



REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

***Immediately Following Scrutiny Committee on
FRIDAY, 20 APRIL 2018***

COMMITTEE ROOMS A/B - NEATH CIVIC CENTRE

PART 1

1. Appointment of Chairperson
2. To receive any declarations of interest from Members.
3. Minutes of the previous Regeneration and Sustainable Development Cabinet Board held on the 9 March 2018
(Pages 3 - 8)

To receive the Report of the Head of Planning and Public Protection, Head of Property and Regeneration and the Head of Commissioning and Support Services

4. Regeneration and Sustainable Development Performance Indicators for Quarter 3 of 2017/18 (Pages 9 - 28)

To receive the Report of the Head of Planning and Public Protection

5. Planning Pre-Application Advice: Amended Service Protocol and Proposed Increase to Charges 2018/19 (Pages 29 - 48)
6. Environmental Health and Trading Standards Changes to Officer Delegation Arrangements (Pages 49 - 54)

7. Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No 2290 (as amended).

S.Phillips
Chief Executive

Civic Centre
Port Talbot

12 April 2018

Cabinet Board Members:

Councillors: D.W.Davies and A.Wingrave

Notes:

- (1) *If any Cabinet Board Member is unable to attend, any other Cabinet Member may substitute as a voting Member on the Committee. Members are asked to make these arrangements direct and then to advise Democratic Services staff.*
- (2) *The views of the earlier Scrutiny Committee are to be taken into account in arriving at decisions (pre decision scrutiny process).*

EXECUTIVE DECISION RECORD

**REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET
BOARD**

9 MARCH, 2018

Cabinet Members:

Councillors: D.W.Davies and E.V.Latham (Chairperson)

Officers in Attendance:

S.Brennan and N.Headon

Chair of Scrutiny:

Councillor: S.K.Hunt

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor E. V. Latham be appointed Chairperson for the meeting.

2. **MINUTES OF THE PREVIOUS REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD HELD ON 26 JANUARY 2018**

Noted by the Committee.

3. **MINUTES OF COMMUNITY SAFETY AND PUBLIC PROTECTION SCRUTINY SUB COMMITTEE HELD ON 17 JANUARY, 2018**

Noted by the Committee.

4. **RURAL DEVELOPMENT PLAN 2014-2020**

Decision:

That the report be noted.

5. **FORMER PLAZA CINEMA, PORT TALBOT**

Decisions:

That the Head of Property and Regeneration be granted delegated authority to:

1. commence a procurement exercise for the granting of an agreement for lease, a lease and operating agreement for the former Plaza Cinema, Talbot Road, Port Talbot;
2. set the Heads of Terms for the agreement for lease, the lease and the operating agreement to be included in the procurement documentation issued to the interested bidders;
3. establish the criteria on which the tenders are to be evaluated and also to accept the highest scoring tender on the basis of this criteria. In the event that the highest scoring tenderer declines the award, delegated authority is granted to the next highest scoring and so on;
4. enter into an agreement for lease, a lease and an operating agreement with an organisation for the former Plaza Cinema, Talbot Road, Port Talbot and any associated documentation taking into account any obligations on the Authority by virtue of S123 of the Local Government Act 1972.

Reason for Decisions:

The procurement of a successful operator will enable the Council to satisfy Welsh Government's funding requirements, thus securing the capital investment needed to bring the building back to good use. The letting of the premises for a sustainable alternative use will provide a rental income and will contribute to the Council's Regeneration Programme for Port Talbot, in line with the Port Talbot Integrated Territorial Strategy and the wider Swansea Bay City Region Economic

Regeneration Strategy. It will also positively contribute to Welsh Government's Tackling Poverty agenda and the Well-Being of Future Generations Act.

Implementation of Decisions:

The decision will be implemented after the three day call in period.

6. **FORWARD WORK PROGRAMME 2017/18**

Decision:

That the Forward Work Programme be noted.

7. **ACCESS TO MEETINGS**

RESOLVED: That pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972.

8. **PRIVATE URGENCY ACTION**

Decision:

That the following urgency action taken by the Head of Property and Regeneration in consultation with the requisite Members, be noted:-

Officer Urgency Action No 1387 re: Sale of Former Hafod Care Home, Wenham Place, Neath.

9. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD PHASE 2 - NETWORK RAIL**

Decision:

That the terms and conditions provisionally agreed for the acquisition of land and various rights from Network Rail (as detailed in the private,

circulated report) and payment of professional and legal costs together with payment of the advance payment of compensation, be approved.

Reason for Decision:

To pay compensation to the affected parties as a result of the Port Talbot Peripheral Distributor Road, Phase 2 Scheme.

Implementation of Decision:

The decision will be implemented after the three day call in period.

10. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD PHASE 2**

Decision:

That the time limit to negotiate claims under Port Talbot Peripheral Distributor Road, Phase 2, to all the above named parties, be extended to 30 June, 2018.

Reason for Decision:

To secure approval for the immediate action required in respect of claims under Port Talbot Peripheral Distributor Road, Phase 2.

Implementation of Decision:

The decision will be implemented after the three day call in period.

11. **PROPOSED LEASE OF PLAYING FIELDS AND THE PAVILION AT THE RED FIELD, CYMMER, PORT TALBOT**

Decision:

That the grant of the lease to the Trustees of Croeserw AFC of the playing field and pavilion at The Red Field, Cymmer, Port Talbot, on the terms set out in the private, circulated report, be approved.

Reason for Decision:

To allow the playing field and pavilion to continue to be used by the football and rugby clubs, and local school for the benefit of the local community.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The Local Member has been consulted and supports the proposal.

The premises are located within land which comprises public open space for the purpose of the Local Government Act 1972, and it will be necessary to give public notice of the intention to grant the lease.

A notice will be placed in the Evening Post to inform the public of the proposal and indicate that anyone wishing to object should make that objection to the Council within a stipulated time period. Any objections received will be reported back to this Cabinet Board for consideration.

12. **LAND AT WAUN STERW, PONTARDAWE**

Decision:

That the disposal of the vacant land at Waun Sterw, Pontardawe, as detailed in the private, circulated report, be approved.

Reason for Decision:

To enable the sale of surplus land for an innovative housing development and to attain a capital receipt.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The Local Members for the Pontardawe ward have been consulted and are broadly supportive of the scheme.

CHAIRPERSON

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

20th April 2018

**JOINT REPORT OF
THE HEAD OF PLANNING AND PUBLIC PROTECTION – N. PEARCE
THE HEAD OF PROPERTY AND REGENERATION – S. BRENNAN
THE HEAD OF COMMISSIONING AND SUPPORT SERVICES -
ANGELA THOMAS**

Matter for Monitoring

Wards Affected: ALL

REGENERATION AND SUSTAINABLE DEVELOPMENT PERFORMANCE INDICATORS FOR QUARTER 3 OF 2017/18

- 1 Quarterly Performance Management Data 2017-2018 – Quarter 3 Performance (1st April – 31st December 2017)

Purpose of the Report

- 2 To report quarter 3 performance management data for the period 1st April to 31st Dec 2017 for Environment. This will enable the Regeneration and Sustainable Development Cabinet Board and Scrutiny Members to discharge their functions in relation to performance management.

Executive Summary

- 3 In line with the Council's six improvement priorities embedded within the Corporate Improvement Plan, Environment scrutinise performance within Economic Development, Planning, Building Control and Asset Management. On the whole performance demonstrates improvement in line with what we planned to deliver, with statutory deadlines being met.

Background

4 The role of Scrutiny Committees was amended at the Annual Meeting of Council in May 2010 to reflect the changes introduced by the Local Government (Wales) Measure 2009; Environment will:

- Scrutinise the performance of all services and the extent to which services are continuously improving.
- Ensure performance measures are in place for each service and that the measures reflect what matters to local citizens.
- Promote innovation by challenging the status quo and encourage different ways of thinking and options for service delivery

Failure to produce a compliant report within the timescales can lead to non-compliance with our Constitution. Furthermore failure to have robust performance monitoring arrangements could result in poor performance going undetected.

Financial Impact

5 The performance described in the report is being delivered against a challenging financial background.

Equality Impact Assessment

6 None required.

Workforce Impacts

7 During 2016/17, the Environment Directorate saw a further downsizing of its workforce (by 7 employees) as it sought to deliver savings of 1.6 million in the year.

Legal Impacts

8 This progress report is prepared under:

1. The Local Government (Wales) Measure 2009 and discharges the Council's duties to "make arrangements to secure continuous improvement in the exercise of its functions".

2. The Neath Port Talbot County Borough Council Constitution requires each cabinet committee to monitor quarterly budgets and performance in securing continuous improvement of all the functions within its purview.

Risk Management

- 9 Failure to produce a compliant report within the timescales can lead to non – compliance with our Constitution. Also failure to have robust performance monitoring arrangements could result in poor performance going undetected.

Consultation

- 10 No requirement to consult

Recommendations

- 11 Members monitor performance contained within this report.

Reasons for Proposed Decision

- 12 Matter for monitoring. No decision required.

Implementation of Decision

- 13 Matter for monitoring. No decision required.

Appendices

- 14 Appendix 1 - Quarterly Performance Management Data 2017-2018– Quarter 3 Performance (1st April to 31st Dec 2017) – APPENDIX 1

List of Background Papers

- 15 The Neath Port Talbot [Corporate Improvement Plan - 2015/2018](#) “Rising to the Challenge”;

Officer Contact

- 16 Joy Smith, Road Safety and Business Performance Manager
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**Quarterly Performance Management Data 2017-2018– Quarter 3
Performance (1st April to 31st Dec 2017)**

Report Contents:

Section 1: Key Points

Section 2: Quarterly Performance Management Data and Performance Key

Section 3: Compliments & Complaints Data

Section 1: Key Points

Planning

With the exception of indicators PLA/M001 – ‘average time taken from receipt of application to validation of application - days’ and PLA/M002 – ‘average time taken from receipt of application to date decision is issued – days’ – the Quarter 3 figures show improvement in all performance indicators compared against the same period in 2016/17.

While it will remain essential to focus on PLA/M001 and PLA/M002, as indicated in previous quarterly reports these figures have been skewed by a number of applications where applications have been “re-registered” for procedural reasons (thus significantly increasing the receipt – valid time) along with a number of very old applications having been “cleared out”, having taken a number of years to determine. While necessary to include these in the overall average, omitting such applications significantly reduces the number of days, indicating that the service continues to register and determine applications expeditiously in the majority of cases, albeit there remains work to do to clear old cases from the system.

As indicated above, the overall picture of determination of applications is shown to be very positive compared with the same period last year. In addition to the 95.5% of applications which were determined 'in time' (which includes an agreed extension of time between the council and applicant), the increased focus on improving performance on major applications (PLA/M004) has also started to pay dividends in incrementally improved performance with 45% of major applications in the year to date determined inside 8 weeks.

Building Control

Both performance indicators show improvement from the same quarter in 2016/17.

Whilst BCT004 shows a minimal drop in performance from the preceding quarter (due to annual leave), it must be stressed that at no time have any statutory deadlines been missed.

Housing – Private Sector Renewal

Largely properties that are brought back into use are outside of the control of the service, for example, they are affected by external factors such as the local housing market. Performance indicator PSR/004 has been replaced by PAM/013 and guidance has clarified that only direct action taken by Local Authorities that results in long term empty properties being brought back into use is recorded.

The number of licenced Houses in Multiple Occupation (HMO) has reduced from 6 to 5. However, the percentage has dropped slightly due to an decrease in the number of HMO's that require a licence.

Public Protection

95.61% of food establishments were "broadly" compliant with food hygiene standards, being a slight increase on last year's performance within the same period which was 93.84%. The percentage of high risk businesses inspected for food hygiene is slightly lower (at 67%) than the same period last year (was 76%) - this is mainly due to other work of the section involving investigation of offending businesses taking precedence.

The percentage of high risk businesses that have been inspected by Trading Standards is higher than the same time last year 87.5% compared to 69.6%). The team that largely deals with the inspection programme is

currently working to achieve its proactive obligations whilst reactive demand is lower. Some investigations have begun as a result of these inspections, reflecting the risk of the business. This should not affect the section meeting the 100% target.

The majority of significant breaches associated with animal health have been rectified, but this has meant that there has been a drop in the number of high risk premises being inspected as resources have been allocated to complaints and investigations. It is anticipated that both figures will improve by the end of the financial year.

The percentage of identified new businesses which were subject to a food hygiene risk assessment visit is similar to that of last year. All businesses are coached and advised prior to the commencement of trading to help raise standards and attain legal compliance. The risk assessment inspection can only take place when the business is trading, therefore, there is always a lag period between food businesses becoming registered and actually having an unannounced inspection.

Economic Development

Throughout this financial year, the Team have had to deal with a high volume of enquiries, particularly from existing businesses looking for support to enable them to expand and grow. Many of these investments, once completed, will have a positive effect on the local economy as new private sector investment is secured to support the creation of new jobs and safeguard existing employment.

The Team are also working closely with the Port Talbot Waterfront Enterprise Zone Board to attract new investment and jobs to the area while providing support to many local businesses within the Tata supply chain affected by continuing uncertainties within the steel industry. The aim of this support is to help local businesses diversify and enter new markets to not only secure their future, but further promote economic growth. Outputs achieved to date are in the process of being confirmed and will be reported at the end of March 2018. This will have a positive effect on the final KPI's reported for the Economic Development service for 2017/18.

Through the South West Workways+ project, the Team is delivering training and paid work experience opportunities to long-term unemployed across the region to help them get their lives and those of their families back on track.

In addition, referrals from partners such as the Department of Works and Pensions and Welsh Government, is ensuring that individuals considering self-employment are being referred to the Council's Enterprise Club for valuable advice and guidance.

Asset Management

Local Authority buildings conditions and maintenance are annual indicators and will be reported during the quarter 4 period of 2017/18.

Section 2: Quarterly Performance Management Data and Performance Key







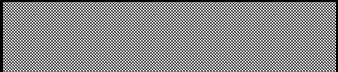
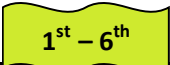
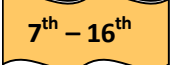
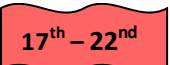
2017/2018 – Quarter 3 Performance (1st April 2017 – 31st Dec 2017)

Note: The following references are included in the table. Explanations for these are as follows:

(PAM) Public Accountability Measures – a revised set of national indicators for 2017/18. Following feedback from authorities the revised performance measurement framework was ratified at the WLGA (Welsh Local Government Association) Council on 31 March 2017. These measures provide an overview of local government performance and how it contributes to the national well-being goals. This information is required and reported nationally, validated, and published annually.

All Wales - The data shown in this column is the figure calculated using the base data supplied by all authorities for 2015/2016 i.e. an overall performance indicator value for Wales.

(Local) Local Performance Indicator set by the Council and also includes former national data sets (such as former National Strategic Indicators or Service Improvement Data – SID's) that continue to be collected and reported locally.

	Performance Key
	Maximum Performance
	Performance has improved
	Performance has been maintained
	Performance is within 5% of previous year's performance
	Performance has declined by 5% or more on previous year's performance - Where performance has declined by 5% or more for the period in comparison to the previous year, an explanation is provided directly below the relevant performance indicator.
	No comparable data (data not suitable for comparison /no data available for comparison)
	No All Wales data available for comparison.
	2016/17 NPT performance in upper quartile (top six of 22 local authorities) in comparison with All Wales national published measures (NSI & PAM's).
	2016/17 NPT performance in mid quartiles (7th – 16th) in comparison with All Wales national published measures (NSI & PAM's).
	2016/17 NPT performance in lower quartile (17th – 22nd) in comparison with All Wales national published measures (NSI & PAM's).

1. Planning and Regulatory Services – Planning

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2015/16	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
1	PLA/M002 (Local)	Average time taken from receipt of application to date decision is issued - days	96.1 days	85.8 days (69,442 over 809 applications)		84.7 days (49,816 total days – 588 determined applications)	93.9 days (58195 total days over 620 applications)	↓
2	PLA/M001 (Local)	Average time taken from receipt of application to validation of application - days	31.5 days	14.2 days (11,509 over 809 applications)		15.4 days (9,034 total days – 588 determined applications)	18.7 days (11591 total days over 620 applications)	↓
Page 18	As has been reported in previous quarters, although increasing from the previous year's figures, the receipt to validation figures (PLA/M001) together with the receipt to decision issued figures (PLA/M002) are both skewed by a number of very old applications, including a number where applications have been "re-registered" for procedural reasons (thus significantly increasing the receipt – valid time), which have distorted the overall figures and unfairly reflect the overall day to day performance. Consideration is to be given to the possibility of changing this to exclude re-registered applications going forward given that they distort overall performance.							
3	PLA/004d (Local)	The percentage of all other planning applications determined during the year within 8 weeks.	79%	77.5% (224 of 289 applications)		76.9% (160 of 208 applications)	82.2% (175 of 213 applications)	↑
4	PLA/M004 (Local)	The percentage of major planning applications determined during the year within 8 weeks.	16%	14.8% (4 of 27 applications)		14.3% (2 of 7 applications)	45.5% (5 of 11 applications)	↑
5	PLA/004c (Local)	The percentage of householder planning applications determined during the year within 8 weeks.	95.1%	95.3% (284 of 289 applications)		93.8% (210 of 224 applications)	97.3% (213 of 219 applications)	↑
6	PLA/004b (Local)	The percentage of minor planning applications determined during the year within 8 weeks.	66.1%	63.1% (123 of 195 applications)		57.7% (82 of 142 applications)	82.5% (146 of 177 applications)	↑
7	PLA/002 (Local)	The percentage of applications for development determined during the year that were approved	96.3%	97.3% (787 of 809 applications)		96.6% (568 of 588 applications)	95% (589 of 620 applications)	v

1. Planning and Regulatory Services – Planning (Cont.)

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2015/16	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
8	PAM/018	Percentage of all planning applications determined in time				New Indicator	95.5% (592 of 620 applications)	—
9	PAM/019	Percentage of planning appeals dismissed				New Indicator	61.5% (8 of 13 appeals)	—

2. Planning and Regulatory Services – Building Control

Page No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2015/16	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
6	BCT/007 (Local)	The percentage of 'full plan' applications approved first time.	99.02%	96.62% (143 of 148)		95.75%	98.28% (114 of 116)	↑
11	BCT/004 (Local)	Percentage of Building Control 'full plan' applications checked within 15 working days during the year.	95.12%	95.95% (142 of 148)		95.86%	96.55% (112 of 116)	↑

3. Planning and Regulatory Services – Private Sector Renewal

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
12	PAM/013	The percentage of empty private properties brought back into use			8.79% 1st	Reported Annually		—
13	PAM/014	Number of new homes created as a result of bringing empty properties back into use				Reported Annually		—
Page 20	PSR/007a	Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Have a full licence	1.35%	1.36%		1.34%	1.15% (5 of 448)	v

3. Planning and Regulatory Services – Private Sector Renewal

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
15	PSR/007b	Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Have been issued with a licence with conditions attached	0%	0%		0%	0%	—
16	PSR/007c	Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Are subject to enforcement activity	0%	0%		0%	0%	—

4. Housing - Private Sector Renewal

No.	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
17	PAM/015	The average number of calendar days taken to deliver a Disabled Facilities Grant.	228	232	224 11th	235	231	↑
18	PSR/009a (Local)	The average number of calendar days taken to deliver a Disabled Facilities Grant for: Children and young people.	354	451		422	434	∇
Page 21	The average number of calendar days taken to deliver Disabled Facilities Grants for Children and young people has increased during this period. This is attributed to an increase in more complex adaptations completed during this period.							
19	PSR/009b (Local)	The average number of calendar days taken to deliver a Disabled Facilities Grant for: Adults.	220	219		223	220	↑

5. Planning and Regulatory Services – Public Protection

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
20	PPN/001ii (Local)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Food Hygiene	100%	100%		76%	67% (225 of 335)	↓
<p>The achievement of 100% of this target is being sought by the end of Q4. Recent legal investigations into certain non-compliant businesses has used resources and held back the achievement of certain other inspections. An action plan is in place, as the achievement of this PI by Q4 remains a priority for the service.</p>								
21	PPN/001iii (Local)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Animal Health	100%	100%		60%	50% (3 of 6)	↓
22	PPN/007i (Local)	The percentage of significant breaches that were rectified by intervention during the year for Trading Standards	73.5%	79.2%		69.6%	67.7% (21 of 31)	v
23	PAM/023 (formerly PPN/009)	The percentage of food establishments that meet food hygiene standards	92.7%	94.92%	95.16% 13th	93.84%	95.61% (1068 of 1117)	↑

5. Planning and Regulatory Services – Public Protection (Cont.)

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
24	PPN/008ii (Local)	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year: Food Hygiene	92%	97%		90%	85% (88 of 104)	↓
The percentage of new businesses subject to a risk assessment visit for food hygiene has declined compared to the same period last year- primarily due to other reactive work being distributed within the section due to a system review of the service and the temporary secondment of one member of staff to assist with pressures arising within the wider Environmental Health service dealing with landslide issues at Ystalyfera.								
Page 23	PPN/001i (Local)	The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Trading Standards	100%	95.6%		69.6%	87.5% (14 of 16)	↑
The percentage of high risk businesses that have been inspected by Trading Standards is higher than the same time last year. The team that largely deals with the inspection programme is currently working to achieve its proactive obligations whilst reactive demand is lower. Some investigations have begun as a result of these inspections, reflecting the risk of the business. Two businesses remain, one of which is subject to an ongoing investigation which is likely to be resolved by the end of the financial year.								
26	PPN/007ii (Local)	The percentage of significant breaches that were rectified by intervention during the year for Animal Health	100%	81.8%		60%	70% (7 of 10)	↑
There are a number of breaches that have yet to be rectified by the service, they are currently being dealt with. This figure will improve by the end of the financial year.								

6. Economic Development

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
27	L(ED) 2 (Local)	Number of new business start-up enquiries assisted through Business Services	271	341		222	186	↓
<p>The number of people attending the Council's Enterprise Club, which provides advice and guidance on self-employment, was lower than anticipated during the first 3 months of the year. However, outputs have risen significantly enough throughout quarter 2 and 3 to anticipate that final outputs will be more in line with expectations to achieve targets set for 2017/18.</p>								
Page 24	L(ED) 1 (Local)	Number of jobs created as a result of financial support by the Local Authority.	184	131		85	64	↓
<p>The Team is currently working on a number of funding applications from local businesses to support investments in areas such as capital equipment, website development, accreditations, training and general marketing activities. It is anticipated therefore, that performance will increase significantly by the end of the financial year and targets set for 2017/18 will be achieved.</p>								
29	L(ED) 3 (Local)	Number of business enquiries resulting in advice, information or financial support being given to existing companies through Business Services.	584	628		367	396	↑

7. Corporate Health – Asset Management

No	PI Reference	PI Description	NPT Actual 2015/16	NPT Actual 2016/17	All Wales 2016/17	NPT Quarter 3 2016/17	NPT Quarter 3 2017/18	Direction of Improvement
30	CAM/001ai (Local)	The percentage of the gross internal area of the local authority's buildings in condition categories: A – Good	7.68%	15.02%		Reported Annually		—
31	CAM/001aiii (Local)	The percentage of the gross internal area of the local authority's buildings in condition categories: C – Poor	38.22%	32.26%				—
32	CAM/001bii (Local)	The percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level: 2 – Essential work	50.76%	50.03%				—
33	CAM/001biii (Local)	The percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level: 3 – Desirable work	27.29%	30.53%				—
34	CAM/001aii (local)	The percentage of the gross internal area of the local authority's buildings in condition categories: B – Satisfactory	43.33%					—
35	CAM/001aiv (Local)	The percentage of the gross internal area of the local authority's buildings in condition categories: D – Bad	11.27%	9.39%	1.9% 11th	Reported Annually		—
36	CAM/037 (Local)	The percentage change in the average Display Energy Certificate (DEC) score within local authority public buildings over 1,000 square metres.	4.4%	2.8%				—
37	CAM//001bi (Local)	The percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level: 1 – Urgent work	21.95%	19.44%				—

Section 3: Compliments and Complaints

2017/2018 – Quarter 3 (1st April 2017 – 31st Dec 2017) – Cumulative Data for Regeneration & Sustainable Development Board

	Performance Key
↑	Improvement : Reduction in Complaints/ Increase in Compliments
↔	No change in the number of Complaints/Compliments
v	Increase in Complaints but within 5% / Reduction in Compliments but within 5% of previous year.
↓	Increase in Complaints by 5% or more / Reduction in Compliments by 5% or more of previous year.

Page 26	PI Description	Full Year 2015/16	Full Year 2016/17	Quarter 3 2016/17	Quarter 3 2017/18	Direction of Improvement
1	<u>Total Complaints - Stage 1</u>	3	6	3	4	↓
	a - Complaints - Stage 1 upheld	0	0	0	0	
	b -Complaints - Stage 1 <u>not</u> upheld	3	5	2	4	
	c -Complaints - Stage 1 partially upheld	0	1	1	0	

No	PI Description	Full Year 2015/16	Full Year 2016/17	Quarter 3 2016/17	Quarter 3 2017/18	Direction of Improvement
2	<u>Total Complaints - Stage 2</u>	15	7	4	4	↔
	a - Complaints - Stage 2 upheld	0	0	0	0	
	b - Complaints - Stage 2 <u>not</u> upheld	15	7	4	4	
	c- Complaints - Stage 2 partially upheld	0	0	0	0	
3	<u>Total - Ombudsman investigations</u>	0	1	1	2	↓
	a - Complaints - Ombudsman investigations upheld	0	0	0	0	
	b - Complaints - Ombudsman investigations <u>not</u> upheld	0	1	1	2	
4	Number of Compliments	5	10	4	6	↑
<p>Complaints – No Stage 1 complaints were recorded this quarter however four Stage 2 complaints were recorded this quarter as was the same last year.</p> <p>Compliments – No compliments were recorded in quarter 3 of this year.</p> <p>Welsh Language – No Welsh Language complaints were recorded in quarter 3 of this year.</p>						

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

20th April 2018

Report of the Head of Planning and Public Protection

Nicola Pearce

Matter for Decision

Ward Affected: All

Planning Pre-Application Advice: Amended Service Protocol and Proposed Increase to Charges 2018/19

Purpose of Report

1. To seek approval of minor changes to the Planning Pre-Application Service Protocol, including increases to proposed fees and charges for 2018/19 in respect of the provision of Non-Statutory Pre-Application Planning Advice.

Executive Summary

2. Since the 1st March 2012, the setting of Non-Executive fees and charges has been delegated by Cabinet to the appropriate Corporate Director in consultation with the relevant Cabinet Member, Scrutiny Chair and the Leader. These delegated powers were re-confirmed by Council on the 21 February 2018. This report details the proposed increase in charges for the financial year 2018/19 for the non-statutory pre-application service which the Council intends to continue to deliver. The fees associated with the statutory pre-application service are prescribed by the Welsh Government.
3. The report also seeks approval for minor changes to the approved protocol, which includes additional emphasis on the ability for developers to enter into a Planning Performance Agreement (PPA) with the Authority.

Background

4. The Council has operated a chargeable pre-application service since 2014, with revisions last made to the Policy / charges in March 2016 following the introduction by Welsh Government of a statutory pre-

application service which prescribes both the fees and the level of service applicants should expect from all Local Planning Authorities in Wales. At that time, changes were made to this Council's chargeable pre-application service protocol to incorporate both 'statutory' and 'non-statutory' options.

5. The fees associated with the statutory pre-application service are prescribed by the Welsh Government, and have not been increased since 2016.
6. In light of current financial pressures and the need to focus on income generation to meet the costs of delivering such non-statutory services, it is proposed that the fees associated with the non-statutory service for 2018/19 onwards are increased to move towards securing full cost recovery.
7. The fee increases are predominantly focussed on major / large major development proposals, which take up the majority of officer time, with fees for the smaller developments nominally increased and those for householder development retained at their current levels. This is intended to ensure that the non-statutory service still remains 'competitive' compared to the statutory service, and ensure that the charges do not discourage small-scale developers / applicants from liaising with the Council in advance of their submissions, thus improving quality of development and efficiency of outcomes.
8. The amended protocol and charges are attached at Appendices 1 and 2, but in summary the increase in fees are as follows: -

- Minor Development

Charges for additional non-statutory advice following receipt of statutory response increased from £100+VAT (£120) to £125 +VAT (£150)

Non-Statutory Advice increased from £400 + VAT (£480) to £450 + VAT (£540)

- Major Development (including Minerals & Waste)

Charges for additional non-statutory advice following receipt of statutory response increased from £200+VAT (£250) to £250 +VAT (£300)

Non-Statutory Advice increased from £800 + VAT (£960) to £900 + VAT (£1080)

- Large Major Development

Charges for additional non-statutory advice following receipt of statutory response increased from £400+VAT (£500) to £500 +VAT (£600)

Non-Statutory Advice increased from £1500 + VAT (£1800) to £1800 + VAT (£2160)

9. In addition to the increased charges above, additional emphasis has also been added in the Council's protocol to the option for developers to enter into a Planning Performance Agreement (PPA) with the Authority.
10. PPAs have been successfully used recently by developers in NPT, and add to the range and choice of options available to developers to engage with the Council in seeking to deliver high quality development quickly, while meeting the costs of providing this valuable service.
11. The amended protocol is attached at Appendix 1 of this report, with the proposed fees for the non-statutory service set out within Appendix 2.

Financial Implications

12. The increased charges should assist in recovery of costs of providing the service, other than which there are no financial impacts associated with this report

Equality Impact Assessment

13. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impact

14. The Charter does not introduce any additional workforce impacts.

Legal Impact

15. There are no legal impact issues associated with this report.

Risk Management

16. There are no risk management issues associated with this report accepting that increases in fees and charges are never welcome by service users.

Consultation Outcome

17. There is no requirement under the Constitution for external consultation on this item.

Recommendation

18. It is recommended that the amended protocol, and proposed increases in the non-statutory pre-application fees associated with the Development Management Service as set out within Appendices 1 and 2 be approved and implemented with effect from 23rd April 2018.

Reasons for Proposed Decision

19. To determine the standard of service offered and level of charges for the non-statutory pre-application service within Development Management.

Implementation of Decision

20. The decision is proposed for immediate implementation.

Appendices

21. Appendix One – Planning Pre-Application Service Protocol (April 2018)

22. Appendix Two - List of new fees and charges for the statutory and non-statutory pre-application planning service within Development Management for 2018/19

List of Background Papers

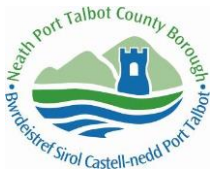
23. Screening Assessment under the Equalities Act

Officer Contact

24. Nicola Pearce : Head of Planning and Public Protection
Tel. No. (01639) 686681. Email: n.pearce@npt.gov.uk

25. Steve Ball : Development Manager - Planning
Tel. No. 01639 686727. Email: s.ball@npt.gov.uk

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Planning Pre-Application Service Protocol

(Amended April 2018)

1. Introduction

The Council has been operating a formal, chargeable pre-application service since April 2014 which has been operating well, both in terms of providing an effective service for applicants engaging with the department in advance of formal submission, and in ensuring that the costs of providing this important service are met.

With effect from 16th March 2016, the Welsh Government has required all Local Planning Authorities (LPAs) in Wales to provide a **statutory pre-application service**. As a consequence, LPAs are now required, when requested by an applicant, to provide pre-application advice before an application for full or outline planning permission or an application pursuant to section 73 of the 1990 Act is made to them.

The Council's Pre-Application Service Protocol was amended with effect from 16th March 2016 to reflect the statutory procedures introduced by The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016 ("the Pre-Application Services Regulations").

The Protocol has been further updated with effect from April 2018 to refer to the opportunity to include the potential for use of Planning Performance Agreements (PPAs) on large-scale developments to reflect the Council's commitment to develop strong working relationships with developers to deliver projects through the planning process from inception to implementation in an efficient manner.

2. What does this guidance note cover?

This guidance covers the provision of pre-application advice by the Planning Department of NPT as follows: -

- The Statutory Pre-Application Service offered by NPT (*Section 5*)
- Provision of additional advice following an initial written response received under the statutory service (*Section 6.1*)
- Non-Statutory Pre-Application Advice (*Section 6.2*)
- Planning Performance Agreements (PPAs) (*Section 6.3*)

Please note that this protocol does not cover the information in respect of the formal requirement for developers proposing 'major development' or Developments of National Significance (DNS) to undertake Pre-Application Consultation (PAC) under Section 17 of the Planning (Wales) Act 2015 and Part 1A¹ of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

Developers are encouraged, however, to undertake formal pre-application discussions with the LPA alongside such pre-application consultation.

¹ Introduced by Article 4 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

3. Pre-Application Advice Service Commitment

The Council's approach to Development Management continues to place significant importance upon the provision of the best possible advice to a potential developer / applicant before a formal planning application is submitted.

The Planning department prides itself on the service it offers the public both as part of the formal application process and in engaging with the customer in providing quality pre-application advice.

Our service commitment to you: -

We will actively engage with our customers to provide high quality pre-application advice on all development proposals, offering an individual service with the primary aim of 'Delivering Quality Development Quickly'.

4. The Benefits of Obtaining our Pre-Application Advice

We have found that engaging with our customers at the earliest stage in the life of a planning proposal is critical to the Planning Department's key aim to "Deliver Quality Development Quickly", and delivers key benefits to our customers including: -

- Improving the **speed** of decision making and **quality** of development proposals.
- Helping you **understand** how our Policies and other material planning considerations will be applied to your development.
- Identifying potential **constraints** and whether you will need to get specialist help, for example in relation to listed buildings, trees, landscape, noise, flooding, transport, contaminated land, ecology or archaeology.
- Obtaining a view from a Planning Officer about whether your development is likely to be acceptable (subject, of course, to an assessment at application stage following statutory and public consultation), and if it is not acceptable, the ability to identify potential **solutions** at an early stage. Alternatively if your proposals are completely unacceptable, this service will potentially **save** you time and cost in pursuing an application.
- Providing an opportunity to identify local issues that could influence the design of the development or help to address community concerns.
- Advising you on the **information** needed to support your application, thus giving you the best chance of submitting a valid and comprehensive application which can be progressed straight away.
- A reduction in time spent by your own professional advisors in working up proposals.

5. Statutory Pre-Application Service

With effect from 16th March 2016, the Welsh Government has required all Local Planning Authorities (LPAs) in Wales to provide a **statutory pre-application service**.

This statutory service relates to the provision of advice in advance of submission of a planning application for full or outline planning permission or an application pursuant to section 73 of the 1990 Act ². This does not cover advice on retrospective development.

Charges for Statutory Pre-Application Advice

The charges for the statutory pre-application service within this Protocol are nationally-set by Welsh Government ³ and can be found in the charging schedule at Appendix A.

Please note that, on advice from HM Revenue & Customs, VAT is not payable on the statutory pre-application service.

Please note that once a request for pre-application advice has been validated, fees are non-refundable.

What can you expect from us?

Following submission of a statutory application form (found at Appendix B) and the information detailed in section 8 of this Guidance Note, the allocated Case Officer will: -

- Contact you to discuss your request
- At the discretion of the Case Officer (with the exception of householder development) arrange a site visit or meeting
 - Please note that, while the Welsh Government does NOT expect the statutory service to include a meeting, given our Pre-Application Advice Service Commitment above, we feel it is appropriate (with the exception of householder development) for us to offer a single meeting with a Planning Officer as part of the statutory service.
- Provide you with a written response within 21 days (or such later date as may be agreed in writing with you), covering the matters detailed in section 9 below.

Please note that: -

- The fees cover all Officer and administration costs involved in researching and responding to a request for advice in writing.
- The fees listed in this protocol are in addition to the fees payable for the submission of applications. If you make an application having received advice for which you have paid, the full application submission fee remains applicable.

² Determination of applications to develop land without compliance with conditions previously attached.
<http://www.legislation.gov.uk/ukpga/1990/8/section/73>

³ By the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016* which amend the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015*.

- The statutory pre-application service is **not confidential**, and all correspondence and details will be publicly available on the Council's Part 1 Planning Register. See section 13 below for more information on confidentiality, and the non-statutory service.
- The provision of advice under the Statutory Pre-Application service ends on the date a written receipt of the council's written response
- Additional pre-application advice is covered by the Council's non-statutory service (section 6 below)

6. Additional Non-Statutory Pre-Application Services

The Welsh Government has made it clear that any additional written advice or meetings from LPAs to applicants regarding their pre-application enquiry will not form part of the statutory service. However, should a Local Planning Authority wish to provide potential applicants with information beyond that required by the Pre-Application Services Regulations, they will continue to have the ability to offer a discretionary service and charge a fee in accordance with section 93 of the Local Government Act 2003.

Having regard to the above, the Council offers the following additional pre-application services: -

6.1 Provision of Additional Non-Statutory Pre-Application Advice following receipt of initial written response

As advised above, the statutory pre-application service formally ends on the issue of a written response to your request.

Should you wish to engage in additional / further discussions or meetings with Officers, or require an additional written response to amended drawings following receipt of our initial response, these will be provided as a new 'non-statutory' response in accordance with the charging schedule at Appendix A. We informally call this our "bridging service".

You will be required to provide such fees upfront, or to provide written guarantee that such fees will be paid at an agreed date.

6.2 Provision of Non-Statutory Pre-Application Advice (*instead* of using statutory service)

We would encourage you to use the statutory service outlined above to provide initial pre-application advice. We acknowledge, however that there will be occasions when you may wish to engage with the Council *outside* of the statutory pre-application service, either because you would prefer for such discussions to be confidential (subject to Section 13 below), or are looking for a different service to that offered under the statutory service.

In seeking to provide you with a comprehensive service, it is noted that, with the exception of particularly complex or specialist applications (see below), the following charges will provide you with a full pre-application advice service, including up to two meetings with the planning case officer and, if considered appropriate, other internal advisors such as highways or ecology, together with follow up discussions with the case officer by phone or email.

Should you wish to request non-statutory pre-application advice, the fees are set out in the charging schedule at Appendix A.

Large scale or complex/specialist applications

There will be occasions when developments, by reason of their size or complexity, will require a level of input from Officers of the Council in excess of that offered by the statutory service and the 'standard' non-statutory service. In such cases, it is expected that there may be a need for a series of meetings leading up to the submission of an application, which could include the need for attendance of specialists from other sections of the Council.

To request such additional service, you are requested to contact the Development Management team in advance so that agreement may be reached. Alternatively, the option to enter into a Planning Performance Agreements (PPA) is detailed below.

6.3 Planning Performance Agreements (PPAs)

For particularly large-scale, complex or strategic developments, or those where developers are keen to progress through the planning process expeditiously to allow for development to commence at the earliest opportunity, the Council offers the opportunity to enter into a Planning Performance Agreement (PPA).

In addition, the Council will expect any developer proposing a Development of National Significance (DNS) or Nationally Significant Infrastructure Project (NSIP) within or significantly affecting Neath Port Talbot, to enter into a PPA.

What a PPA allows the Council to do is commit staff resources throughout the project period, and thus in doing so provide prospective developers or their agents the certainty and assurance that the appropriate resources have been put in place for the planning team to be able to prioritise work on the project. This enables us to engage and react swiftly to the increased demands on our service, frontload negotiations as far as practically possible and provide the development with the best opportunity to progress to a planning decision (at all stages) in a swift and professional manner.

While the exact terms of and charges for any PPA are subject to discussions between developers and the Development Manager – Planning, these can cover all or some of the following: -

- Pre-Application Discussions only
- Post-Decision handling of condition approval/ discharge to facilitate early implementation of the development; or
- The totality of our work in dealing with a matter from pre-application discussions, application(s), and dealing with post-approval conditions

The Council will normally expect any PPA to include an arrangement fee for setting up the Agreement and establishing the project timeframe (including ongoing review and amendments that may be required in the future), and then either monthly or quarterly fee to cover provision of advice for the duration of the agreement. Exceptionally, payment may also be agreed based upon agreed 'triggers' relating to specified phases of the project.

7. Developments Exempt from Fees (Free Non-Statutory Pre-Application Advice)

The statutory pre-application service covers all applications for full or outline planning permission or an application pursuant to section 73 (to develop land without compliance with conditions previously attached) of the 1990 Act.

Although the provision of pre-application services involves considerable Officer time, it has been decided that we shall continue to provide pre-application advice free of charge for the following types of development:

- Heritage Proposals: i.e. works that only require either Listed Building and/or Conservation Area Consent;
- Advice in respect of Protected Trees;
- Proposals for a non-profit making community facility or scheme, promoted by a registered charity or Voluntary Sector Organisation

8. How to request pre-application advice

Do you need to submit an Application Form?

Statutory Service

All requests for pre-application advice **must** be made on the prescribed pre-application advice enquiry form, a copy of which is provided at Appendix B, or can be downloaded at www.npt.gov.uk/planning.

Non-Statutory Service

Your request can be made by letter or email. You do not need to complete a form (although you can use the form should you so wish, but make it clear you are seeking non-statutory advice)

Information Required to Accompany your Request for Advice

Before we can start work on your request, the Regulations require (for statutory requests) that to validate your Request for Advice, as a minimum you must submit the information detailed below: -

- Name, Address and Contact Details
 - Description of the proposal (including an indication of increase in floorspace, and/ or number of new units proposed)
 - Site Address
 - Location Plan
 - Fee
-
- Enquiries relating to householder development will need to be supported by elevation drawings

The guidance notes that developers will benefit from providing the LPA with as much information as possible in order to facilitate an informed and focussed response. **Ultimately, the more information you are able to provide us with at the outset, the better quality of advice we will be able to offer you.**

It would therefore be beneficial if you also included additional information such as: -

- Plans / sketch drawings providing details of the proposal (to a recognised scale).
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Access and parking arrangements.
- Additional supporting information and reports, including those relating to constraints on or around the site, including: -
 - Ecological Surveys
 - Landscape Assessments
 - Contamination issues
 - Flooding and Flood Consequences
 - Transport / Highways Issues

While there are no minimum requirements for the non-statutory service, you are encouraged to submit the above information, since without it we will be unable to provide you with the best response.

Where to send your Request

Please send the information above to 'Planning - Development Management' either:

- i) By email to planning@npt.gov.uk
- or
- ii) By Post to: - The Quays,
Brunel Way,
Port Talbot SA11 2GG

9. What level of advice do we offer you as part of our Service?

This protocol emphasises at the outset that the Planning department seeks to 'Deliver Quality Development Quickly', and prides itself on the service it offers the public. Engaging with all of our customers and providing high quality pre-application advice is a key commitment of this service.

What Advice can you expect from us?

As well as engaging with you personally on all requests for advice, the matters which could be the subject of our pre-application advice include:-

For **Householder Development** enquiries:

- (i) Relevant planning history of the site.
- (ii) Relevant development plan policies against which the proposal will be assessed.
- (iii) Any relevant supplementary planning guidance.
- (iv) Any other material planning considerations.
- (v) Views of the case officer that address the merits of the proposal.

For **all other enquiries**:

- (i) Relevant planning history
- (ii) Relevant development plan policies against which the proposal will be assessed.
- (iii) Any relevant supplementary planning guidance.

- (iv) Any other material planning considerations.
- (v) Whether any Section 106 contributions are likely to be sought and an indication of the scope and amount of these contributions, for example affordable housing, education, open space, sustainable transport.
- (vi) The information required to enable validation of any subsequent application.
- (vii) Informal, and without prejudice, **comments on the planning merits** of your proposals including, where appropriate, advice on design, and preparation and presentation of an application likely to satisfy the Council's planning policies.

For all enquiries we will also provide advice regarding the **procedure**, consultation arrangements and **estimated time scale** for processing the application.

10. Timescales

Following receipt of a valid request for pre-application advice, we will endeavour to respond to your enquiry as soon as possible, and to keep you informed on progress. Please note, however, the Regulations require LPAs to provide a written response to all valid statutory pre-application enquiries within 21 days, unless an extension of time is agreed between the Authority and applicant.

We aim to progress your enquiry within the following rough timescales: -

1. Allocation of your Request to Case Officer	(within 2 working days)
On receipt of your initial enquiry, it will be allocated to a Case Officer by the Development Manager or relevant Team Leader. The level of their seniority and experience would depend on the nature of the proposal and this remains at the discretion of the Council. In most circumstances the same officer will also deal with the planning application.	
2. Review of Submissions	(within 3 working days)
The Case Officer will review the submission to determine whether the request is valid. If any required information or fee is outstanding, the Officer will contact you to advise. Your enquiry will not be progressed further until the required fee has been received.	
3. First Contact	(within 5 working days)
The Case Officer will contact you by phone or email to discuss any outstanding or required information, and advise on the next steps, including an assessment of the time that will be required to deal with the enquiry. Unless specifically requested, we will <u>not</u> acknowledge your enquiry, given that officers will contact you directly to confirm receipt. A receipt for the fee will be issued.	
4. Arrangements for Site Visit (in appropriate cases)	(within 5 working days)
If the Case Officer considers a site visit is necessary, you will be advised accordingly so that arrangements can be made for access to the site or for the Officer to be met.	

5. Arrangements for Meeting (in appropriate cases)	(within 7 working days)
<p>Where a meeting is sought or considered necessary by the Case Officer, they will contact you to arrange a suitable date. Meetings will usually be held within 2 weeks of receipt, although this will depend on the complexity of the scheme and the amount of preparation that will be needed beforehand. This may include any time necessary to obtain initial views of other interested parties such as Highways or Ecology, or to arrange for their attendance. No meetings will take place without prior sight of the required information.</p> <p>Meetings will usually be held at the Council offices (The Quays, Baglan Energy Park), unless a specific site meeting has been agreed by the Case Officer. As a guide, meetings should not normally last more than 2 hours for 'large major' and 'major' proposals and 1 hour for other proposals.</p> <p>It will not normally be necessary for a meeting in respect of householder developments.</p>	
6. Written Response	(within 21 days or other agreed timescale)
<p>Once the Officer has the appropriate information necessary to assess your proposals, and following any necessary discussion with the applicant to provide the level of service agreed at the outset, a written response will be prepared and, where an email address has been provided, sent electronically.</p>	

Should Officers consider it likely that additional time will be required to respond, we will contact you as soon as possible to agree an appropriate timescale for a response.

11. Your Planning Application

The Council's expectation is that applicants will pay appropriate regard to the advice given at pre-application stage in order to deliver a valid and acceptable application which has the best chance of success at formal application stage.

Should you choose not to follow the advice offered, we would also expect you to make it clear in the submissions accompanying your planning application *why* you have chosen not to amend your scheme to reflect such discussions.

You should note, however, that any pre-application advice given by Council officers (whether verbal, written, paid for or free of charge) is **informal Officer advice**, provided on a without prejudice basis (see disclaimer below).

12. Payment of Fees

Any requests for pre-application advice must be accompanied by the relevant fee, without which advice cannot be provided.

Each project or separate site referred to in an enquiry will be charged at the appropriate rate. Multiple requests for advice in respect of different sites will attract the appropriate multiple fees.

Payment of fees can be made:-

- By cheque, which should be made payable to *Neath Port Talbot CBC* and sent to: - Planning, The Quays, Brunel Way, Port Talbot SA11 2GG.
- Online by following links at www.npt.gov.uk/planning

13. Disputes over Fees

As stated above, the charges for the statutory pre-application service are set by Welsh Government, and are non-refundable.

In respect of other charges, the Council has the right to determine the fee. In the event of any disputes, the issue will be referred to the Council's Head of Planning and Public Protection who will arbitrate.

14. Confidentiality Issues and Freedom of Information

The statutory pre-application service is non-confidential, with information including the Council's written response made available on the Council's Part 1 Planning Register / website.

In respect of non-statutory requests, we acknowledge that customers normally expect the details of pre-application discussions to be on a confidential basis and Officers aim to provide advice on this basis and it is not published on the Council's website. However, under the provisions of the Freedom of Information Act and/or the Environmental Information Regulations, third parties can ask to see pre-application documentation and the Council has to decide whether information is exempt from disclosure. In order to assist the Council in dealing with such requests, applicants/agents are encouraged to submit in writing the specific reasons why in their view documentation relating to their pre-application discussions should remain confidential and not be disclosed to third parties.

15. Contact Details

Should you wish to discuss the pre-application service protocol or any aspect of the service with which you are dissatisfied please contact: -

Steve Ball Development Manager – Planning
01639 686727 Email: planning@npt.gov.uk

16. Disclaimer

Any pre-application advice given by Council officers, whether verbal, written, paid for or free of charge, is informal officer advice provided on a without prejudice basis. It does not comprise any formal decision by the Council as local planning authority and cannot pre-empt or bind in any way the Council's eventual decision on any subsequent planning application. Any views or opinions expressed are given by officers in good faith, and to the best of their ability, without prejudice to the formal consideration of any planning application, including any site visit/s of all relevant properties, statutory public consultation, the issues that may be raised by third parties/stakeholders and evaluation of all available information. You should therefore be aware that officers cannot give guarantees about the final formal outcome of your planning or related applications. However any written pre-application advice is treated as a material consideration in the assessment and determination of any future planning related applications, subject to the proviso that circumstances and information may change or come to light, which could alter that position. It should be noted that the weight given to pre-application advice will decline over time and it is likely to be almost irrelevant after three years or if policies change in the meantime.

Please note that this document and associated application forms are also available in Welsh



Pre-Application Fee Charging Schedule

This Schedule should be read alongside the Council's approved 'Planning Pre-Application Service protocol' (as amended April 2018) which details the provision of pre-application advice by the Planning Department of NPT as follows: -

1. The Statutory Pre-Application Service offered by NPT (section 5 of Protocol)
2. Provision of additional advice following an initial written response received under the statutory service (section 6.1)
3. Non-Statutory Pre-Application Advice (section 6.2)

Please note that VAT at a standard rate of 20% is payable for any non-statutory pre-application advice (2 and 3 above)

1. Charges for Statutory Pre-Application Advice

The following charges for the **statutory** pre-application service within this Protocol are nationally-set by Welsh Government ¹.

Development Type *	Charges
Householder Development	£25
Minor Development	£250
Major Development	£600
Large Major Development	£1000
The winning and working of minerals or the use of land for mineral-working deposits	£600
Waste Development	£600

* See definitions at end of schedule

¹ By the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016* which amend the *Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015*.

2. Charges for Provision of **Additional** Non-Statutory Pre-Application Advice following receipt of initial written response

Development Type *	Per Meeting and/or Written Response Additional Charge		
	Fee	VAT	Total
Householder	£25	£5	£30
Minor <i>(meeting with planning case officer up to one hour)</i>	£125	£25	£150
Major Development including minerals and waste development <i>(meeting with planning case officer up to 1 ½ hours)</i>	£250	£50	£300
Large Major <i>(meeting with planning case officer up to 2 hours)</i>	£500	£100	£600

* See definitions at end of schedule

3. Non-Statutory Pre-Application Advice

Development Type *	Charges		
	Fee	VAT	Total
Householder <i>(to include a site visit or meeting)</i>	£50	£10	£60
Minor	£450	£90	£540
Major Development including minerals and waste development	£900	£180	£1080
Large Major	£1800	£360	£2160
Advertisements	£50	£10	£60

* See definitions at end of schedule

NOTE: Please see section 6 of the Protocol in respect of *large scale or complex/specialist applications*, for which additional charges may apply. In addition, the Protocol at section 6.3 outlines the potential for Planning Performance Agreements (PPA) for development proposals.

Definitions of Development Types

“**Householder application**” has the same meaning as in article 2(1) of the Development Management Procedure Order², but essentially relates to any proposal to enlarge or alter a dwelling or development within its curtilage.

	Minor	Major	Large Major
The erection of dwelling houses / flats	1 to 9 dwelling units <i>or</i> where the number of dwelling units to be created is not known - proposed site area does not exceed 0.49 hectares	10 to 24 <i>or</i> where the number of dwelling units to be created is not known - proposed site area is 0.5 to 0.99 hectares	More than 24 <i>or</i> where the number of dwelling units to be created is not known - the proposed site area exceeds 0.99 hectares
The erection of buildings (other than dwelling houses)	Area of gross floor space to be created does not exceed 999 square metres	Area of gross floor space to be created is 1,000 to 1,999 square metres	Area of gross floor space to be created exceeds 1,999 square metres
The making of a material change in the use of a building	Area of gross floor space does not exceed 999 square metres	Area of gross floor space is 1,000 to 1,999 square metres	Area of gross floor space exceeds 1,999 square metres
Material change in the use of land	Site area does not exceed 0.49 hectares	Site area is 0.5 to 0.99 hectares	Site area exceeds 0.99 hectares
The winning and working of minerals or the use of land for mineral-working deposits	n/a	Treated as major development	n/a
Waste development	n/a	Treated as major development	n/a

² an application for :-

- (a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or
- (b) change of use to enlarge the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwellinghouse but does not include—
 - (i) any other application for change of use,
 - (ii) an application for erection of a dwellinghouse, or
 - (iii) an application to change the number of dwellings in a building.

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

20th April 2018

Report of the Head of Planning and Public Protection

N. Pearce

Matter for Decision

Wards Affected: *All*

Environmental Health And Trading Standards Changes To Officer Delegation Arrangements

Purpose of Report

- 1 To seek approval from Members to amend the authority's current delegation arrangements to officers in relation to the legislation enforced by the Environmental Health and Trading Standards Service {which are currently set out in the Officers of the Council Delegation Arrangements In Part 3 Of the Authority's Constitution [version 14.01.17]}; in order to add further legislation.

Executive Summary

- 2 This report seeks to add Public Health (Wales) Act 2017 to the list of legislation that is enforced by the Environmental Health and Trading Standards Service.

Purpose of the new legislation

- 3 The Public Health (Wales) Act 2017 aims to address a number of specific public health concerns. For Environmental Health and Trading Standards purposes, the legislation will deal with the following areas:

Tobacco and nicotine products

- 4 Further to the existing controls restricting smoking in enclosed and substantially enclosed public and work places, the Act places additional restrictions on smoking in outdoor care settings for children, school grounds, hospital grounds and public playgrounds. The restriction of smoking in non-enclosed spaces would contribute to the de-normalisation of smoking and promote behaviour change, by providing fewer opportunities for the activity of smoking to be seen.
- 5 The Act also establishes a national register requiring all retailers who sell either tobacco products or nicotine products to register. It is an offence to sell tobacco/nicotine products from premises (including mobile units) if they are not on the national register.
- 6 The national register will also aid enforcement of tobacco and nicotine legislation, such as that relating to age of sale (tobacco and nicotine products) and the display of tobacco products. The register will also be used to disseminate information and guidance to retailers.
- 7 The Act prohibits the handing over of tobacco and/or nicotine products to a person under the age of 18. This relates to situations where, for example, a delivery driver knowingly hands over tobacco or nicotine products to someone under the age of 18 who is unaccompanied by an adult.

Licensing of special procedures

- 8 The Act creates a mandatory licensing scheme for practitioners and businesses carrying out special procedures in Wales. The four special procedures specified in the Act are acupuncture, body piercing, electrolysis, and tattooing.
- 9 It will be an offence for a practitioner to carry out any of these special procedures without a licence, or to perform any procedure from premises or vehicles that are not approved. The overall purpose is to ensure that where special procedures are carried out, this is done in a manner which will not cause any harm to health and reduce the risks of infection.

Intimate piercing

- 10 The Act prohibits the intimate piercing of a person who is under the age of 18 in Wales, in any setting. It will also be an offence to

make arrangements to perform such a procedure on a person under 18. 'Intimate piercing' includes piercings of the nipples, breast, genitalia, buttocks, or tongue. The aim is to protect children and young people from the potential health harms which can be caused by an intimate piercing, and to avoid circumstances where children and young people are placed in a potentially vulnerable situation.

Financial Impact

11 None

Equality Impact Assessment

12 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment

Workforce Impact

13 The legislation places a new enforcement duty on the authority where persons do not comply with the requirements of the Act. This new duty will have an impact on the workforce

Legal Impact

14 None

Risk Management

15 None

9 Any Other Impacts?

16 None

Consultation

17 There is no requirement under the Constitution for external consultation on this item

Recommendation(s)

- 18 That the delegation arrangements in respect of the Environmental Health and Trading Standards Service which are set out in version 14.08.15 of the authority's Constitution [i.e. in Part 3 - Officer of the Council Delegation Arrangements : {c} Environmental Health and Trading Standards - Schedule 1] are amended to:
- [a] add Public Health (Wales) Act 2017 to the list of legislation [set out in the above referred to Schedule 1] delegated to the Director of Environment, the Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager.
- [b] delegate to those officers in [a] above the authority to authorise individual competent and qualified officers to act under that legislation.
- [c] delegate to those officers in [a] above the authority to institute legal proceedings under the provisions contained in the Public Health [Wales] Act 2017 in conjunction with the Head of Legal Services [including the signing of any cautions in accordance with Home Office Guidelines] and, where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge.
- 19 That the Head of Legal Services be authorised to seek amendment of the Constitution by the Council in due course: in order to reflect the above changes to the authority's delegation arrangements .

Reason for Proposed Decision(s)

- 20 To ensure that the Constitution reflects further legislation has been added.

Implementation of Decision

- 21 The decision is proposed for implementation after the three day call in period.

Appendices

- 22 *None*

List of Background Papers

- 23 None

Officer Contact

- 24 Nicola Pearce, Head of Planning and Public Protection.
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