

DENBIGHSHIRE LOCAL PLANNING AUTHORITY (LPA)

PLANNING ANNUAL PERFORMANCE REPORT – 2018-2019

PREFACE



Councillor Brian Jones is the Lead Member for 'Highways, Planning and Sustainable Travel' in Denbighshire.

Councillor Jones welcomes the principle of all Welsh authorities producing such a report, which demonstrates to the public how planning authorities are performing against identified indicators and targets.

Councillor Jones endorses the contents of this report and is satisfied that 'planning services' in Denbighshire is performing at a good level.

Denbighshire's Local Development Plan (LDP)

The LDP provides guidelines as to what can be built, and where, throughout the County over a 15 year period. Each Council in Wales is required to produce a Local Development Plan (LDP) for its area. The LDP determines where new development will take place, taking into account amongst others, the need for:

- Employment land
- Housing
- Shops
- Leisure facilities
- Safeguarding our unique environment

The Denbighshire LDP was adopted by the County Council on 4th June 2013 and covers the period 2006 – 2021. The LDP's vision is ...

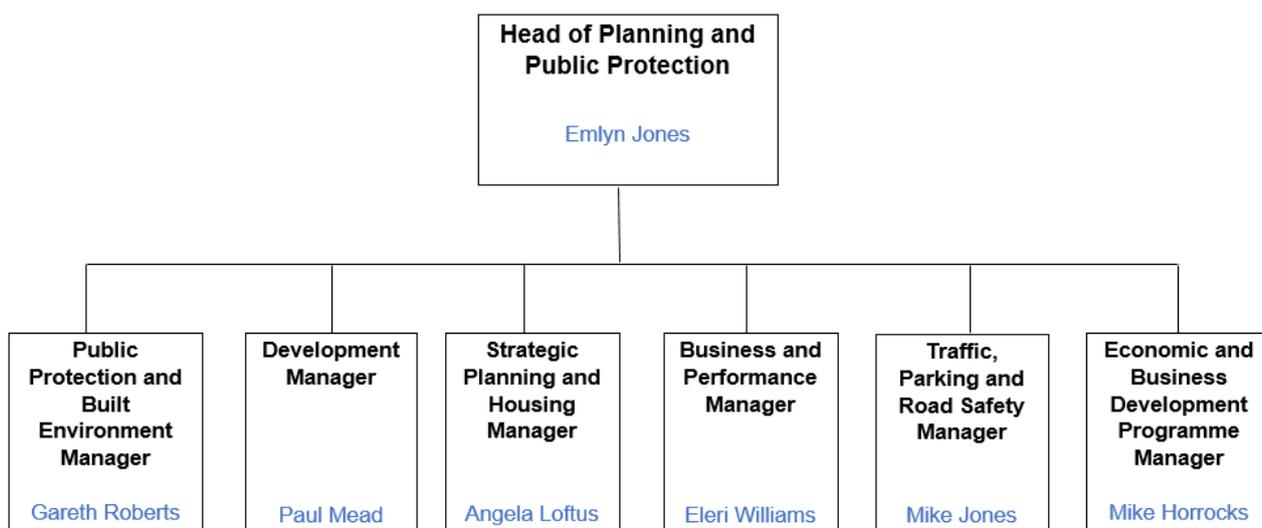
That Denbighshire, through sustainable development, will have a vibrant urban coast, with thriving market towns and rural areas. The housing and employment needs of the County will be met, the high quality environment protected and enhanced and a high quality of life maintained for all communities with full recognition that we have a strong Welsh language and culture that should be maintained and protected throughout the County. Across the County the high quality environment will continue to have been protected and enhanced through directing development.

The [Local Development Plan](#) is published on Denbighshire's website. Denbighshire is currently reviewing the LDP. The LDP Review Report and Draft Delivery Agreement for the Replacement LDP were both approved by Council in December 2017 and submitted to Welsh Government. Further [information is available](#) on the website.

PLANNING SERVICE

The Planning and Public Protection Service in Denbighshire is divided into seven sections; two of which carry out 'planning service' functions:

1. The **Development Management team** is based at Caledfryn in Denbigh. They are responsible for handling planning applications, planning appeals, breaches of planning control investigations and some thousands of general enquiries each year. A Planning Committee is run on a monthly basis in County Hall in Ruthin.
2. The **Strategic Planning and Housing team** is based at Caledfryn in Denbigh. They are responsible for developing a planning policy framework for the County, primarily through the emerging Local Development Plan and the range of supplementary planning guidance and individual site development briefs which provide more detailed planning guidance. Together these form the basis for making planning decisions.



Planning and Public Protection Management Structure

The 'planning service' function is staffed by 19 officers, some of which work part time and is therefore equivalent to 17.4 full time employee (FTE), as shown below:

Development Management	Officers	FTE
Development Manager	1	1
Principal Planning Officers	2	1.8
Planning Officers	4	3.8
Compliance Officers	1	1
Planning Support Officers	5	4.9
	13	12.5

Strategic Planning and Housing	Officers	FTE
Strategic Planning and Housing Manager	1	1
Planning Policy Officers	4	2.9
Admin Officer	1	1
	6	4.9
Total	19	17.4

SERVICE PRIORITIES

Planning and Public Protection Service in Denbighshire has four priorities / outcomes:

1. Contribute to providing a connected, attractive, safe and healthy environment for the wellbeing of residents, visitors, young people and businesses alike
2. The housing market in Denbighshire will offer a range of types and forms of housing, in sufficient quantity and quality, to meet the needs of individuals and families
3. Businesses will be effectively supported and regulated, to ensure a fair trading environment and we will support those who want to invest in the county to enable them to grow
4. Planning and Public Protection is efficient and well-managed

The 'planning service' contributes to the delivery of all four outcomes.

THE LOCAL STORY

This report shows detailed information about:

- What service users and Denbighshire's City, Town and Community Councils think; and
- Our performance in 2018-19

WHAT SERVICE USERS THINK

In 2017-18 we conducted a customer satisfaction survey aimed at assessing the views of people (agents and members of the public) that had received a planning application decision during the year.

The survey was sent to 385 people, 17% of whom submitted a whole or partial response. The majority of responses (43%) were from members of the public. 17% of respondents had their most recent planning application refused.

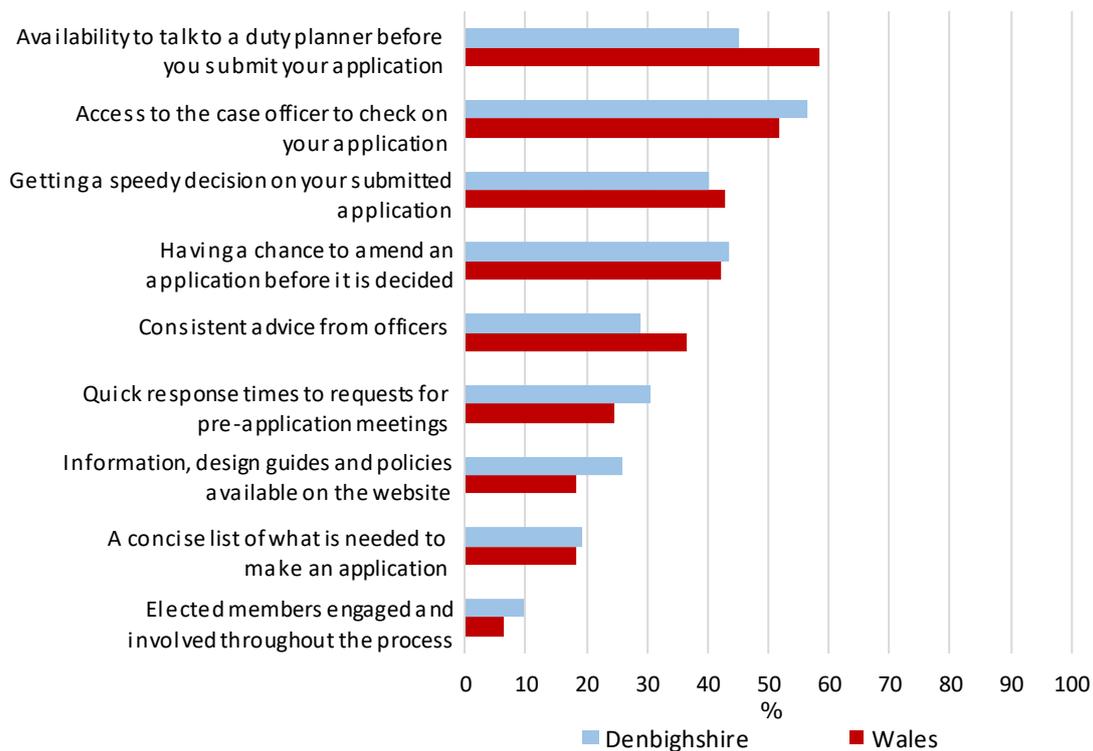
We asked respondents whether they agreed or disagreed with a series of statements about the planning service. Table 1 shows the percentage of respondents that selected either 'tend to agree' or 'strongly agree' for each statement for both our planning authority and Wales.

Table 1: Percentage of respondents who agreed with each statement, 2017-18

Respondents who agreed that:	Denbighshire LPA %	Wales %
The LPA applies its planning rules fairly and consistently	52	55
The LPA gave good advice to help them make a successful application	54	60
The LPA gives help throughout, including with conditions	41	52
The LPA responded promptly when they had questions	55	62
They were listened to about their application	57	60
They were kept informed about their application	44	52
They were satisfied overall with how the LPA handled their application	63	63

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 the percentage of respondents that chose each characteristic as one of their three selections. For us, 'having access to the case officer to check on applications' was the most popular choice.

Figure 1: Characteristics of a good planning service, 2017-18



Comments received include:

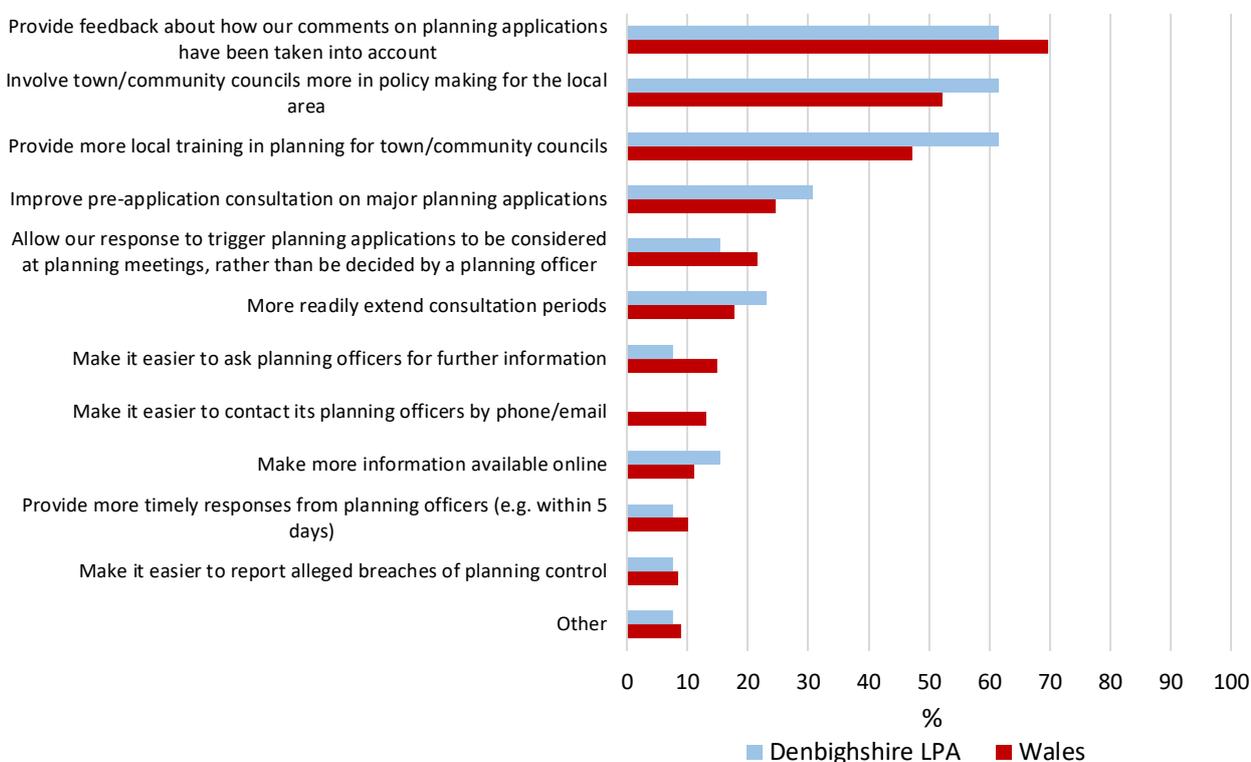
- “Planners and staff were very helpful and gave excellent advice.”
- “The whole process was made easier than I thought due to the professional way the officials did their jobs.”
- "Perhaps the planning officers could set or enforce targets on consultee responses, as it seemed to be delays in obtaining feedback from consultation that held the planning department up during the process. Also perhaps better clarity on the wording of some planning conditions, as sometimes the wording was ambiguous and required further discussions with the planning officer to find out what was required in order to discharge the conditions. This is probably not specific to Denbighshire County Council LPA.”

In 2018-19 we conducted a survey of clerks of the town and community councils that are statutory consultees for our planning authority. There are 37 such councils in our area, and we received 16 responses to the survey.

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

more local training in planning for town/community councils' were the most frequently selected option for our LPA.

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



OUR PERFORMANCE 2018-19

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

Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:

- Plan making;
- Efficiency;
- Quality;
- Engagement; and
- Enforcement.

Plan making

As at 31 March 2019, we were one of 23 LPAs that had a current local development plan (LDP) in place. We are required to submit an Annual Monitoring Report in October 2019. This document has been prepared.

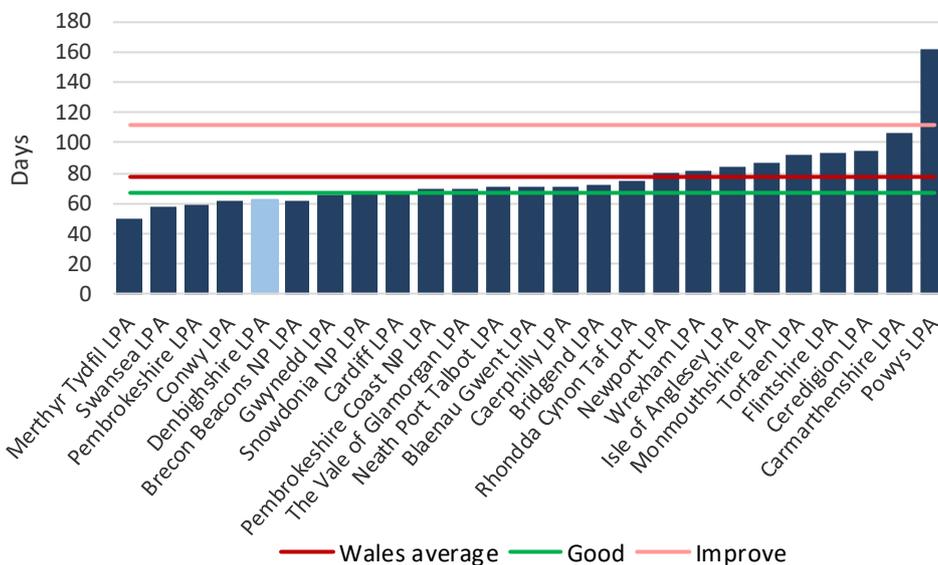
During the APR period we had 1.6 years of housing land supply identified, making us one of 19 Welsh LPAs without the required 5 years supply.

12 respondents to the 2018-19 town and community council clerk’s survey (80%) said that their council contributed to the production and/or review of our LDP. Of these, 83% agreed that the LDP process is easy to understand, and 75% agreed that their council is satisfied with how the LDP process is going (or went), compared to 64% and 62% respectively across Wales.

Efficiency

In 2018-19 we determined 921 planning applications, each taking, on average, 62 days (9 weeks) to determine. This compares to an average of 77 days (11 weeks) across Wales. Figure 3 shows the average time taken by each LPA to determine an application during the year.

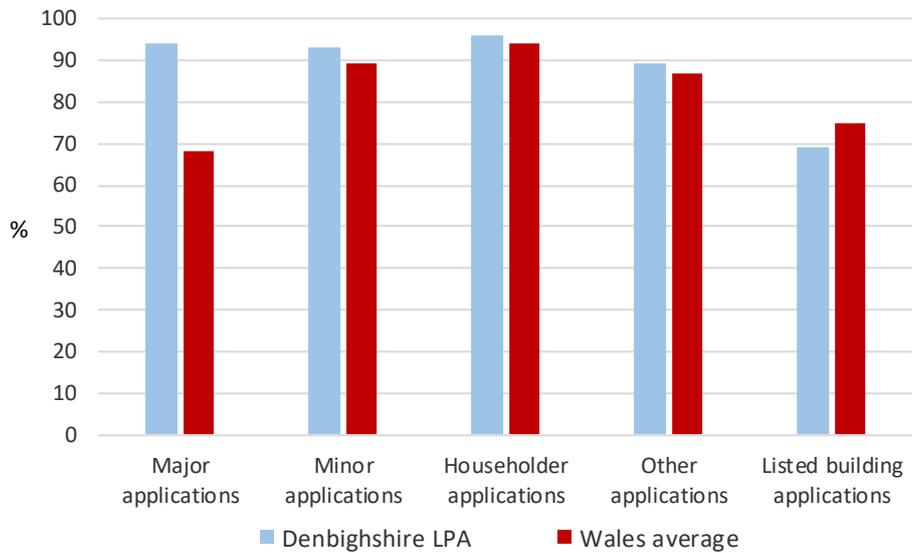
Figure 3: Average time taken (days) to determine applications, 2018-19



92% of all planning applications were determined within the required timescales. This compared to 88% across Wales and we were one of 20 LPAs that had reached the 80% target.

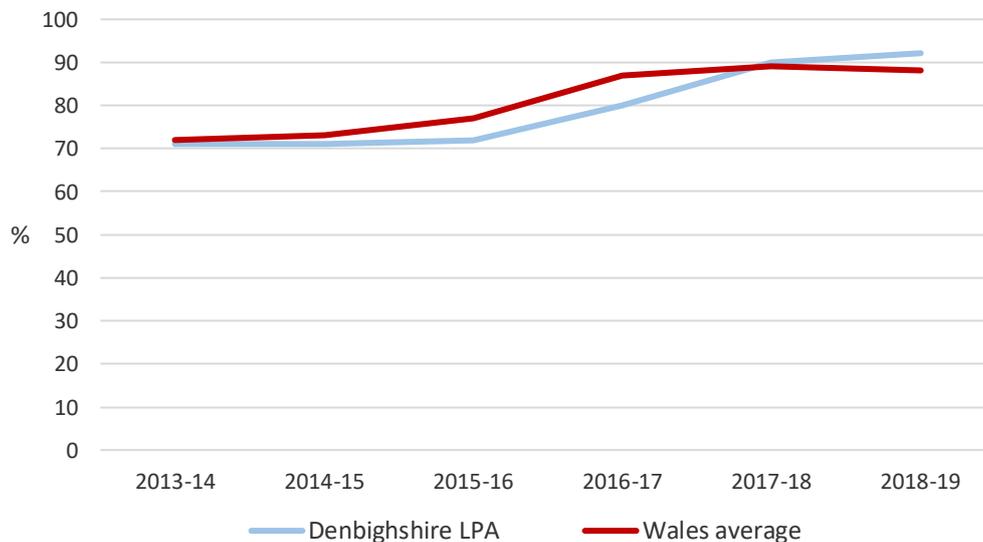
Figure 4 shows the percentage of planning applications determined within the required timescales across the main types of application for our LPA and Wales. It shows that we determined 96% of householder applications within the required timescales. We also determined 69% of Listed Building Consent applications within the required timescales.

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



Between 2017-18 and 2018-19, as Figure 5 shows, the percentage of planning applications we determined within the required timescales increased from 90%.

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



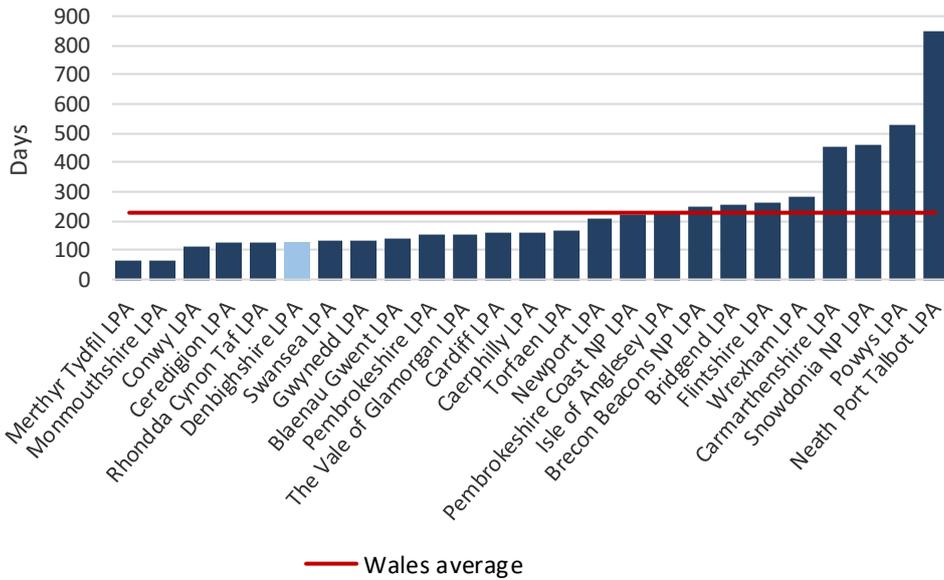
Over the same period:

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

Major applications

We determined 16 major planning applications in 2018-19, none of which were subject to an EIA. Each application took, on average, 129 days (18 weeks) to determine. As Figure 6 shows, this was shorter than the Wales average of 232 days (33 weeks).

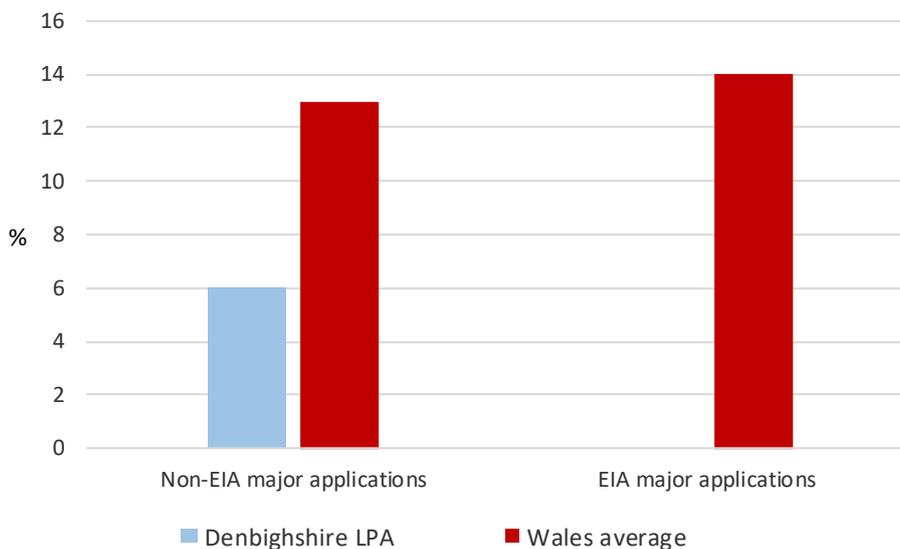
Figure 6: Average time (days) taken to determine a major application, 2018-19



94% of these major applications were determined within the required timescales, compared to 69% across Wales.

Figure 7 shows the percentage of major applications determined within the required timescales by the type of major application. 6% of our 'standard' major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

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

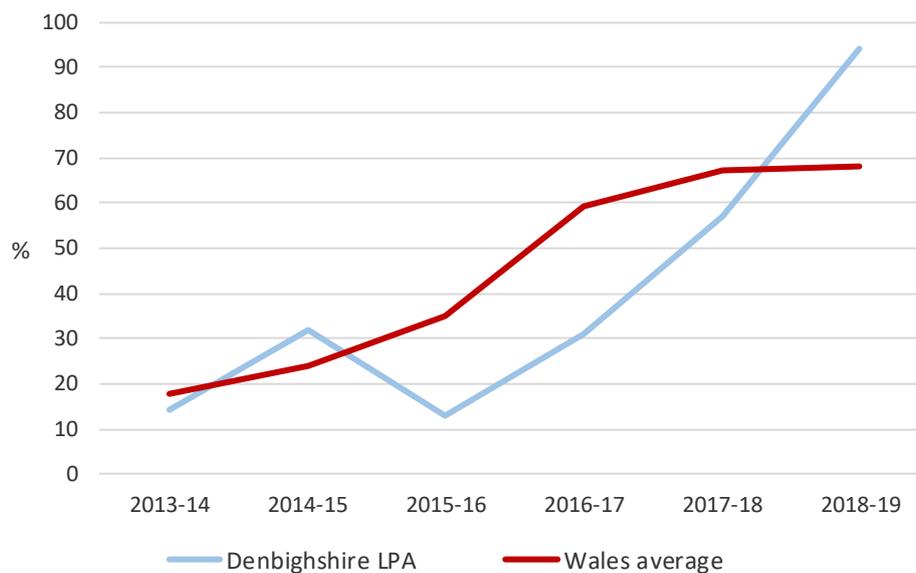


In addition we determined 14 major applications that were subject to a PPA in the required timescales during the year.

Since 2017-18 the percentage of major applications determined within the required timescales had increased from 57%. 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 8 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

Figure 8: Percentage of major planning applications determined within the required timescales



Over the same period:

- The percentage of minor applications determined within the required timescales decreased from 94% to 93%;
- The percentage of householder applications determined within the required timescales decreased from 98% to 96%; and
- The percentage of other applications determined within required timescales increased from 83% to 89%.

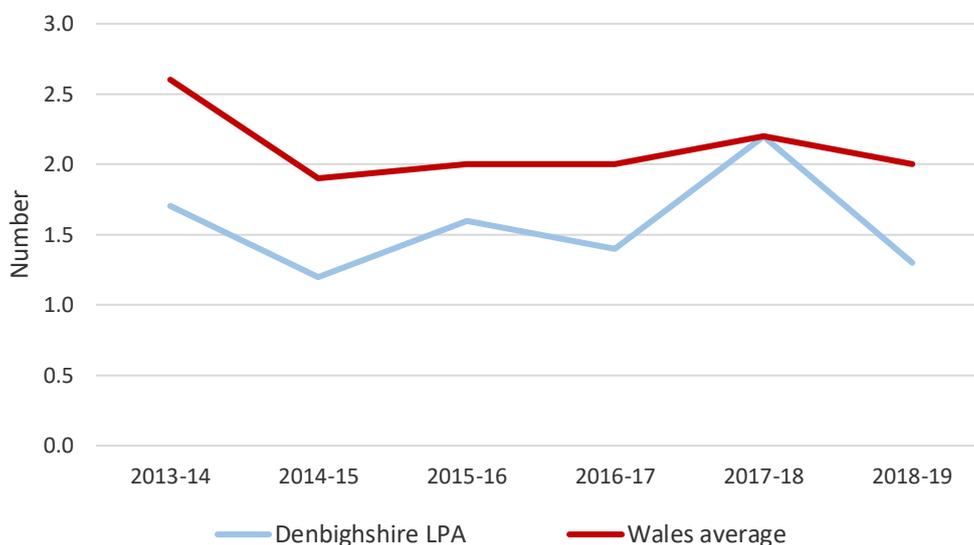
Quality

In 2018-19, our Planning Committee made 52 planning application decisions during the year, which equated to 6% of all planning applications determined. Across Wales 6% of all planning application decisions were made by planning committee.

8% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales. This equated to 0.4% of all planning application decisions going against officer advice; 0.5% across Wales.

In 2018-19 we received 12 appeals against our planning decisions, which equated to 1.3 appeals for every 100 applications received. Across Wales 2 appeals were received for every 100 applications. Figure 9 shows how the volume of appeals received has changed since 2017-18 and how this compares to Wales.

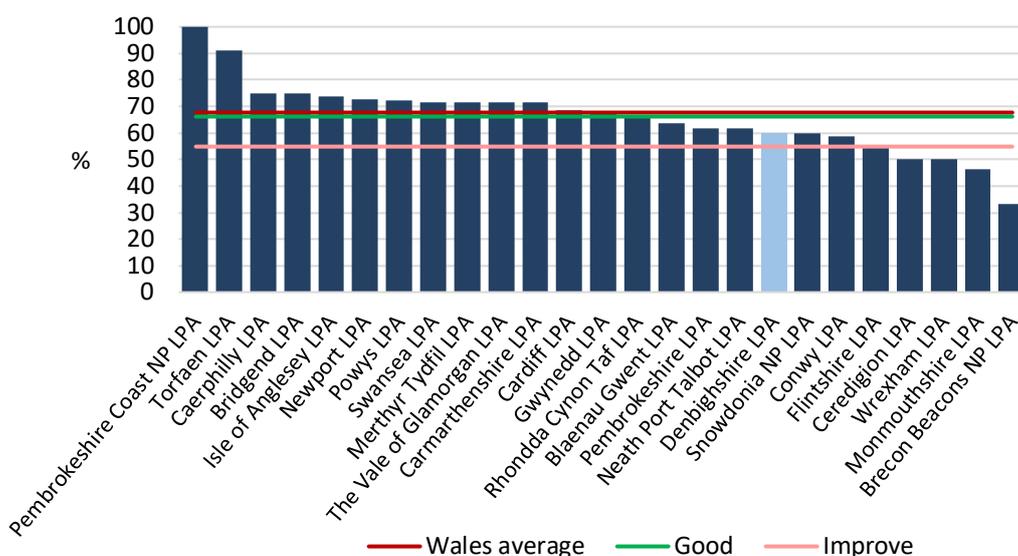
Figure 9: Number of appeals received per 100 planning applications



Over the same period the percentage of planning applications approved decreased from 72% to 68%.

Of the 10 appeals that were decided during the year, 60% were dismissed. As Figure 10 shows, this was lower than the percentage of appeals dismissed across Wales as a whole and was below the 66% target.

Figure 10: Percentage of appeals dismissed, 2018-19



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

11 respondents (73%) to the 2018-19 town and community council clerks survey reported that they were either 'very satisfied' or 'somewhat satisfied' with how the Planning Inspectorate deals with their council around appeals, compared to 55% of the respondents across Wales.

Engagement

We are:

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

11 (73%) of the town and community council clerks that responded to the 2018-19 survey felt that their council has enough time and resources to effectively contribute to development management in our area, compared to 59% of clerks that responded across Wales. 2 (14%) reported that they are 'always' able and 12 (86%) reported that they are 'sometimes' able to respond to applications within the 21 day statutory time period.

As Table 2 shows, 54% of respondents to our 2017-18 customer survey agreed that the LPA gave good advice to help them make a successful application.

Table 2: Feedback from our 2017-18 customer survey

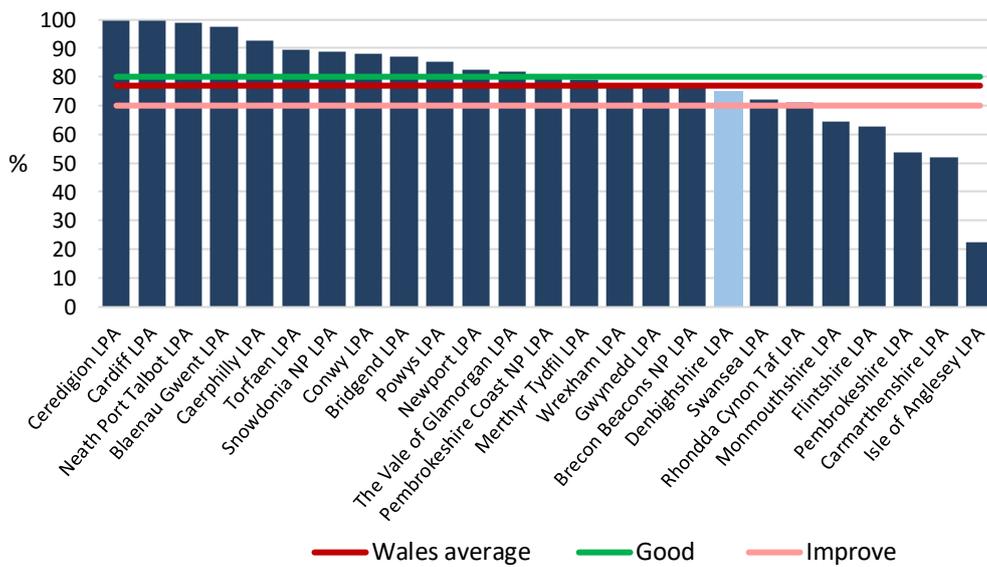
Respondents who agreed that:	Denbighshire LPA %	Wales %
The LPA gave good advice to help them make a successful application	54	60
They were listened to about their application	57	60

Enforcement

In 2018-19 we investigated 112 enforcement cases, which equated to 1.2 per 1,000 population. This was the second lowest rate in Wales.

We investigated 75% of these enforcement cases within 84 days. Across Wales 77% were investigated within 84 days. Figure 11 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

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



The average time taken to pursue positive enforcement action was 148 days.

In the 2018-19 city, town and community council clerks survey, 6 respondents (43%) stated that our LPA investigates enforcement cases ‘very promptly’ or ‘reasonably promptly’, compared to 36% of respondents across Wales. 5 respondents (36%) reported that they are either ‘very satisfied’ or ‘somewhat satisfied’ with how our LPA generally responds to investigating breaches. This was 40% for Wales.

ANNEX A - PERFORMANCE FRAMEWORK

OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	Denbighshire LPA LAST YEAR	Denbighshire LPA THIS YEAR
Plan making						
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	Yes	Yes
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	73	N/A	N/A
Time taken to commence formal revision of an LDP following the triggering of Regulation 41, in months	<12	13-17	18+	17	-	12
Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	Yes		No	Yes	-	Yes
LDP review deviation from the dates specified in the original Delivery Agreement, in months	<3		4+	1	-	3
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	Yes	Yes
The local planning authority's current housing land supply in years	>5		<5	6 of 25	1.8	1.6
Efficiency						
Percentage of "major" applications determined within time periods required	>60	50.1-59.9	<50	68	57	94
Average time taken to determine "major" applications in days	Not set	Not set	Not set	232	210	129
Percentage of all applications determined within time periods required	>80	70.1-79.9	<70	88	90	92
Average time taken to determine all applications in days	<67	67-111	112+	77	170	62
Percentage of Listed Building Consent applications determined within time periods required	>80	70.1-79.9	<70	75	19	69
Quality						
Percentage of Member made decisions against officer advice	<5	5-9	9+	9	11	8

MEASURE	GOOD	FAIR	IMPROVE
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	Denbighshire LPA LAST YEAR	Denbighshire LPA THIS YEAR
68	72	60
0	2	0
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
77	81	75
167	No Data	148

SECTION 1 – PLAN MAKING

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

Authority’s performance	Yes
The current Development Plan is the Denbighshire Local Development Plan 2006-2021	

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

Authority’s performance	12
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Indicator	04. Has an LDP Revision Delivery Agreement been submitted to and agreed with the Welsh Government?	
“Good”	“Fair”	“Improvement needed”
An LDP Revision Delivery Agreement has been submitted by the LPA and agreed with the Welsh Government		No LDP Revision Delivery Agreement has been submitted by the LPA or agreed by the Welsh Government

Authority's performance	Yes
The LDP revision Delivery Agreement was agreed by Welsh Government in May 2018	

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

Authority's performance	3
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Indicator	06. 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 in time

Authority's performance	Yes
The Annual Monitoring Report 2019 was submitted to Welsh Government on the 17 th October 2019	

Indicator	07. The local planning authority's current housing land supply in years	
"Good"		"Improvement needed"
The authority has a housing land supply of 5 years or more		The authority has a housing land supply of less than 5 years

Authority's performance	1.6
To note that Welsh Government has just started consultation on the delivery of housing through the planning system which may result in the deletion of the 5 year housing land supply calculation.	

SECTION 2 - EFFICIENCY

Indicator	08. Percentage of "major" applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
60% or more of applications are determined within the statutory time period	Between 50% and 60% of applications are determined within the statutory time period	Less than 50% of applications are determined within the statutory time period

Authority's performance	94
Performance remains good in relation to major applications.	

Indicator	09. Average time taken to determine "major" applications in days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	129

Indicator	10. Percentage of all applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
80% or more of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period

Authority's performance	92
Performance remains good in relation to all applications.	

Indicator	11. Average time taken to determine all applications in days	
"Good"	"Fair"	"Improvement needed"
67 days or less	Between 67 and 111 days	Greater than 112 days

Authority's performance	62
Performance remains good in relation to average time taken to determine all applications.	

Indicator	12. Percentage of Listed Building Consent applications determined within time periods required	
“Good”	“Fair”	“Improvement needed”
80% or more of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period

Authority’s performance	69
We recognise that improvements are needed and will consider different ways of working to achieve this.	

SECTION 3 - QUALITY

Indicator	13. Percentage of Member made decisions against officer advice	
"Good"	"Fair"	"Improvement needed"
Less than 5% of decisions are made contrary to officer advice	Between 5% and 9% of decisions are made contrary to officer advice	More than 9% of decisions are made contrary to officer advice

Authority's performance	8
Regular training sessions every year with Members.	

Indicator	14. Percentage of appeals dismissed	
"Good"	"Fair"	"Improvement needed"
More than 66% of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal

Authority's performance	60
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Indicator	15. Applications for costs at Section 78 appeal upheld in the reporting period	
"Good"	"Fair"	"Improvement needed"
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

Authority's performance	0
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SECTION 4 – ENGAGEMENT

Indicator	16. 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	Yes
The opportunity to speak at Planning Committee is regularly taken up and appreciated by applicants/objectors.	

Indicator	17. Does the local planning authority have an officer on duty to provide advice to members of the public?	
“Good”	“Fair”	“Improvement needed”
A duty planning officer is available during normal office hours	A duty planning officer is available, but not always during normal office hours	There is no duty planning officer available

Authority’s performance	Yes
A Duty Planning Officer and Duty Support Officer are available every day.	

Indicator	18. Does the local planning authority’s web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?	
“Good”	“Fair”	“Improvement needed”
All documents are available online	Only the planning application details are available online	No planning application information is published online

Authority’s performance	Yes
Denbighshire are currently in the process of improving the online application search facility to enable interested parties to find what they are looking for quicker than they are able to at the moment.	

SECTION 5 – ENFORCEMENT

Indicator	19. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	
“Good”	“Fair”	“Improvement needed”
80% or more of enforcement cases are investigated in 84 days	Between 70% and 80% of enforcement cases are investigated in 84 days	Less than 70% of enforcement cases are investigated in 84 days

Authority’s performance	75
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Indicator	20. Average time taken to take positive enforcement action	
“Good”	“Fair”	“Improvement needed”
100 days or less	Between 101-200 days	Greater than 200 days

Authority’s performance	148
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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.

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	570

Refused (square metres)	
Authority's data	0

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	0

Indicator	SD3. The number of dwellings granted planning permission during the year.
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Market housing (number of units)	
Authority's data	131

Affordable housing (number of units)	
Authority's data	122

Indicator	SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.
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Number of residential units (and also hectares of non-residential units) which were GRANTED permission	
Authority's data	23

Number of residential units (and also hectares of non-residential units) which were REFUSED permission on flood risk grounds	
Authority's data	7

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	24

Greenfield land (hectares)	
Authority's data	9

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	0

Open space gained (hectares)	
Authority's data	1

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	249,914

Gained via Community Infrastructure Levy (£)	
Authority's data	0