) Act 2015. The report also considers how efficient and effective the 'local planning system' is, focussing on their

performance, income and expenditure to determine how resilient services are. The report also looks at decision making and stakeholder engagement.

3.4 This report summarises the key findings of the review.

4. Summary of the Main Findings

- The report acknowledges that, since 2008-2009, local planning authorities (LPAs) have had their budgets cut in real terms, considering inflation, by 50%. Net expenditure has fallen from £45.1 million in 2008-09 to £22.8 million in 2017-2018.
- With less money to fund services, planning officer capacity is stretched and skills are decreasing in key areas of work. The number of trainees entering planning has fallen in recent years which raises concerns over the long-term sustainability of services. Despite these reductions in funding, authorities continue to subsidise services because the charges made by local planning authorities for administering and approving planning applications and building works does not reflect the cost of providing these services.
- However, the number of planning applications made to local planning authorities has remained stable at 24,000 or so in the last four years. The number dealt with by LPAs ranges from 300 to 2,600. (BCBC deals with, on average, around 1200 applications a year).
- The number of planning applications decided has remained broadly stable but there is a wide variation in the range of applications individual planning authorities deal with.
- With less money and less staff to deliver planning, performance has declined. In 2017-18 only 70.9% of planning applications for smaller developments were dealt with on time however, for major developments only 20% of applications are processed on time.
- The average time taken to decide on applications is increasing for major applications and well above the Welsh Government's targets.
- The length of time taken to investigate complaints about development, including building and engineering works and changes of use that may have been carried out without permission or consent, is widely variable across Wales. The best performers deal with enforcement issues very quickly, often within a week. The worse performers take over a year. On average it takes authorities over 37 weeks to investigate and deal with an enforcement case.
- The proportion of member-made decisions against officer advice remains high. In 2017-18, 8.6% of recommendations were overturned ranging from no recommendations being overturned in some authorities to 60% in one authority.
- The success rate of LPAs at the appeal stage remains relatively high at 63.6% of appeals dismissed. The number of appeals overturned range from 0 in some authorities to two-thirds in one authority.
- Citizens did not believe that their planning authorities are ambitious enough to help deliver the improvements needed in their community. Citizens are frustrated by planners focussing too much on individual applications and not enough on encouraging and creating a vibrant and sustainable community:
 - a) 'Planners just focus on the technocratic elements of land use planning not how the place will look and feel like in the long term. Design and spatial technology, social media and virtual reality is not used to show people what is possible.'
 - b) 'The current planning system is structurally flawed and 'transactional' in approach, it needs to be more creative, innovative and dynamic in its approach and more organic. If we have any chance of planning for future generations and the well-being of Wales, make sure that WFG principles become reality.'

- c) 'Planning should be more than just using lots of words to talk about land use. There is an opportunity here to inspire people to improve their environment, incentivise good design and promote examples of good schemes. The planning system in Wales is driven by a fear of failure rather than a shared vision of what the future could look like.'
- As well as wanting to see local planning authorities upping their game and becoming more ambitious and innovative, citizens are concerned that they are not effectively engaged or involved at present. For instance, a large number noted that communities/residents do not have the same level of influence on local planning authorities or planning committees as large scale developers. Developers are often able to use the system to benefit themselves and get what they want to be delivered. Several citizens noted that developers have the resources to play the system that the public does not have access to:
 - a) 'Public confidence in the local planning authority is severely undermined by a lack of transparency and consultation. There is next to no community involvement in future planning and the matter is becoming increasingly politicised.'
- This is not helped by the often poor-quality information provided by local planning authorities to help explain what they are doing, where and when. Too often this is inaccessible and not useful. Over half of those responding to the survey stated that it is not easy to access information and 67% that local planning authorities are not good at engaging with stakeholders about planning proposals and their potential implications:
 - a) 'I knocked on 27 houses and not one householder was aware of the candidate areas, aware of the proposed change of use or aware they could object.'
 - b) 'By their nature, planners are not good communicators. Most older people don't own computers, so they can't check on how planning applications that affect them are progressing... Planners need to upskill their communications efforts.'

5. WAO Recommendations

- 5.1 The WAO made five recommendations to help support local planning authorities focused on:
- a. improving how they involve stakeholders when making decisions and considering choices;
 - b. addressing deficits in funding and working collaboratively to increase capacity;
 - c. strengthening decision making; and
 - d. creating a clearer and more ambitious vision for their local area.
- 5.2 The WAO has also recommended that Welsh Government review charges for development control and improve local planning authority's performance.
- 5.3 In response to the summary and recommendations, Planning fees are due to increase by 20% in 2020 in order to attempt to bridge the gap with the fees charged in England and provide better resourcing to LPAs with the eventual aim of achieving full cost recovery for providing the service. In terms of consultation and transparency, Bridgend publishes details of all applications on its website and consultation is above and beyond the minimum standards of consultation as required by the Development Management Procedure (Wales) Order 2012. With regard to Enforcement complaints, despite only having one Enforcement Officer, complaints are logged, investigated and resolved very efficiently. The development planning process is also consultation focused and the new LDP involves considerable engagement with communities and other stakeholders. Unfortunately, by its very nature, such a complex process attracts a large degree of negative response particularly if communities feel they are being adversely affected by development sites
- 5.4 It is also noted that the comments from Citizens highlighted in the report are contradictory in that they suggest that LPAs should make more use of social media and virtual reality and consider that "communication is often based on traditional approaches such as adverts in the local press, letter drops and appending notices to lampposts, which are not necessarily in step with how many citizens and stakeholders consume information in the digital and smartphone age" but they also state that "most older people don't own computers, so they can't check on planning applications." In conclusion, the basis of the comments from "Citizens" does not necessarily reflect an accurate or realistic approach to the Planning System and development.

6. Equality Impact Assessment

6.1 The report raises no issues that impact on equality.

7. Wellbeing of Future Generations (Wales) Act 2015

7.1 The planning service operates in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

7.2 The duty has been considered in the production of this report. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the report.

8. Recommendation

That Members note the content of this report and the WAO findings following their investigation into the effectiveness of Local Planning Authorities in Wales.

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