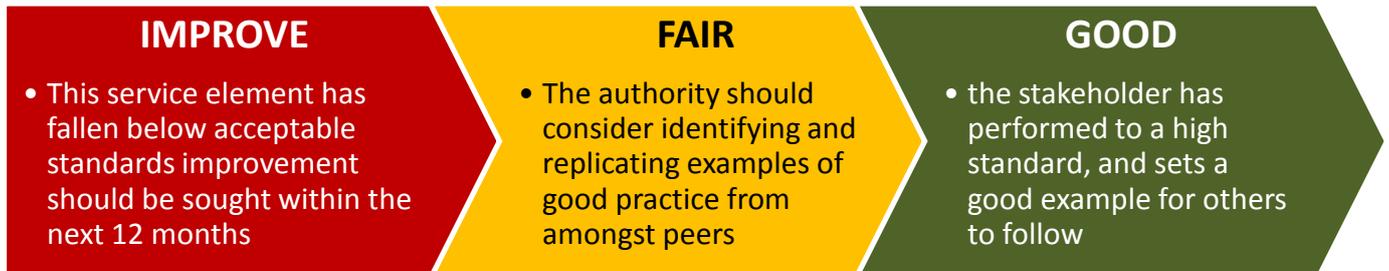


PLANNING PERFORMANCE FRAMEWORK INDICATORS AND TARGETS IN DETAIL

1. As part of the [“Positive Planning” consultation](#) in December 2013, the Welsh Government consulted on a series of proposals for measuring the performance of key stakeholders in the planning service. The Planning Performance Framework table, which was adopted in November 2014, reports the performance of local planning authorities (LPAs) against agreed indicators and targets. It categorises the LPA’s performance against them into one of three performance bands of red/amber/green:



2. The indicators set out in the Performance Framework table are divided into five categories:
 - [Plan Making](#)
 - [Efficiency](#)
 - [Quality](#)
 - [Engagement](#)
 - [Enforcement](#)

A list of the indicators can be found at [Annex A](#).

3. This document sets out the indicators and targets in the Performance Framework table, and provides a clear definition of the indicators and performance targets.

Some of these indicators are not currently subject to specific targets. Where this is the case, the target is described as “to be benchmarked”. These targets will be set in discussion with the Welsh Local Government Association and the Planning Officers Society for Wales. All targets will be also subject to annual review, the most recent of which was conducted in June 2017.

SECTION 1 – PLAN MAKING

INDICATOR 01. Is there a current Development Plan in place that is within the plan period?



4. “Development plan” means a Unitary or Local Development Plan. “In place” means that the plan has been formally adopted by the LPA. “Within the plan period” means that the plan has not passed its expiry date – e.g. a 15 year plan which was adopted on 01 April 2001 would expire on 31 March 2016. Until a new plan is prepared, the “expired” plan remains extant.
5. The Planning (Wales) Act 2015 contains provisions for “end dates” for plans. Once these provisions are commenced, then s Unitary or Local Development Plan will cease to be considered a development plan once the time period for that plan has expired. The consequence of commencement for this indicator is that, once the end date of the plan is reached, the respective authority will be deemed to not have a development plan in place.

INDICATOR 02. Local Development Plan (LDP) preparation deviation from the dates specified in the original Delivery Agreement, in months



6. This is measured from key start and end dates for activities set out in the original delivery agreement submitted to the Welsh Ministers. The four major activities used to calculate slippage are listed below:
 - Publication of pre-deposit consultation (Reg 15)
 - Publication of deposit consultation (Reg 17)
 - Submission for LDP to the Welsh Government for examination (Reg 22)
 - Adoption (Reg 25)
7. This indicator is only applicable if the LPA is in the process of preparing or reviewing its LDP.

INDICATOR 03. Annual Monitoring Reports (AMRs) produced following LDP adoption

IMPROVE

- An AMR is due, and has not been prepared in time

GOOD

- An AMR is due, and has been prepared

8. AMRs must be submitted to the Welsh Ministers after the first full financial year following LDP adoption, and the AMR should be submitted in the October following – e.g. an AMR due for financial year 2014-15 should be submitted in October 2015. A failure to meet this target is identified as a failure to submit that AMR by the end of October.

9. This indicator is only applicable if an AMR is due.

INDICATOR 04. – Time between triggering Regulation 41 and the submission of a Delivery Agreement to review the plan, in months.

IMPROVE

- The Delivery Agreement is submitted more than 18 months after Regulation 41 is triggered

FAIR

- The Delivery Agreement is submitted between 12 and 18 months after Regulation 41 is triggered

GOOD

- The Delivery Agreement is submitted less than 12 months after Regulation 41 is triggered

10. Within 6 months of a LDP triggering Regulation 41, a Review Report should be submitted to Welsh Ministers by the LPA. Following this, a Delivery Agreement for plan revision should be submitted to Welsh Ministers by the LPA no later than 6 months after the Review Report is submitted. This is a total period of 12 months. Delay in submitting a Delivery Agreement will ultimately lead to delay in plan review.

INDICATOR 05. Local Development Plan (LDP) revision deviation from the dates specified in the original Delivery Agreement, in months

IMPROVE

- The LDP revision is being progressed later than the dates specified in the original Delivery Agreement

GOOD

- The LDP revision is being progressed within the dates specified in the original Delivery Agreement

11. As with Indicator 02, this is measured from key start and end dates for activities set out in the original Delivery Agreement submitted to the Welsh Ministers. The three major activities used to calculate slippage align with Indicator 02 and are listed below:

- Publication of pre-deposit consultation (Reg 15)
- Publication of deposit consultation (Reg 17)
- Submission of LDP to the Welsh Government for examination (Reg 22)

12. The Cabinet Secretary for Energy, Planning and Rural Affairs has previously stated all LPAs should achieve LDP revision within 3 and a half years of commencing revision, with a built-in single slippage window of no more than 3 months. Slippage outside of the single 3 month window indicates an LPA is unlikely to reach adoption within the required timeframe.
13. This indicator is only applicable if the LPA is in the process of reviewing its LDP.

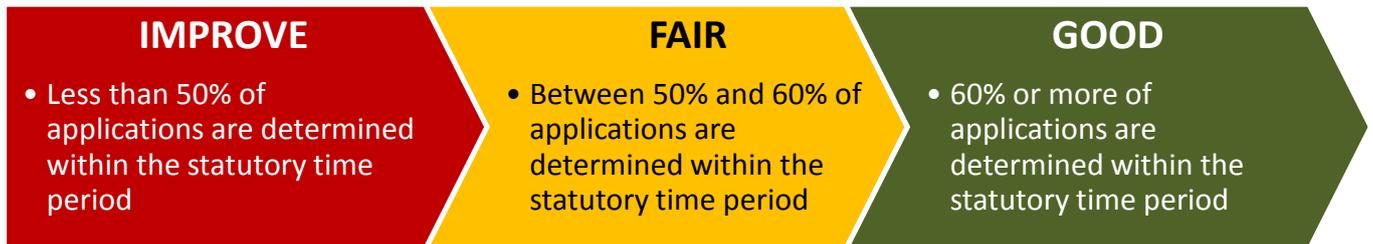
INDICATOR 06. The local planning authority's current housing land supply in years



14. Housing land supply should be calculated using the “residual” method set out in [TAN 1 “Joint Housing Land Availability Studies” \(2015\)](#). It is measured to 1 decimal place. The most recent final JHLAS figure should be used. Final means the housing land supply has been agreed by the study group or by a planning inspector.
15. This indicator is only applicable if the LPA has a current Local Development Plan as defined under Indicator 01; Paras 8.1 and 8.2 of TAN 1 specify transitional arrangements for LPAs without an LDP, stating that where an adopted UDP is in place then JHLAS can be calculated, “provided that the UDP is still within the plan period at the base date of the JHLAS”.

SECTION 2 - EFFICIENCY

INDICATOR 07. Percentage of "major" applications determined within time periods required



16. "Major development" is defined in the [Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012](#) as:

"development involving any one or more of the following -

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where -

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph

(c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more".

17. The clock starts when a valid planning application has been received. The requirements to make an application valid are set out in the [Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012](#). The clock stops when the application is determined.

"Determined" means one of the following:

- the authority has issued (dispatched) the decision notice to the applicant/agent; or
- Where an application is subject to a S106 agreement, the Planning Committee or relevant authorised officer with delegated powers has resolved (decided) to grant planning permission subject to a S106 agreement. Negotiation of a Section 106 Agreement is deemed to occur after the application has been "determined"; or
- In the case of applications for Listed Building Consent, the LPA has resolved to grant consent and has dispatched the relevant documents to Cadw. Subsequent consideration of the matter by Cadw is deemed to occur after the LPA has "determined" the application.

18. There are three time periods to be taken into account for measuring performance against this indicator:

- Applications subject to an Environmental Impact Assessment under the [Town and Country Planning \(Environmental Impact Assessment\) \(England and Wales\) Regulations 1999](#) should be determined within 112 days (16 weeks) of receipt of a valid planning application.
- Applications which are not subject to an Environmental Impact Assessment should be determined within 56 days (8 weeks) of receipt of a valid planning application, as set out in the 2012 Order.

- It is open to LPAs to enter into a Planning Performance Agreement or formally agree an extension for determining planning applications, which will provide additional time to the LPA beyond the statutory timescales set out above. In such cases and where those targets have been met, those applications are deemed to be determined “in time” for the purpose of this indicator. Failure to meet the target set out in a PPA or in an agreed extension means that the application is not deemed to be determined “in time”.

19. This includes full, outline and reserved matters applications.

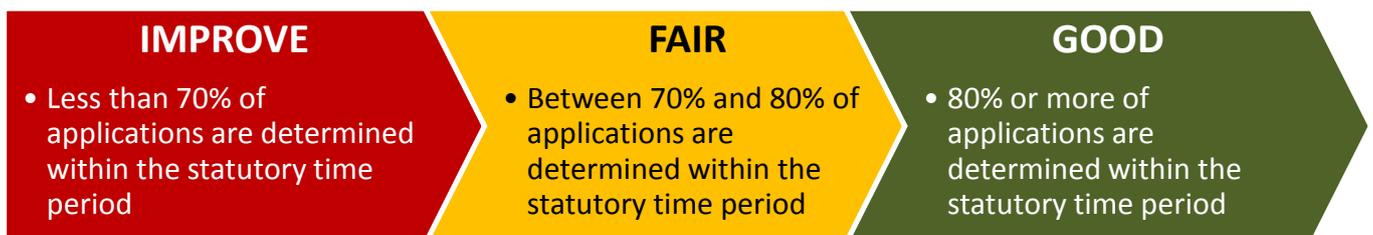
INDICATOR 08. Average time taken to determine "major" applications in days



20. The definition of a “major” application is set out in Indicator 05. “Determined” is also defined in Indicator 05. This indicator is calculated by dividing the total number of days taken to determine all major applications in the last reporting period, by the total number of major applications determined in that period.

21. The “average time taken” is calculated by combining the four quarterly averages for this figure, and dividing that total by four. The figure published in the Performance Framework table should be seen as indicative, and it is open to LPAs to provide a more accurate figure in their APRs by showing the total number of major applications per year, showing the overall time taken to determine those applications, and dividing the overall time by the overall number of relevant applications.

INDICATOR 09. Percentage of all applications determined within time periods required



22. This indicator takes account of all relevant applications, including “major” applications reported on in indicators 05 and 06. The full list of applications to be included for this indicator is defined as:

- Applications for a grant of full or outline planning permission, or approval of reserved matters, in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. This includes EIA development;
- Applications for temporary permissions and for the renewal of previous planning permissions, and for the variation of conditions (Section 73 Applications), or discharge of conditions, attached to previous planning permissions;
- Applications for consent under the Town and Country Planning (Control of Advertisements) Regulations 1992;

- Applications arising from notifications under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 where the authority has determined that prior approval is required;
- Applications for Listed Building Consent;
- Applications for a Certificate of Lawfulness of Existing Use of Development.
- Applications for a Certificate of Lawfulness of Proposed Use or Development.
- Applications submitted as a result of Article 4 and Article 7 Directions.
- Land Compensation Act 1961 cases, i.e. for certification of appropriate alternative development.

23. “Determined” and “statutory time period” are as defined in Indicator 05.

INDICATOR 10. Average time taken to determine all applications in days



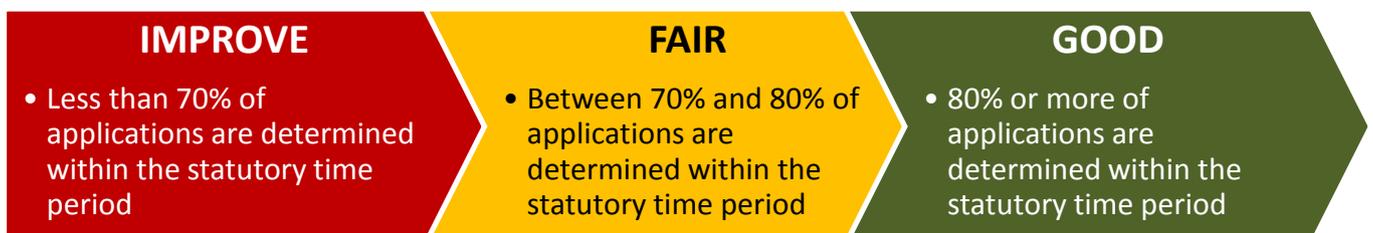
24. This indicator takes account of all relevant applications, including “major” applications reported on in indicators 05 and 06. The full list of applications to be included for this indicator is defined for Indicator 07.

25. “Determined” and “statutory time period” are as defined in Indicator 05.

26. This indicator is calculated by dividing the total number of days taken to determine all applications in the reporting period, by the total number of applications determined.

27. The “average time taken” is calculated by combining the four quarterly averages for this figure, and dividing that total by four. The figure published in the Performance Framework table should be seen as indicative, and it is open to LPAs to provide a more accurate figure in their APRs by showing the total number of applications per year, showing the overall time taken to determine those applications, and dividing the overall time by the overall number of applications.

INDICATOR 11. Percentage of Listed Building Consent applications determined within time periods required



28. This indicator takes account of the timeliness for determining applications for Listed Building Consent. Some LPAs have been delegated authority by Cadw to determine these applications, and in these cases the time taken to determine the application is measured from receipt of a valid application to the issue of a decision notice.

29. In cases where authority is not delegated by Cadw to determine the application, then the “determined” date is deemed to be the date on which the application is passed to Cadw for a decision.
30. The relevant time periods for determination is 8 weeks, unless an extensions is agreed with the applicant, in which case the application will be judged as “in time” in the same way as set out for indicator 07 above.

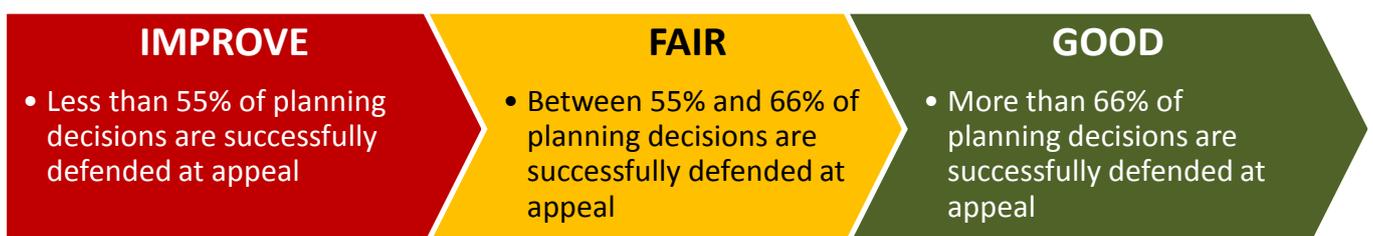
SECTION 3 - QUALITY

INDICATOR 12. Percentage of Member made decisions against officer advice



31. “Member made decisions” means decisions made by the LPA’s Planning Committee.
32. “Decisions against officer advice” means that an application has been determined (as defined in Indicator 05) and where the Committee decision was:
- to grant permission in situations where the published officer’s report recommended refusal; or,
 - to refuse permission where the published officer’s report has recommended approval.
33. To clarify, applications would be included within this measure where, within the relevant period:
- The Planning Committee has resolved, against the officer recommendation, to grant planning permission subject to a S106 agreement;
 - The Planning Committee has resolved, against officer recommendation, to grant Listed Building Consent, and the documents have been dispatched to Cadw;
 - The Planning Committee has resolved, against officer recommendation, to grant or refuse any other application, and the decision notice has been issued (dispatched).
34. Where LPAs operate a ‘cooling off’ period, the date of the final Committee decision shall be used.

INDICATOR 13. Percentage of appeals dismissed



35. This indicator refers to appeals determined by the Welsh Ministers (or by the Planning Inspectorate on their behalf) under Section 78 of the Town and Country Planning Act 1990. “Dismissed” means that the Welsh Ministers or appointed Inspector upheld the LPA’s decision.

INDICATOR 14. Applications for costs at Section 78 appeal upheld in the reporting period



36. “Costs awarded” means that the Inspector has found at a Section 78 appeal that the authority has acted unreasonably, either procedurally (relating to the process) or substantially (relating to the issues arising from the merits of the appeal), and has awarded costs to the applicant, in the reporting period.

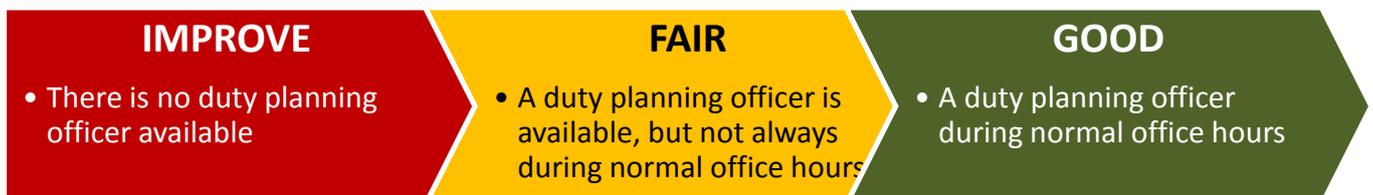
SECTION 4 – ENGAGEMENT

INDICATOR 15. Does the local planning authority allow members of the public to address the Planning Committee?



37. “Able to address the Committee” means that the LPA has a published protocol for enabling members of the public to verbally address a planning committee during its determination of a planning application.

INDICATOR 16. Does the local planning authority have an officer on duty to provide advice to members of the public?



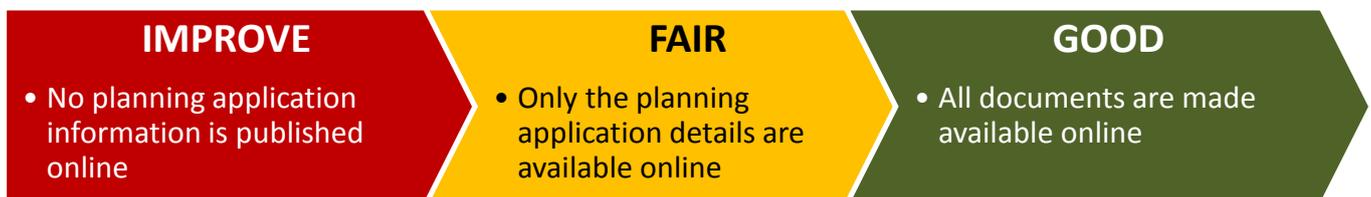
38. “Planning officer” means a member of staff whose duties include the determination of planning applications.

39. “Normal office hours” means 9am to 5pm, Monday to Friday, excluding bank holidays.

40. “Can seek advice” means that advice is available to an applicant, or other member of the public, on request. This can be either face-to-face or via telephone.

- For telephone queries, this means that advice is provided to the service user either immediately on receipt of a telephone call to the LPA, or that the LPA will arrange for a planning officer to call the service user back at a later time to provide advice, during normal office hours.
- For face-to-face advice, this means that either a planning officer is on duty to provide direct advice in normal office hours, or that customer service staff can arrange a meeting where a service user can receive face-to-face advice (whether or not a pre-application advice fee is charged).

INDICATOR 17. Does the local planning authority’s web site have an online register of planning applications, which members of the public can access to track their progress (and view their content)?



41. “All documents” means that a full copy of all documents that should be placed on the public register of planning applications, as set out in Section 29(2)a to 29(2)d of [the Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012](#), is made available electronically. This would exclude documents that cannot be published, for example due to commercial confidentiality (e.g. viability appraisals) or due to other legislation (e.g. location of a badger sett).

42. “Planning application details” means that only the planning application itself, as described in Section 29(2)a of the 2012 Order, is available electronically.

43. “No planning application information” means that the application as described Section 29(2)a of the 2012 Order is not available to be viewed electronically.

SECTION 5 – ENFORCEMENT

44. Changes to the suite of Performance Framework indicators for measuring the operation of the enforcement system were agreed in June 2017. This included the deletion of indicators measuring the average time taken to investigate planning enforcement cases, and the percentage of enforcement cases resolved within 180 days. A new indicator, measuring the average time taken to pursue positive enforcement action where a breach had been identified, has also been introduced.

INDICATOR 18. Percentage of enforcement cases investigated within 84 days



45. The purpose of this indicator is to measure “The Investigation Phase” of all types of enforcement cases, including proactive cases, monitoring cases, internal cases (i.e. from another department of the Authority), Councillor or Community/Town Council complaints or complaints from a member of the public, whether or not they are anonymous. It follows advice contained within the Development Management Manual in connection with making “an early decision both on the need for planning permission, and if required, on whether the development is acceptable” (paragraph 14.2.5). The same early decision making approach is equally applicable to enforcement cases relating to, for example, untidy land, illegally displayed advertisements or unauthorised works to Listed Buildings. Formal enforcement action of any sort is no longer to be viewed as a last resort. The recent introduction of new Enforcement Tools (e.g. Temporary Stop Notices and Enforcement Warning Notices) is intended to assist Enforcement officers in reaching a prompt resolution to enforcement cases. Paragraph 14.2.6 of the Development Management Manual endorses this approach and states:

“Prompt enforcement action means unacceptable unauthorised development is less likely to become well established and difficult to remedy. Also the statutory time limits for taking enforcement action will be adhered to”.

46. The indicator is intended to measure the percentage of all cases that are investigated within a set timescale in order to encourage a swift progression of all enforcement cases and to ensure that the public are aware of the outcomes of investigations and the actions that the Local Planning Authority will be taking to resolve a breach of planning control where one is identified.

47. For the purposes of this indicator the following definitions are provided:

- Enforcement case: An enforcement case is:
 - i. any number of complaints relating to a single alleged breach of planning control brought to the attention of the Local Planning Authority by any party (i.e. member of

- the public, Councillor, Community Council or any other party from outside the Council) by whatever means of communication, including anonymous complaints, if indeed such cases are investigated by the Local Planning Authority; and
 - ii. any pro-active planning enforcement investigation undertaken by the Local Planning Authority that has not resulted from a complaint having been made, including cases resulting from other internal departments of the Authority.
- Investigated: The Local Planning Authority has considered the matter that is subject of the enforcement case, has concluded that one of the following outcomes has occurred and has notified any complainant of this outcome in writing (electronic or letter).
- Investigation Outcomes:
 - i. no breach of planning control has occurred or the breach has been removed;
 - ii. a breach has occurred but the Local Planning Authority has formally determined that planning enforcement action is not expedient;
 - iii. a breach has occurred, planning enforcement action is expedient and a formal decision has been made by the Local Planning Authority to issue an Enforcement Notice (including an Enforcement Warning Notice, Breach of Condition Notice, Listed Building Enforcement Notice or Notice Requiring the Proper Maintenance of Land) or bring a prosecution against an offender in cases where unauthorised works are an offence (e.g. advertisements, works to a listed building, works to protected trees, etc.); or
 - iv. The receipt of a valid planning application (including NMA, Discharge of Condition, Certificate of Lawfulness, Advertisement and Listed Building applications) proposing retention of the development or the regularisation of the breach at the site.
- Breach: A breach includes untidy land and any works carried out without the necessary permission, consent or notification procedures having been followed. Essentially, it is taken to mean any planning enforcement matters that come within the ambit of the Town and Country Planning Act (1990), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
- Determination of expediency: Where a decision has been made in the case of outcome ii or iii above with regard to the expediency of pursuing enforcement action, such a decision must be the formal decision of the Local Planning Authority, in accordance with its scheme of delegation/constitution. This should not be the informal decision of the investigating enforcement officer, if such a decision has not been delegated to them.

48. With regard to the dates to be recorded for the purposes of this indicator, the clock starts on the (first working) day that a proactive case is opened or an enforcement complaint is received by the Local Planning Authority from the complainant or via a Councillor or another body/department/person. This could be by letter, email or telephone call, but Local Planning Authorities are encouraged to ensure consistency in the receipt of suspected breaches by allowing complaints to be submitted electronically. The clock stops for this 'investigation phase' when the Local Planning Authority has 'investigated' an enforcement case, as defined in paragraph 47 above.

49. As for reporting the Indicator, the 'Investigated' date should be used. As such, of the number of Enforcement Cases with an 'investigated' date within the period specified, the return should,

firstly, report the number of cases investigated in less than 84 days and, secondly, the number of cases 'investigated' in 84 days or more.

50. Where there is no 'complainant' (i.e. a pro-active investigation or a report is received from a separate section of the Authority) the clock stops when the LPA has concluded one of the above outcomes (see paragraph 47) and recorded this information on the case file/record.
51. Where a Local Planning Authority concludes that either outcome i or ii has occurred, the decision shall not be reported (i.e. a date not recorded) for the purposes of Indicator 19 (Positive Action Indicator).
52. In cases where a planning application is received proposing retention of the development prior to the LPA coming to a conclusion on the investigation phase the investigation phase shall be treated as being closed on the date that a valid planning application has been received.
53. In cases where the breach of planning control is removed prior to the LPA coming to a conclusion on the investigation phase the investigation phase shall be treated as being closed on the date that the complainant has been informed in writing that the breach of planning control has been removed, or for proactive/anonymous cases, the date on which the LPA has established the breach of planning control is removed.
54. Where it has been determined that a breach of planning control is expedient under outcome iii or where an application for planning permission has been submitted under outcome iv, the clock will commence in relation to Indicator 19.

INDICATOR 19. Average time taken to take positive enforcement action in the case of a confirmed breach of planning control



55. The purpose of this indicator is to measure the time taken to pursue some form of action in an Enforcement Case where it has been determined that the breach is expedient or the time taken for a Local Planning Authority to determine an application submitted in an attempt to regularise a breach. 'Positive Action' follows the investigation phase of an enforcement case, but will only be recorded by Local Planning Authorities in the event of outcome (iii) and (iv) of paragraph 47. This indicator shall, therefore, only record those cases that have been determined as being 'expedient' in Indicator 18 under outcome (iii) of paragraph 47 or those cases where a planning application has been received prior to a decision being made (as per outcome (iv), paragraph 47 of Indicator 18).
56. For the purposes of this indicator the following definitions are provided:
 - "Positive Action": The Local Planning Authority has concluded that one of the following outcomes has occurred and has notified any complainant of this outcome in writing (electronic or letter).
 - "Positive Action Outcomes":
 - i. There has been a formal determination that a breach is expedient but informal negotiation subsequently removes the breach;

- ii. An Enforcement Notice is issued. An Enforcement Notice includes a Stop Notice, Breach of Condition Notice, Enforcement Warning Notice, Untidy Land Notice (section 215 of the Town and Country Planning Act 1990), any type of Listed Building Enforcement Notice, Tree Replacement Notice, Hedgerow Replacement Notice or Completion Notice, but does not include a Planning Contravention Notice, Section 330 Notice (of the Town and Country Planning Act 1990), Temporary Stop Notice or Requisition for Information;
- iii. Planning permission is subsequently granted through an application or enforcement appeal;
- iv. A prosecution is brought (with the date that the case is first heard deemed as being the 'positive action' date); or
- v. Direct action by the Authority removes the breach.

57. The Positive Action phase of an Enforcement case is measured from the date recorded at the end of the 'investigated' phase (see paragraph 47 above) to the date the case reaches one of the outcomes listed above (see paragraph 56).

58. The Local Planning Authority's average is calculated by adding the total number of days to take positive enforcement action for all enforcement cases that have a 'positive action' date that is within the reporting period, and dividing this by the total number of cases where it has been decided that enforcement action is expedient or where an application has been submitted in an attempt to regularise the breach.

59. The 'average time taken' for cases where positive action is pursued in any year is calculated by combining the four quarterly averages for this figure, and dividing the total by four. The figure published in the Performance Framework Table should be seen as indicative, and it is open to LPAs to provide a more accurate figure in their APRs by showing the total number of cases deemed as being expedient per year, showing the overall time taken to pursue a positive action in those cases, and dividing the overall time by the overall number of cases.

60. Outcome i. relates to informal negotiation that takes place to remove a breach of planning control. This shall be used to measure those cases where a decision has already been taken that a case is 'Expedient' under Indicator 18 (as defined in paragraph 47) and negotiation between the LPA and the offender has resulted in removal of the breach of planning control without the need to serve an Enforcement Notice. This outcome shall not be used to measure those cases where informal negotiation takes place under Indicator 16 prior to a decision having been made that a case is expedient.

ANNEX A

Summary of Performance Framework Indicators and Targets

Indicator	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	13-18	>18
Annual Monitoring Reports produced following LDP adoption	Yes		No
Time between triggering Regulation 41 and the submission of a Delivery Agreement to review the plan, in months	<12	13-18	>18
Local Development Plan (LDP) revision deviation from the dates specified in the original Delivery Agreement, in months	Yes		No
The local planning authority's current housing land supply in years	>=5.0		<5.0
Efficiency			
Percentage of "major" applications determined within time periods required	>=60.	50.0-59.9	<50.0
Average time taken to determine "major" applications in days	Target to be benchmarked	Target to be benchmarked	Target to be benchmarked
Percentage of all applications determined within time periods required	>=80.0	70.0-79.9	<70.0
Average time taken to determine all applications in days	<=67	68-112	>112
Percentage of Listed Building Consent applications determined within time periods required	Target to be benchmarked	Target to be benchmarked	Target to be benchmarked
Quality			
Percentage of Member made decisions against officer advice	<5.0	5.0-8.9	>9.0
Percentage of appeals dismissed	>=66.0	55.0-65.9	<55.0
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 within 84 days	>=80.0	70.0-79.9	<70.0
Average time taken to take positive enforcement action	Target to be benchmarked	Target to be benchmarked	Target to be benchmarked