

Cyngor Sir CEREDIGION County Council

REPORT TO:	Governance and Audit Committee
DATE:	17 January 2022
LOCATION:	Remotely via Video Conference
TITLE:	Report on Audit Wales Review of the Planning Service Ceredigion County Council 2020-21
PURPOSE OF REPORT:	To update the Governance and Audit Committee regarding the outcome of the 2020-21 Audit Wales Review of Ceredigion County Council's Planning Service and present the Council's draft response for consideration
For:	Decision
Cabinet Portfolio and Cabinet Member:	Cllr. Rhodri Evans, Cabinet Member for Economy and Regeneration

BACKGROUND:

Audit Wales undertook a review of the Council's Planning Service during April to July 2021. (see Report at **Appendix 1**). In the Report, Audit Wales have made 10 recommendations (see Exhibit 1, Page 5 of **Appendix 1**).

CURRENT POSITION:

A Management Response Form (see **Appendix 2**) including the first version of the Council's response is attached, in which the Council's Action Plan is referenced.

RECOMMENDATIONS:

It is recommended that the Committee:

1. Notes the contents of the Audit Wales Review of the Council's Planning Service 2020-21 (at **Appendix 1**),
2. Considers the Council's Management Response (at **Appendix 2**) and
3. Makes appropriate recommendations.

REASON FOR RECOMMENDATIONS:

To keep the Governance and Audit Committee informed of reports, proposals and work being undertaken by Audit Wales and the Council's response.

Appendices: **Appendix 1 – Audit Wales 2020-21 Review of Ceredigion County Council Planning Service**

Appendix 2 – Management Response Form

Head of Service:

Russell Hughes-Pickering, Corporate Lead Officer – Economy & Regeneration

Reporting Officer:

Audit Wales/Russell Hughes-Pickering

Date:

21/12/2022

Review of the Planning Service – Ceredigion County Council

Audit year: 2020-21

Date issued: October 2021

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We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

This document is also available in Welsh.

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Summary report

Summary

What we reviewed and why

- 1 Following our Assurance and Risk work in 2019-20 and 2020-21, we agreed with the Council to undertake a review of their Planning Service.
- 2 This review sought to provide assurance and insight as to whether the Planning Service is effectively and sustainably meeting its objectives and contributing towards the achievement of the priorities in the Council's Corporate Strategy. The work also included a review of the performance of the Planning Service.
- 3 We undertook the review during the period April to July 2021.

What we found

- 4 Our review sought to answer the question: Is the Planning Service effectively and sustainably meeting its objectives and contributing towards the achievement of the priorities in the Council's Corporate Strategy? Overall, we found that:

Whilst Council members and senior officers view the planning service as strategically critical, significant longstanding weaknesses in the Development Control Committee's governance arrangements are not sustainably or cohesively supporting the Council to improve performance and achieve its strategic objectives and priorities. We reached this conclusion because:

- whilst the planning service is improving its performance in the time taken to determine applications, longstanding weaknesses remain in relation to positive enforcement action and the high number of member decisions contrary to professional officer advice;
- planning staff are committed to their work with objectives linked to the Corporate Strategy, however, ongoing vacancies create challenges to effective and sustainable service delivery; and
- the governance arrangements of the Development Control Committee do not cohesively and sustainably support the delivery of the Council's key planning and strategic priorities.

Recommendations

- 5 In addressing the significant long-standing governance issues relating to its development control arrangements, we strongly advise that the Council prioritises these recommendations. We will follow up the Council's progress in improving its development control arrangements during the next 12 months.

Exhibit 1: recommendations

The table below sets out the recommendations that we have identified following this review.

Recommendations	
Governance	
R1	<p>The Council should review its constitution to strengthen the governance of its development control arrangements. The review should:</p> <ul style="list-style-type: none">a) learn from the development control governance arrangements of other Local Planning Authorities (LPAs);b) develop an agreed Terms of Reference for the Council's Development Control Committee, to clearly state its purpose, role and responsibilities, and how it links to Corporate Priorities;c) define what it deems as strategically important and 'major' planning applications;d) strengthen the Development Control Committee's scheme of delegation by considering raising the threshold for planning applications called into Committee to allow it to better focus on more strategically important and major applications;e) ensure planning applications submitted by or on behalf of the Council's officers and members are considered by the Development Control Committee and not under officer delegated powers to safeguard against any perceived conflicts of interest and to promote independence and transparency;f) review the balance of time local ward members have to speak on planning applications at committee meetings as compared to applicants and objectors; andg) review and include the Council's Planning Code of Practice in the constitution and ensure members understand and act in accordance with it.
R2	<p>The Council should ensure that its Development Control Committee and committee support arrangements comply with data protection principles and the processing of personal information in accordance with the Data Protection Act 2018¹ and the UK General Data Protection Regulation.</p>
R3	<p>The Council's Development Control Committee members need to ensure that any planning decisions are based on sound material planning considerations, and not applicants' personal circumstances.</p>

¹ [Chapter 12 – Data Protection Act 2018](#)

Recommendations

- R4 The Council needs to ensure that recordings of its 'in public' Development Control Committee meetings are made publicly available after committee meetings to adhere to the future requirements of the Local Government and Elections (Wales) Act 2021².
- R5 The Council should ensure that Development Control Committee decisions relating to 'affordable' homes in the open countryside are made and reported accurately in accordance with the Council's Affordable Housing supplementary guidance³.
- R6 The Council and Development Control Committee should assess the cumulative implications and long-term infrastructure impact of approving single affordable dwellings and TAN 6 planning applications in the open countryside to ensure they contribute sustainably and cohesively to the Council's wider corporate priorities.
-

Service Planning

The Council's Planning Service should:

- R7 More clearly present its performance information and targets in its business plans.
- R8 Review the effectiveness and efficiency of combining the Development Management Officer and Enforcement roles including the impact on performance.
-

Monitoring

- R9 The Council should establish a framework to assure itself that the Development Control Committee contributes cohesively and sustainably to achieving the Council's corporate priorities.
-

Well-being of Future Generations

- R10 In making any changes to the planning service, the Council should take the opportunity to consider how it might act more closely in accordance with the sustainable development principle in contributing to the delivery of the Council's well-being objectives when making planning decisions.

² [Part 3; Section 46 – Local Government and Elections \(Wales\) Act 2021](#)

³ Ceredigion County Council, [Supplementary Planning Guidance Affordable Homes](#), September 2014

Detailed report

Whilst Council members and senior officers view the planning service as strategically critical, significant longstanding weaknesses in the Development Control Committee's governance arrangements are not sustainably or cohesively supporting the Council to improve performance and achieve its strategic objectives and priorities

Whilst the planning service is improving its performance in the time taken to determine applications, longstanding weaknesses remain in relation to positive enforcement action and the high number of member decisions contrary to professional officer advice

- 6 The Welsh Government's All Wales Annual Planning 2018-19 report ⁴ is the latest annual performance data available in comparing the performance of the 25 Local Planning Authorities (LPAs⁵) in Wales. The Welsh Government require LPAs to report performance for 19 national indicators.
- 7 In 2018-19, the Council had two out of the 19 national indicators in the top quartile as compared with the other LPAs in Wales. These were:

⁴ Welsh Government, [All Wales Planning Annual Performance Report 2018-19](#), December 2019

⁵ Planning Aid Wales, [Your Authority – Planning Aid Wales](#), (25 Local Planning Authorities in Wales consist of 22 Welsh Councils and three National Park Authorities)

Exhibit 2:

National Indicator	Ceredigion 2018-19 performance	National Average 2018-19	Ceredigion 2018-19 national ranking	Ceredigion average performance over five years (from April 2014 – March 2019)	Ceredigion average ranking over five years (from April 2014 – March 2019)
Average time taken to determine 'major' applications in days	125.8 days	231.8 days	4th	253.1 days	19th
Percentage of enforcement cases investigated within 84 days	99.5%	76.9%	Joint 1st	Data not available	

Source: Welsh Government All Wales planning annual performance report 2018-19

- 8 However, the Council's 2018-19 performance for 6 of the 19 national indicators were in the bottom quartile. Performance for four indicators had remained in the bottom quartile when compared to other LPAs for the previous five years. The indicators were:

Exhibit 3

National Indicator	Ceredigion 2018-19 performance	National Average 2018-19	Ceredigion 2018-19 national ranking	Ceredigion average performance over five years from April 2014 – March 2019)	Ceredigion average ranking over five years from April 2014 – March 2019)
Percentage of all applications determined within time periods required	72.9%	88.1%	24th	66.2%*	25th*

National Indicator	Ceredigion 2018-19 performance	National Average 2018-19	Ceredigion 2018-19 national ranking	Ceredigion average performance over five years from April 2014 – March 2019)	Ceredigion average ranking over five years from April 2014 – March 2019)
Average time taken to determine all applications in days	95.3 days	80.7 days	23rd	105.1 days	24th
Percentage of Member made decisions against officer advice	55.9%	9.2%	25th	57.7%	25th
Percentage of appeals dismissed	37.5%	67.5%	24th	59%**	19th**
Percentage of Listed Building Consent applications determined within time periods required	61.1%	74.7%	21st	46.9%*	18th*
Average time taken to take positive enforcement action	531.7 days	184.6 days	24th***	2018-19 was the first year for this indicator so no historical comparative data available	

*Performance over six years

**Performance over four years

***One LPA did not submit data

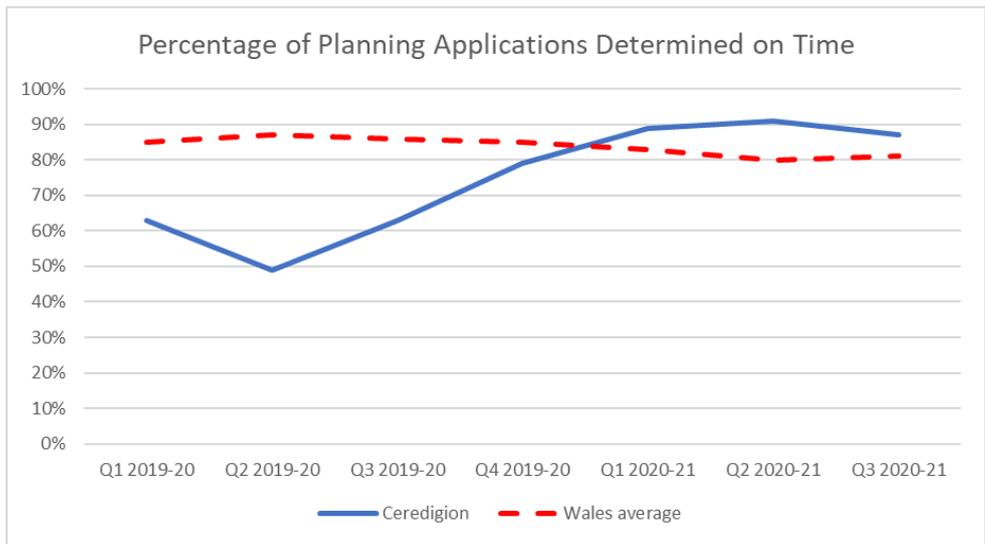
Source: Welsh Government All Wales planning annual performance report 2018-19

9 At the time of our fieldwork, the Welsh Government had not published an All-Wales Annual Planning Report since 2018-19, however the LPAs' quarterly performance returns to the Welsh Government are publicly available⁶ with the return for Quarter 3 (October to December) 2020-21, being the most recent comparable available data for some national indicators on the Welsh Government's website.

⁶ Welsh Government, [Development management quarterly surveys](#)

10 To help address the Council’s longstanding planning performance issues, the Council restructured its Planning Service and reviewed its priorities in 2019. As shown in **Exhibit 4**, the Council’s performance in determining planning applications on time has since significantly improved, with performance since quarter 1 of 2020-21 now above the Wales average.

Exhibit 4

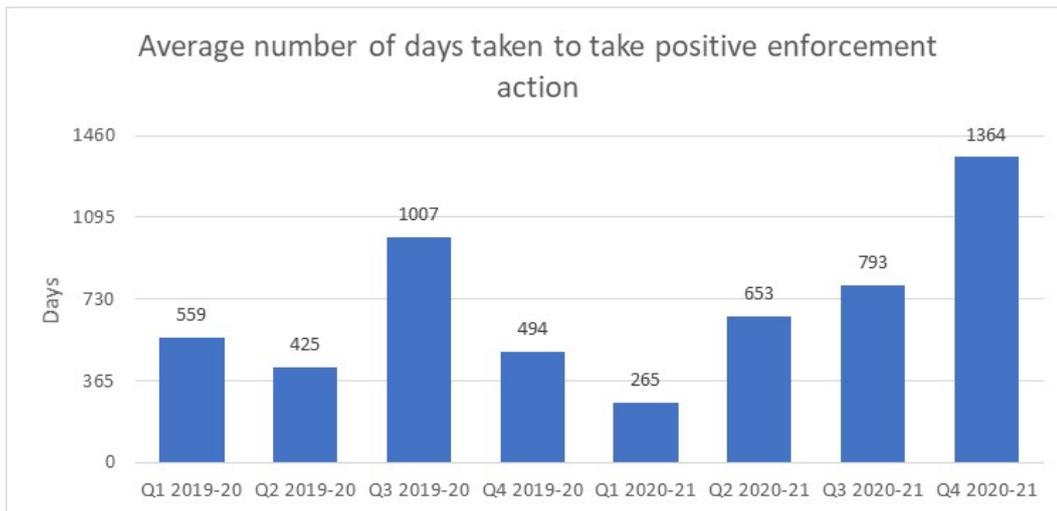


Source: Local Planning Authorities Development Management quarterly returns April 2019 – December 2020

11 However, the time the Council takes to investigate planning enforcement cases is declining. For the two-year period April 2019 to March 2021, the Council investigated a total of 174 enforcement cases. 150 (86%) were investigated in 84 days or less, which is a lower percentage than in 2018-19 when the Council investigated 99.5% of enforcement cases in 84 days or less. This in part, could be a result of changes in working practices as a consequence of COVID-19 when the Council temporarily stopped undertaking site visits and investigations, and as such the Council should review this decline in enforcement performance to assure itself that it is temporary and can improve performance going forward.

12 The average time the Council takes to carry out positive enforcement action⁷ is also declining⁸. In 2018-19, the average time in days taken across all 25 LPAs was 184.6 days, but Ceredigion was an outlier taking an average of 531.5 days to carry out positive enforcement action and ranked 24th of the 24 LPAs in Wales that submitted data to the Welsh Government. **Exhibit 5** highlights the Council's planning service quarterly performance in relation to the positive enforcement action it took for the two-year period April 2019 to March 2021. For each of the eight quarters in that two-year period, performance was worse for five of those quarters when compared to its 2018-19 average annual performance of 531.5 days.

Exhibit 5



Source: Ceredigion County Council quarterly returns to the Welsh Government April 2019 – March 2021

⁷ Positive Enforcement Action definition, [Wales Co-operative Centre Limited \(gov.wales\)](http://gov.wales), October 2018

⁸ Welsh Government, [All Wales Planning Annual Performance Report 2018-19](#), December 2019

The 'average time taken to carry out positive enforcement action' measures time to bring a prosecution up to the point at which the case is first heard, as the time for the case to be determined by the court is beyond the LPA's control.

- 13 The Council's longstanding performance in relation to its Development Control Committee member decisions made contrary to professional officer advice continues to be significantly above the Wales average as demonstrated in **Exhibit 6** (lower is better). In 2018-19, 55.9% of the Development Control Committee member decisions went against professional officer advice, when the Wales average was 9.2%. Ceredigion's national ranking was 25th. For quarter 3 in 2020-21 (October to December 2020), performance was 55.6% with the Wales average at 7.6%. Ceredigion's national ranking was 24th out of the 24 LPAs that submitted quarterly performance information.

Exhibit 6

Decisions Made Contrary to Officer Recommendation (%) – Ceredigion		Wales average (%)	Ranking
Q1 2019-20	58.3%	9.8%	24th*
Q2 2019-20	66.7%	9.5%	24th*
Q3 2019-20	100%	9.9%	24th*
Q4 2019-20	71.4%	12%	24th*
Q1 2020-21	—***	3.3%	—
Q2 2020-21	16.7%	6.7%	Joint 21st **
Q3 2020-21	55.6%	7.6%	24th*

*Denotes one LPA did not submit quarterly data.

**Denotes two LPAs did not submit quarterly data.

***No Development Control Committee meetings held during Quarter 1 2020-21. Nine LPAs, including Ceredigion, did not submit quarterly data.

Source: Local Planning Authorities Development Management quarterly returns April 2019 – December 2020

Planning staff are committed to their work with objectives linked to the Corporate Strategy, however, ongoing vacancies create challenges to effective and sustainable service delivery

- 14 The Council's members and officers told us that they view the Planning Service (Development Management and Planning Policy) as an integral enabler in supporting it to achieve its strategic ambitions as set out in its Corporate Plan⁹.
- 15 The Council's Corporate Lead Officer for Economy and Regeneration has extensive oversight of the Council's major regeneration and asset management project ideas and proposals, chairs the Council's Corporate Project Management Panel, and is also a member of the Council's Development Group which considers ideas in advance of proposals being forwarded to the Corporate Project Management Panel.
- 16 The Council's Planning Policy officers also contribute to various strategic groups such as the Council's Asset Development Group, with these officers also attending Ceredigion County's Public Services Board working groups. Attendance on these groups helps to place the Council's Planning Policy at the centre of the county's regeneration and asset management project development discussions at the outset.
- 17 When the Council's Development Management officers consider planning applications under delegated powers, they take account of the Council's Local Development Plan (LDP) and national planning policies.
- 18 Officers provide the Council's Development Control Committee with well-written reports to help members make informed decisions. At committee meetings, officers also verbally refer to the LDP and national planning policies to ensure committee members are fully aware of the national and local planning policies and implications relating to each application under consideration.
- 19 Both the Council's Development Management and its Planning Policy services have annual business plans based on a corporate business plan template. Centrally, the Council does not monitor the quality of any annual service business plan. Both the Development Management and Planning Policy annual service business plans link to the relevant elements of the corporate strategy demonstrating clear alignment to the Council's corporate priorities. They also clearly state what is working well, what the service is worried about and what needs to happen. Performance information and targets could be strengthened within the business plans so officers and members can better assess improvement and progress.
- 20 Prior to the pandemic, the Council operated quarterly performance management panels to monitor progress against business plan actions and objectives. The panel consisted of officers, relevant Cabinet Members and Chairs and Vice Chairs

⁹ Ceredigion County Council, [Corporate Strategy 2017–2022](#), October 2017

of relevant scrutiny committees. While scrutiny committees do not receive service business plans, this arrangement provided Scrutiny Chairs and Vice Chairs with the opportunity to view key actions and monitor performance. At the time of our fieldwork, the Council was considering re-introducing the quarterly performance management panels.

- 21 Due to longstanding vacancies in the Council's Development Management and Enforcement services, and its ongoing difficulties in recruiting Development Management officers over the last 18 months, staff capacity continues to be a significant concern and a risk to the resilience of the Development Management service.
- 22 Both the Council's 2020-21 and 2021-22 Development Management business plans contain an objective '...to ensure that all staff are working with manageable caseloads', however, the target number of caseloads per role increased, and in some cases doubled between 2020-21 and 2021-22:
- the 2020-21 Development Management business plan had a performance measure of planning application caseloads for each Development Management officer 'to be no greater than 35 cases'. In the 2021-22 Development Management business plan, the performance measure of planning application caseloads for each Development Management officer is 'to be no greater than 50 cases'.
 - the 2020-21 Development Management business plan had a performance measure of planning enforcement caseloads for each Development Management officer 'to be no greater than 15 cases'. In the 2021-22 Development Management business plan, the performance measure of planning enforcement caseloads for each Development Management officer is 'to be no greater than 30 cases'.
 - the 2020-21 Development Management business plan had a performance measure of, 'planning enforcement caseloads to be no greater than 50 cases' for the Development Management Assistant (Compliance). In the 2021-22 Development Management business plan, the performance measure of planning enforcement caseloads' is to be no greater than 100 cases' for the Development Management Assistant (Compliance).
- 23 Both the Council's 2020-21 and 2021-22 Development Management business plans contain an objective 'to address the significant backlog of outstanding planning enforcement cases'. In 2020-21, there were approximately 500 live cases. This increased to 550 in the 2021-22 business plan.
- 24 At the time of our fieldwork, the Council was undertaking a third round of recruitment to appoint to its three vacant Development Management officer roles. In 2020, the Council was also unsuccessful in recruiting a replacement Planning Enforcement officer. As a result of the unsuccessful recruitment of a Planning Enforcement officer, the Council formally included enforcement within the role of the Development Management officers. By not having sufficient dedicated planning enforcement capacity there is a wider risk to the Council of not meeting legal enforcement timescales.

- 25 In spite of staffing capacity pressures within the Council's Development Management and Enforcement services, members told us that they continued to receive necessary timely advice and training on planning policies by the Council's planning and legal officers. For example, in Autumn 2020, Officers ran three workshops for members of the Development Control committee in relation to:
- statutory and policy context e.g. legislation, National Planning Policies, Local Planning and Sustainable Development;
 - Code of Conduct and member roles on the committee;
 - potential call-in and Interventions by the Welsh Government;
 - examples of Welsh Government call-ins;
 - case studies of committee decisions;
 - analysis of committee decisions; and
 - potential risks of committee decisions.

The governance arrangements of the Development Control Committee do not cohesively and sustainably support the delivery of the Council's key planning and strategic priorities

- 26 Strong development control governance arrangements are key to ensuring the Council can deliver its strategic priorities.

Local Development Plan Review

- 27 In 2013, to help inform its current LDP¹⁰, the Council established an LDP working group involving officers and members. It reconvened this group in March 2017 to help it review its LDP.
- 28 In June 2018, the Welsh Government agreed to the Council's timescale to produce a Replacement LDP with an indicative adoption date of December 2021 (allowing for a three-month slippage). However, due to the pandemic, the Council paused work on completing a Replacement LDP, and at the time of our fieldwork had not yet re-started.
- 29 During our fieldwork, Members told us that they were passionate about helping their communities. However, many aspects of the way the Council's Development Control Committee operates do not help the Council to improve its development control performance or cohesively and sustainably achieve its corporate objectives and priorities.

¹⁰ Planning Aid Wales, [Local Development Plans](#)

Constitution

- 30 The Development Control Committee lacks a Terms of Reference that clearly states its purpose, role and responsibility including its intended contribution to the Council's Corporate Strategy and priorities.
- 31 The Council's constitution does not include a Planning Code of Practice which is often part of other LPAs' constitutions. A Planning Code of Practice provides guidance to members and officers on the procedures on how the Council deals with planning matters, and it sets standards of probity and conduct which the residents of Ceredigion can expect of its members and Council officers.
- 32 The Council's Development Control Committee meetings are not as open and transparent as they should be, with current arrangements requiring improvement to meet the Local Government and Elections (Wales) Act 2021¹¹. At the time of our fieldwork, members of the public can only view the Development Control Committee by requesting a link to the meeting and viewing the meeting live. Recordings of the Development Control Committee meetings are not publicly available afterwards.
- 33 The Council's scheme of delegation has low thresholds to call applications into Development Control Committee compared to other LPAs. A local ward member can call in an application to the Development Control Committee for any reason. The Council has no quality control of these reasons and no framework containing a minimum requirement for the Development Control Committee to consider applications. This practice results in planning applications which would normally be determined by officers in other LPAs being determined by the Development Control Committee. This is not common practice in other LPAs. In other LPAs, there are often a minimum number of objections required, supported by specific valid planning reasons for members to be able to call an application before the committee.
- 34 Despite a recommendation in Audit Wales's national report on the **Effectiveness of Planning Authorities** in 2019 for councils to review their scheme of delegation to improve the effectiveness of planning committees¹², at the time of our fieldwork, the Council had not undertaken this review and had no future plans to do so.
- 35 Unlike many other LPAs, the Council's scheme of delegation does not require the Development Control Committee to consider major applications. Many other LPAs' constitutions clearly define 'major' and strategically important applications. Ceredigion's constitution does not define this. As a result, there is little public visibility and little member debate of these applications which could have a significant strategic impact on the Council's wider corporate priorities.

¹¹ [Part 3; Section 46 Local Government and Elections \(Wales\) Act 2021](#)

¹² [Audit Wales, The effectiveness of local planning authorities in Wales, June 2019](#)

- 36 The Development Control Committee only considered two 'major' applications during the two-year period April 2019 to May 2021, as a result of local ward members calling them in, whereas officers considered 17 major applications delegated to them under the Council's constitution delegated powers.
- 37 Other LPAs require their Development Control Committee (or equivalent) to consider any planning applications submitted by their council's Development Management/Planning officers and members (as planning applicants themselves). This helps to ensure that planning applications submitted by anyone closely linked to an LPA's planning service are considered independently by the Development Control Committee to safeguard against any perceived conflicts of interest and to promote independence and transparency. However, this is not the case in Ceredigion, with officers able to make such decisions under delegated powers.
- 38 Four members of Ceredigion Council's Development Control Committee are also Cabinet Members. Some LPAs explicitly state in their constitutions that a maximum of one Cabinet Member can be a member of Development Control Committee, while other LPAs stipulate Cabinet Members cannot be a member of the Development Control Committee.
- 39 Ceredigion Council's constitution sets specific time limits for planning applicants, their supporters and any objectors to address the Council's Development Control Committee. However, local ward members who also wish to comment on planning applications have no time limit. As a result, local ward member representation at committee meetings can take much longer and be more detailed. The Council should consider reviewing the balance of time allocated at the Committee to each person (including local ward members) when presenting evidence for planning applications to ensure the committee is perceived as being fair and balanced to all. This would be in line with many other LPAs.

Planning Considerations and Data Protection

- 40 A number of planning applications called into the Council's Development Control Committee by local ward members are applications for single 'affordable' dwellings in the open countryside or TAN 6 – rural enterprise dwellings. When planning officers' professional recommendations are to refuse applications that do not meet the relevant requirements set out in national planning policies and the LDP, the committee will often go against professional officer advice and approve the majority of those applications by unanimous vote (with some abstentions), affecting the Council's performance. This is despite most of the single 'affordable' dwellings being much larger than the size permitted within the Council's affordable housing supplementary guidance¹³.

¹³ Ceredigion County Council, [Local Development Plan 2007-2022 – Supplementary Planning Guidance Affordable Homes, September 2014](#)

- 41 The Committee's decision is often based on the personal circumstances of the applicant and what is affordable to the applicant, rather than the size of the proposed dwelling and what is affordable to those individuals and families eligible for inclusion on the Council's housing register.
- 42 The Council includes these single 'affordable' dwellings approved by the Development Control Committee when submitting its data on affordable housing to the Welsh Government, even though these dwellings do not comply with the Council's affordable housing supplementary guidance and LDP due to their large size and location in open countryside.
- 43 Making such decisions contrary to professional officer advice in relation to large single affordable dwellings in the open countryside, gives rise to the risk that the applicants of such dwellings could decide to legally challenge the 'affordable' status of their properties when selling them in the future. Successful challenges to the affordable housing status for such houses could have a wider resourcing effect on the Council.
- 44 At the time of our fieldwork, the Council could not demonstrate it had procedures to monitor the implications of future sales of single 'affordable' dwellings in the open countryside or any tangible way of tracking the impact and the financial contribution of this 'affordable' housing within the county.
- 45 Section 1.7 of Ceredigion's **Code of Conduct for Councillors and Officers in Planning Matters** clearly states, 'where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'. Section 4.4 clearly states 'applications which are determined contrary to officer recommendations will be supported by clear and convincing reasons based on material planning considerations'. The Council's Development Control Committee routinely makes decisions to approve planning applications based on non-material considerations. Examples include an applicant's mental and physical health and age of applicant. These are not material planning considerations and contradict the Council's own **Code of Conduct for Councillors and Officers in Planning Matters** as well as local and national planning policies. In addition, allowing the discussion of personal information risks the Development Control Committee breaching the Data Protection Act 2018 and the UK General Data Protection Regulation¹⁴. The Committee need to be assured that when dealing with any members of the public or agents, they are safeguarding the applicants and themselves as decision makers and that decisions are taken in line with proper arrangements not personal circumstances, opinions or feelings. This will guard against members making decisions which could impact on and expose someone's personal life.
- 46 Whilst members of the public have the right of appeal against the Council's Development Control Committee's decisions to approve an application contrary to officer advice through a Judicial Review, this is usually expensive for the applicant.

¹⁴ [Data Protection Act 2018 Chapter 12](#)

- 47 In the last 12 months, the Welsh Government has called in five of the Council's Development Control Committee decisions. While this is not an unusually high number of call-ins compared to other LPAs in Wales, four of the call-in applications relate to single 'affordable' dwellings in open countryside whereas call-ins from other LPAs centred more on those applications that are major and strategically important.
- 48 In June 2021, the Council received three call-in decision letters from the Welsh Minister. As part of the process when reviewing call-ins, the Welsh Government Planning Inspector and Minister consider Sustainable Development in accordance with the Well-being of Future Generations (Wales) 2015 and section 2 of the Planning (Wales) Act 2015 which requires the Welsh Minister, as a public body, to ensure the development and use of land contribute towards improving the economic, social, environmental and cultural well-being of Wales. The Welsh Minister considers the ways of working set out in section 4 of **SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the Future Generations Act 2015** in accordance with Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017. The Welsh Government Planning Inspector and Minister concluded that the three applications were in direct conflict with Future Wales¹⁵, the Council's LDP, and **Planning Policy Wales Edition 11**¹⁶ resulting in the planning permissions for the three applicants being refused.
- 49 At the time of our fieldwork, the Council still had two other call-ins awaiting the Minister's decision.

Strategic and Sustainable Development

- 50 The Planning (Wales) Act 2015 states the need for LPAs to consider the sustainable development principle¹⁷ when determining planning applications. However, the Council's Development Control Committee members and the Development Management officers have differing interpretations of what 'sustainable development' means within the context of planning and its impact.
- 51 The Development Control Committee is not routinely considering the potential strategic risks and/or knock-on impact of the decisions it takes contrary to professional officer advice, its own local planning policies as well as national planning policies on the county's wider infrastructure and services. The Committee should more strategically and objectively consider the infrastructure, for example, the requirement for future school places, school and public transport, highways maintenance, broadband, community health and other services to support current and future generations when making all development control decisions. National

¹⁵ Welsh Government, [Future Wales: The National Plan 2040](#), February 2021

¹⁶ Welsh Government, [Planning Policy Wales – Edition 11](#), February 2021

¹⁷ [Planning Wales Act 2015 – Part 2 – Sustainable Development](#)

and local planning policies aim to guide LPAs by providing principles of sustainable development when determining planning applications.

- 52 The Development Control Committee also needs to be mindful not to further exacerbate the workload and staffing pressures when applications against local and national planning policies are called into the Development Control Committee.
- 53 The Development Control Committee should take a more strategic approach to planning decisions in the county and add greater value by considering major and strategically important applications. These applications have the potential to drive the economy and demonstrate large scale sustainable development for residents and businesses within Ceredigion.



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Council Response Form

Council action planned in response to the recommendations issued by Audit Wales

Council: Ceredigion County Council

Report title: Review of Planning Services

Issue date: 16th November 2021

Document reference: 2602A2021-22

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
	Governance			
R1	<p>The Council should review its constitution to strengthen the governance of its development control arrangements. The review should:</p> <ul style="list-style-type: none"> learn from the development control governance arrangements of other Local Planning Authorities (LPAs); develop an agreed Terms of Reference for the Council's Development Control Committee, to clearly state its purpose, role and 	<ul style="list-style-type: none"> The Council has established a Task and Finish Group (T&F group) to develop actions that will improve the Planning Service including decision making. The T&F Group agreed an Action Plan on the 6th July that included a range of tasks. The Action Plan is regularly updated and was revised on the 10th November to include the Audit Wales Planning Report recommendations. A review of the Constitution and current practice, taking into account 	March 2022	Russell Hughes-Pickering (RHP), Task and Finish Group (T&F Group). Support from Development Management (DM), Planning Policy (PP), Legal & Governance Services (L&G) and Democratic Services (DS).

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	<p>responsibilities, and how it links to Corporate Priorities;</p> <ul style="list-style-type: none"> • define what it deems as strategically important and ‘major’ planning applications; • strengthen the Development Control Committee’s scheme of delegation by considering raising the threshold for planning applications called into Committee to allow it to better focus on more strategically important and major applications; • ensure planning applications submitted by or on behalf of the Council’s officers and members are considered by the Development Control Committee and not under officer delegated powers to safeguard against any perceived conflicts of interest and to promote independence and transparency; • review the balance of time local ward members have to speak on planning applications at committee meetings as compared to applicants and objectors; and • review and include the Council’s Planning Code of Practice in the constitution and ensure members understand and act in accordance with it. 	<p>arrangements in other authorities, is currently progressing.</p> <ul style="list-style-type: none"> • A revised Terms of Reference has been drafted. This will be considered by the T&F Group on the 10th December and reported with other proposed changes to the Governance and Audit Committee in January. • Revisions to the Constitution have been drafted that propose amendments to the section on delegations. Draft proposals include automatically reporting: strategic and major applications; council own applications; Member and certain staff applications to Committee. These will initially be discussed by the T&F Group on the 10th December. • A paper has been drafted on the role and time allowed for local Ward Members to speak at Committee. This is to be considered by the T&F Group on the 10th December. • A revised Code of Practice and accompanying Operational Procedures has been drafted. This was initially considered by the T&F Group on the 30th November. Further revisions maybe necessary as other responses are agreed. 		

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R2	The Council should ensure that its Development Control Committee and committee support arrangements comply with data protection principles and the processing of personal information in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.	<ul style="list-style-type: none"> Members will receive training on their obligations under the GDPR as part of the new member training and a section on said legislation is now included in the draft protocol for members in planning. 	May / June 2022	RHP, T&F Group, DM, PP, L&G, DS and Customer Contact (CC)
R3	The Council's Development Control Committee members need to ensure that any planning decisions are based on sound material planning considerations, and not applicants' personal circumstances.	<ul style="list-style-type: none"> The T&F Group agreed a 'cooling off' deferral process in July 2021. This was shared and agreed by the Development Control Committee on the 14th July 2021. The process was first applied to cases considered at the Development Control Committee on the 28th July 2021. Several cases have been considered and reported back since. This process will be reviewed after six months so that more permanent arrangements can be put in place. In addition to the cooling off deferral process The T&F Group agreed, on 26th October 2021, to resume a training programme for Members from January 2022. It will initially focus on PPW and Future Wales; the Well Being and FG Act & Socio Economic Duty; Phosphates; and Case Law 	In place	RHP, T&F Group, DM, PP, L&G and DS.
R4	The Council needs to ensure that recordings of its 'in public' Development Control Committee meetings are made publicly	<ul style="list-style-type: none"> In accordance with the requirements of the LGEW Act 2021, arrangements are being made to enable hybrid meetings 	May 2022	DS, CC.

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	available after committee meetings to adhere to the future requirements of the Local Government and Elections (Wales) Act 2021	to be held from May 2022. New equipment is currently being installed in the Chamber December 2021/January 2022. The system will allow meetings to be recorded and made available online.		
R5	The Council should ensure that Development Control Committee decisions relating to 'affordable' homes in the open countryside are made and reported accurately in accordance with the Council's Affordable Housing supplementary guidance	<ul style="list-style-type: none"> • Additional information in relation to compliance with the Affordable Homes SPG has been added to a number of internal council monitoring systems and DC committee reports for AH properties will explicitly state whether the proposal is in-line with the AH SPG. • A review of all current and past AH approvals for AH will be undertaken and their status in accordance with compliance will be updated on the council's systems. • This will be reported to the T&F Group in January 2022. 	March 2022	RHP, T&F Group, DM, PP and DS.
R6	The Council and Development Control Committee should assess the cumulative implications and long-term infrastructure impact of approving single affordable dwellings and TAN 6 planning applications in the open countryside to ensure they contribute sustainably and cohesively to the Council's wider corporate priorities.	<ul style="list-style-type: none"> • A response to this recommendation will look at affordable housing and TAN6 dwellings separately. TAN6 applications by their very definition will need to be located functionally close to the agricultural holding or dwelling. Policies also allow for affordable housing where they are in or adjacent to settlements. • Officer are developing a sustainability checklist for use by members at the Development Control Committee to assess the individual and cumulative impacts of decision making – this is 	March 2022	RHP, T&F Group, DM, PP and DS.

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		<p>being informed by PPW11, Dev Plans Man 3 and the WBFG Act and the corporate priorities of the council. The checklist will be pre-completed for members by planning officers and will form part of the agenda pack at DCC for decision making.</p> <ul style="list-style-type: none"> This will be reported to the T&F Group in January 2022. 		
	<u>Service Planning</u>			
R7	The Council's Planning Service should: More clearly present its performance information and targets in its business plans.	<ul style="list-style-type: none"> Business and Service Plans will be reviewed. A Tender Brief has been drafted for appointing consultants to help clear planning application and enforcement backlogs. This will help inform revised performances targets and measures. 	March 2022	RHP, T&F Group, DM and PP.
R8	Review the effectiveness and efficiency of combining the Development Management Officer and Enforcement roles including the impact on performance.	<ul style="list-style-type: none"> This is to be reviewed when caseloads have been reduced. 	October 2022	RHP, T&F Group and DM.
	<u>Monitoring</u>			
R9	The Council should establish a framework to assure itself that the Development Control Committee contributes cohesively and sustainably to achieving the Council's corporate priorities.	<ul style="list-style-type: none"> Decisions made contrary to officer advice and that do not fulfil the criteria of the checklist being developed under R6 will be annually reviewed as part of the AMR process and reported to the internal audit procedures. 	March 2022	RHP, T&F Group, DM, PP, L&G and DS

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	<u>Well-being of Future Generations</u>			
R10	In making any changes to the planning service, the Council should take the opportunity to consider how it might act more closely in accordance with the sustainable development principle in contributing to the delivery of the Council's well-being objectives when making planning decisions.	<ul style="list-style-type: none"> • To review PPW and other monitoring frameworks to identify ways to capture contributions to the delivery of well-being objectives. • To review how this can be made clearer in Committee reports. Currently reviewing other authority reports. • Briefings / training on the wellbeing and FG Act and sustainability. 	March 2022	RHP, T&F Group, DM, PP, L&G and DS