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Blaenau Gwent

Our Ref./Ein Cyf.
Your Ref./Eich Cyf.
Contact:/Cysylltwch â:

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

Dydd Iau, 29 Mehefin 2023

Dear Sir/Madam

PWYLLGOR CRAFFU CYNLLUNIO

A meeting of the Pwyllgor Craffu Cynllunio will be held in O Bell yn Defnyddio Microsoft Teams on Dydd Iau, 6ed Gorffennaf, 2023 at 10.00 am.

Yours faithfully

Damien McCann
Interim Chief Executive

AGENDA

Pages

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o rybudd os dymunwch wneud hynny. Darperir gwasanaeth cyfieithu ar y pryd os gwneir cais am hynny.

2. YMDDIHEURIADAU

Derbyn unrhyw ymddiheuriadau am absenoldeb.

3. DATGANIADAU BUDDIANT A GODDEFEBAU

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

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Derbyn unrhyw ddatganiadau buddiant a goddefebau.

4. **ADOLYGIAD O'R GWASANAETH CYNLLUNIO – CYNGOR BWRDEISTREF SIROL BLAENAU GWENT** 5 - 24

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5. **GWYBODAETH PERFFORMIAD CHWARTEROL RHEOLI DATBLYGU – CHWARTER 4 – IONAWR I MAWRTH 2023** 25 - 30

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7. **APELIADAU, YMGYNGHORIADAU A DIWEDDARIAD DNS GORFFENNAF 2023** 39 - 42

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Ystyried adroddiad y Swyddog Cymorth Busnes.

9. **MEYSYDD AR GYFER SESIYNAU GWYBODAETH A HYFFORDDIANT AELODAU**

Trafod unrhyw feysydd ar gyfer sesiynau gwybodaeth a hyfforddiant i aelodau.

To: L. Winnett (Cadeirydd)
P. Baldwin (Is-gadeirydd)
Councillor C. Bainton
J. Holt
Councillor E. Jones
L. Parsons
Councillor D. Rowberry
Councillor C. Smith

M. Day
W. Hodgins
Councillor G. Humphreys
Councillor J. Morgan, J.P.
Councillor J. Thomas
D. Wilkshire

All other Members (for information)
Interim Chief Executive
Chief Officers

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Review of the Planning Service – Blaenau Gwent County Borough Council

Audit year: 2022-23

Date issued: May 2023

Document reference: 3571A2023

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This document is also available in Welsh.

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Summary

Summary

What we reviewed and why

- 1 Council planning services are strategically important enablers underpinning many major and important developments, including new school builds and developing care homes. These developments can help councils achieve their corporate objectives and ambitions.
- 2 Blaenau Gwent County Borough Council (the Council), as a Local Planning Authority (LPA) has an essential role to play in identifying development needs; what areas need protection or enhancement; and in assessing whether a proposed development is in line with local and national policies.
- 3 We undertook this review of the Council's planning service as part of our 2022-23 Council Audit Plan. The review sought to provide assurance and insight as to whether the Council's planning service is effectively and sustainably meeting its objectives and contributing towards the achievement of the Council's corporate priorities. This work included a review of the performance of the planning service.
- 4 We undertook the review in February 2023. During our review, we noted that over the last 12-18 months, there have been several changes in personnel in key positions that align to and support the planning service and Planning Committee. The changes are:
 - Cabinet Member;
 - Chair of Planning Committee;
 - Planning Committee Legal Support Officer;
 - Director of Regeneration and Communities;
 - Team Manager - Development Management (Planning);
 - Development Management (Planning) Team Leaders;
 - Planning Officers;
 - Enforcement Officer; and
 - Planning Policy Manager.

What we found

- 5 Our review sought to answer the question: Is the planning service effectively and sustainably meeting its objectives and contributing towards the achievement of the Council's corporate priorities?
Overall, we found that Planning Committee performance is improving, and the planning service plays a key role in enabling delivery of the Council's corporate objectives, but the service's business planning and performance reporting do not demonstrate this important contribution. We reached this conclusion because:

- the profile of the planning service within the Council is improving with the service now seen as a key enabler to deliver the Council's corporate objectives;
- the Development and Estates business plan does not reflect the planning service's strategic role and, as the plan lacks performance data, the planning service is not adequately reporting its performance;
- officers in the planning service feel well-supported. There is a good team meeting structure and good flow of communication resulting in a positive 'one team' approach
- planning committee performance is improving but the service needs to increase the pace of its review of the committee's governance arrangements.

Recommendations

Exhibit 1: recommendations

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

Recommendations	
R1	Include performance measures in the Development and Estates business plan to demonstrate the service's performance ambitions and to enable effective monitoring of the service
R2	Include in the Development and Estates business plan the service's contribution towards delivering the Council's corporate objectives to demonstrate its important enabling role
R3	The Council needs to assure itself that the planning service has robust data quality arrangements to ensure that it reports accurate performance data so that staff, members, Welsh Government and the public can place reliance on its integrity to make accurate and informed decisions
R4	Full Council to consider the outcome of the scheme of delegation and planning protocol review by September 2023 and decide on future planning governance arrangements

Detailed report

Planning Committee performance is improving, and the planning service plays a key role in enabling delivery of the Council's corporate objectives, but the service's business planning and performance reporting do not demonstrate this important contribution

The profile of the planning service within the Council is improving with the service now seen as a key enabler to deliver the Council's corporate objectives

- 6 The role and profile of the planning service (Development Management and Planning Policy) in supporting the Council in delivering its corporate ambitions is improving. Historically, the service had a relatively low profile and services and directorates were late in engaging the planning service on major project development. In 2022, the Council appointed a new Director for Regeneration and Communities. This appointment has raised the profile of the planning service corporately and its importance as an enabler to the Council delivering its priorities. The planning service is now contributing at an earlier stage in major projects to help establish if a project is feasible and advise on relevant local and national planning policies. This means the Council is receiving professional planning advice at the appropriate time before resources are spent on a major development that may not meet relevant planning policies.
- 7 This early engagement is through the planning service's representation on the Corporate Asset Management working group (CAMWG), Corporate Major Projects team and improved team meeting arrangements within the Regeneration and Community Services directorate. Under the new Director of Regeneration and Community Services, the working relationship between services within this directorate has shifted to a collaborative approach. The Director is ensuring links between services within the directorate are strong. There is improved communication through changes to team meeting structures leading to a greater understanding of the roles and priorities of the different services within that directorate.
- 8 CAMWG is the Council's corporate working group dealing with all property related matters and leads on key strategic projects for the Council. At the time of our fieldwork, these strategic projects focussed on the Corporate Asset Management Plan, the new operating model and the decarbonisation agenda. The planning service representation on CAMWG and the Corporate Major Projects team places the service at the forefront of major project development.
- 9 Going forward, those within the planning service believe it is well positioned to further the Council's ambitions, for example enabling connected communities. The

service will also have a key role in taking forward the Council's decarbonisation agenda, both corporately and in the wider community. For example, by encouraging and supporting low carbon planning applications that use new technology or do things in a more environmentally friendly way.

- 10 The Planning Policy team has a pivotal role in shaping future local planning policies for the County Borough. The Planning Policy team is responsible for producing and monitoring the Local Development Plan (LDP)¹. This Plan guides development and sets out the long-term future for the County Borough. It outlines how the Council can ensure that growth is delivered in the right places and guides how the growth will take into account the needs of local communities. The LDP forms the basis of planning decisions made by the Council and, where possible, links with the aims of the Corporate Plan.
- 11 The Council adopted its current LDP in November 2012. In 2018, Welsh Government approved a Delivery Agreement with the Council on its Replacement LDP. However, all work regarding public consultation paused due to the pandemic. In addition, the Council also experienced delays due to staff sickness, retirement and recruitment issues. These delays resulted in an updated Delivery Agreement timetable with Welsh Government. In the meantime, the current LDP remains valid. At the time of our fieldwork, the Planning Policy team was fully staffed and formal adoption of the replacement LDP is scheduled for early 2025.
- 12 Producing a LDP is both time intensive and costly. The Council has set aside a dedicated LDP reserve to fund the development of the replacement LDP. Members are aware of the additional costs of developing the plan and the Council is confident sufficient finances are set aside to cover those costs.
- 13 Currently, income targets for the planning service are set by finance officers. But there is scope for senior officers within the planning service to be more involved in this process. Their awareness of potential regeneration and major development projects means they are well placed to estimate the potential associated planning fees and contribute to more accurate financial planning.

The Development and Estates business plan does not reflect the planning service's strategic role and, as the plan lacks performance data, the planning service is not adequately reporting its performance

- 14 The focus for the Planning Policy team within the Development and Estates Business Plan 2022-27 (business plan) is clear. The team needs to 'review, develop and implement a replacement Local Development Plan (LDP)'. Critical actions with timescales are also clear, leading towards an adopted replacement LDP in Spring 2025. This is a positive and significant piece of work which will shape future developments in the County Borough.

¹ [Local Development Plans – Planning Aid Wales](#)

- 15 However, the planning service section in the business plan lacks detail. While the planning service is now represented and embedded within the corporate approach to considering and delivering major project and property developments, the service's role as a key enabler in this process is not reflected in the service's business plan. We are unable to determine from the business plan the ambitions and performance of the service and the significant role it has corporately.
- 16 There are two objectives for the planning service to 'deliver and embed the new Idox back-office software' and to 'deliver agreed improvements' such as the Planning Committee's scheme of delegation and planning protocol. Both these objectives focus on operational aspects of the service and do not convey the important role the service has corporately.
- 17 The business plan also lacks detail on the planning service's performance targets and any performance baseline data. While we were told this omission was intentional for officers to focus on implementing the new Idox IT software, this does not give officers a target to aim for, for example, timeliness in determining planning applications or investigating enforcement cases. The Council's performance management arrangements are based around its business plans. So, although the planning service understands its current and historic performance, the lack of data in the business plan does not allow for wider reporting of that performance.
- 18 The planning service is not adequately forward-planning. The business plan template covers five years, yet for the planning service there are only actions for 2022-23. During our fieldwork, we understood the importance and benefits to the service and residents of implementing the Idox system, but the service has not looked beyond this in the Business Plan. The service is missing an opportunity to clearly state its future contributions, how it integrates and is involved at a strategic level.
- 19 Ultimately, the business plan is not driving the planning service. It does not align to the corporate objectives and the lack of performance aspirations makes it difficult to effectively monitor the service and hold officers to account.
- 20 The Planning Committee does receive reports on the performance of the planning service in relation to a couple of national indicators set by Welsh Government. The latest report to the Committee was in July 2022 for the period October to December 2021. This report contained the latest comparable data available². However, the service continues to collect and submit performance data to Welsh Government on a quarterly basis. So, although a lack of recent published data by Welsh Government impacts the planning service's ability to benchmark its performance against others, it should not preclude the service from reporting its own performance and comparing it over time. A summary of recent performance can be found in Appendix 1.

² Welsh Government publish a summary of the development management quarterly survey returns from LPAs on their [website](#). But the most recent return published is for October to December 2021.

- 21 Whilst reviewing the four most recent quarterly returns to Welsh Government, we found three instances of incorrect reporting of performance to Welsh Government. The incorrect performance reporting relates to: the percentage of Member made decisions against officer advice in quarter 1 of 2022-23; and the percentage of enforcement cases investigated within 84 days in quarter 4 of 2021-22 and Q1 of 2022-23. While the Council under reported its performance, we now have concerns as to the accuracy of the planning service's performance data, its data integrity and quality assurance arrangements, and whether it is reporting accurate information to Welsh Government, members and the public. The Council told us that the new Idox system, which it anticipates will 'go live' in early 2024, will help reduce the risk of future performance recording and reporting errors. The Idox system has inbuilt performance management capabilities which will simplify current processes and reduce the risk of error resulting from the current manual transfer of data between different systems. The performance data in Appendix 1 shows the correct data.
- 22 We did not see any recent scrutiny of planning performance. The service's performance reports to the Planning Committee are 'for information' and not for scrutinising. The reporting of the service's performance beyond the Planning Committee is limited as quarterly directorate performance reports contain little data on planning. Previously, the planning service produced an annual performance report which included a range of performance measures and compared performance against the previous year and the Wales average. However, the most recent report available on the Council website is for 2018-19³. The lack of performance reporting presents a risk that performance is not monitored. Those outside of the service either do not have assurance the service is performing as expected, or lack the opportunity to identify and, if necessary, scrutinise areas of poor performance in a timely manner.

Officers in the planning service feel well supported. There is a good team meeting structure and good flow of communication resulting in a positive 'one team' approach

- 23 Following several staff departures in recent years which led to capacity issues, the Council successfully recruited into the vacant roles. The planning service and Planning Policy team are now fully staffed.
- 24 The number and type of planning applications submitted to the service can vary throughout the year and senior officers within the service ensure planning officers have manageable caseloads. Each planning officer has an individual case load and applications are allocated out evenly. While enforcement officers have larger caseloads and a backlog of cases, senior officers are closely monitoring this. The service has previously used external consultants in the short-term to address an increase in officer caseloads and reduce any pressure on staff. Senior officers will

³ Due to Covid-19, LPAs did not have to publish an annual performance report for 2019-20 or 2020-21. The Planning service did not produce a report for 2021-22 because published comparative data for the full year was not available.

re-engage with consultants again if caseloads increase to an unsustainable level for officers. Officers value this support.

- 25 Officers told us they feel well supported by senior officers. Senior officers give autonomy and have trust in the staff. For example, the service introduced new planning application sign off arrangements in the last year. Planning officers can now countersign each other's household applications. Team leaders or the team manager countersign non-householder applications. This approach is building confidence amongst the staff.
- 26 There is a good internal team meeting structure and communication which staff value. The team manager and team leaders meet weekly to discuss future projects, workloads etc. In addition, the service holds fortnightly planning surgeries and enforcement surgeries to discuss any difficult, complex planning applications or enforcement cases. There are fortnightly full team meetings which include planning officers, enforcement officers and planning technicians. Every six weeks, the full team meet face to face for both a formal and informal catch-up. These arrangements develop a strong 'one team' approach.
- 27 Officers feel supported with any training needs. Officers are frequently asked if there are any gaps in knowledge, any training requirements, or subjects that they might want to learn more about. There is acknowledgement in the service that knowledge has been lost as some more experienced staff retired or left, so current officers are actively encouraged to learn and develop.
- 28 There is no undue pressure placed on planning officers to determine an application in a certain way. At the planning surgeries, officers discuss the merits of an application against local and national planning policies and consider differing views from colleagues. Officers view this arrangement as useful as occasionally planning policies can be subjective.
- 29 While the officers work well together and demonstrate a strong commitment to the service, there is frustration that the current IT system is cumbersome and not public facing which generates additional work for officers. The Council is the only LPA in Wales not to have a planning application search function on its website. As a result, planning applications and supporting documents are not available to view online. Interested parties need to request these either by phoning, e-mailing or writing to the service. The basic IT system does not allow comments of support or objection to be made directly on the system. Anyone wishing to comment on a planning application must forward comments via letter or e-mail to the service. It is time-consuming for both residents and officers to ask for and send information pertaining to any planning application. As a result, the Council is not adequately involving the public by enabling them to view the applications under consideration by the service.
- 30 In 2022, the Council procured a new planning IT system using planning fees generated by a major planning application in the County Borough. By early 2024, the service intends to implement the Idox system. This is an industry recognised development management (planning) software. The implementation will improve

the planning function on the Council's website and back-office functionality for officers. The software is expected to reduce repetition, eliminate the need for staff to respond to queries and complete administrative tasks. In turn, the new system will create additional capacity within the team by freeing up officers' time.

- 31 Preparing to introduce the software is impacting staff capacity and workload in the short term. A planning officer and enforcement officer are working on implementing the new system which includes completing a comprehensive data cleansing exercise. This involvement results in a need to reduce their caseloads, with colleagues needing to meet the demand. Senior managers are closely monitoring capacity and are prepared to engage an external consultant if required.

Planning Committee performance is improving but the service needs to increase the pace of its review of the committee's governance arrangements

- 32 A key reason for us to review the Council's planning service was the historically high number of member decisions contrary to officer recommendations. This is one of several national indicators for planning which LPAs report to Welsh Government⁴. The latest all-Wales annual performance information produced by Welsh Government⁵ is for 2018-19. In that year, the Council's performance of 28.6% (Percentage of Member made decisions against officer advice) was significantly worse than the Wales average of 9.2% and the Council ranked 24th out of 25 LPAs.
- 33 Despite Welsh Government not publishing an annual report since 2018-19, the LPAs do submit quarterly performance returns to Welsh Government. The latest publicly and comparable available data is for October - December 2021 (Q3 2021-22). In addition, the Council's planning service sent us their quarterly returns for the period October 2021 to September 2022 (Q3 2021-22 to Q2 2022-23). With these two data sources, we can see the Council's performance up to September 2022. Exhibit 2 below provides an overview of performance concerning member decisions contrary to officer recommendations.
- 34 As shown in Exhibit 2, member decisions contrary to officer recommendations remained high and significantly above the national average up to and including Q4 2021-22. There is a considerable reduction in member decisions contrary to officer recommendation in Q1 2022-23. In Q2 2022-23, members did not make any decisions contrary to officer recommendations. We consider that the noticeable reduction in the number of member decisions against officer advice can be

⁴ In November 2014, Welsh Government adopted a [Planning Performance Framework](#), which includes a suite of performance measures and targets for LPAs to report on.

⁵ Welsh Government, [All Wales Planning Annual Performance Report 2018-19](#), December 2019

attributed to the creation of the new Planning Committee following the local government elections in May 2022.

- 35 The previous Planning Committee received a number of planning applications called into the committee by local ward members. Officers recommended many of these applications as refusals as, in their professional opinion, they did not meet local or national planning policies. However, when called into the planning committee, the committee approved a number of these applications – as demonstrated by the high number of member decisions contrary to officer advice. To improve the performance of the committee and for members to better understand the planning policies, ongoing training, learning and development opportunities for members is important.

Exhibit 2: Member decisions contrary to officer recommendations

Member decisions made Contrary to Officer Recommendation (%) – Blaenau Gwent		Wales average (%)	Ranking
Q1 2021-22	33%	15.38%	24 th
Q2 2021-22	40%	10%	22 nd **
Q3 2021-22	80%	13%	24 th *
Q4 2021-22	43%	Not available	Not available
Q1 2022-23	16.5%	Not available	Not available
Q2 2022-23	0%	Not available	Not available

* Denotes one LPA did not submit quarterly data.

** Denotes two LPAs did not submit quarterly data.

- 36 Planning Committee members received appropriate training as part of their induction. In June 2022, Planning Committee members received training on the legislative basis for planning, Planning Policy, Development Management and member code of conduct. Additionally, in September 2022, training on planning for

non-committee members took place. This training is important as through the Council's scheme of delegation, members can call planning applications to committee, but call-ins must be based on material planning considerations.

- 37 The Planning Committee members are eager to learn and are proactive in seeking officer support and advice. In response, officers organised briefings on House of Multiple Occupation (HMO), Phosphates and Enforcement. Future training is scheduled on S106⁶.
- 38 Each Planning Committee agenda contains an item on member training and briefings. This provides members with a formal way in which to raise any further training needs.
- 39 The current Chair of the Planning Committee is knowledgeable on committee procedures, planning issues and manages the committee meetings well. The Chair is proactive and, alongside officers, is seeking improvements to the Planning Committee's governance and supporting arrangements.
- 40 While there have been significant improvements in the performance of the Planning Committee since the local elections in May 2022, there remains a risk that sustaining such improvement is overly reliant on the behaviours and actions of individuals and not matched by improved governance arrangements supporting the Committee.
- 41 It is therefore encouraging that the service is taking steps to improve the governance arrangements by reviewing its scheme of delegation and planning protocol. Any new arrangements need to be robust and provide a strong operational framework for the Planning Committee and its membership.
- 42 Officers were aware of the previous Planning Committee's performance regarding decisions contrary to officer recommendations and made efforts to address it. For example, in 2021, the service began an internal review. The review looked at the main stages of the journey of a planning application: the role of officers, members of the planning committee and non-committee members, highlighted best practice and any Council shortcomings. It appears to us to be an appropriately honest and self-reflective review.
- 43 However, this work paused due to changes in personnel and re-started in 2022 following the local elections. There are two key documents which are the subject of this ongoing review: the scheme of delegation; and planning protocol that together can provide a council and planning committee with robust procedures and arrangements if well written and followed by all. We recommend the Council prioritises the planning service's completion of this important work.
- 44 While undertaking this review, we looked at the Council's current scheme of delegation. We observed that any planning application submitted by an elected member or by an officer from the planning service can be determined under officer delegated powers and not by the Planning Committee. Although this approach is

⁶ [QG15-007.pdf \(senedd.wales\)](#)

permitted, it is good practice for such applications to be determined by the Planning Committee in order to safeguard officers and members against any perceived conflicts of interest and to promote independence and transparency.

- 45 A culture of learning exists within the service and officers make use of professional networks to learn and share. Conversations with other LPAs have informed decisions around the new IT system and plans to strengthen the planning committee. The service is also looking at other LPA's arrangements and procedures to inform changes to the scheme of delegation and planning protocol. Where appropriate, the service also seeks advice from internal colleagues. For example, involving the legal team before submitting changes to the scheme of delegation and planning protocol to the constitutional working group.

Appendix 1

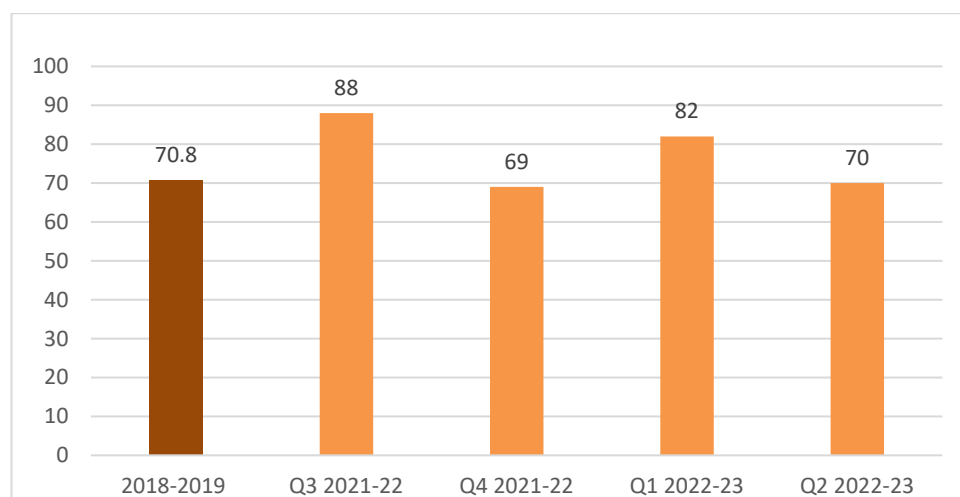
Planning service performance

This appendix sets out performance data for the planning service. It is based on:

- Welsh Government's [All Wales Planning Annual Performance Report for 2018-19](#) which provides comparative data against other LPAs. 2018-19 is the latest full year performance data available and is presented in the first column in each exhibit below.
- The four most recent quarterly returns submitted by the Council to Welsh Government. Quarterly performance is shown in the orange columns of each chart.

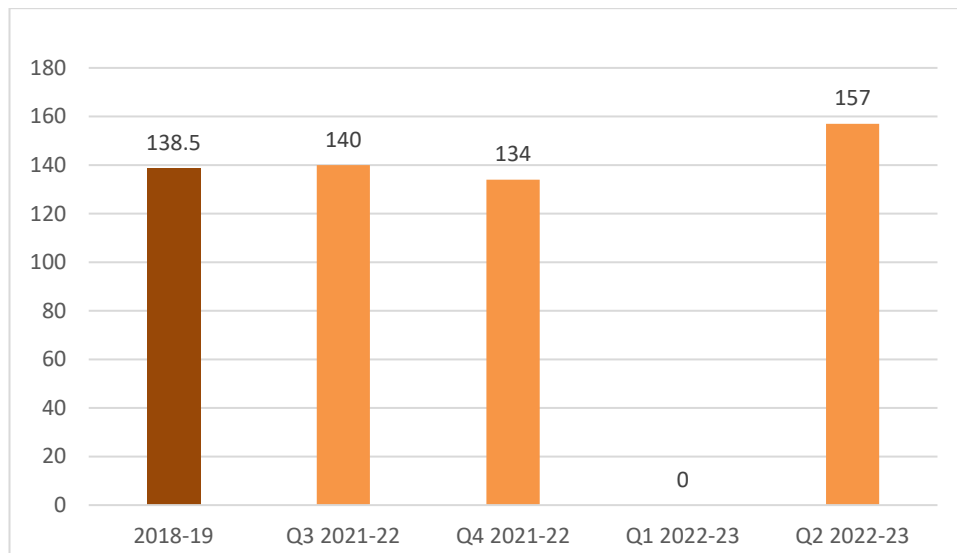
The most recent comparative data published by the Welsh Government is for 2018-19. So we are unable to determine how the Council has improved in comparison to other LPAs since then.

Exhibit 3: Average time to determine ALL planning applications, in days



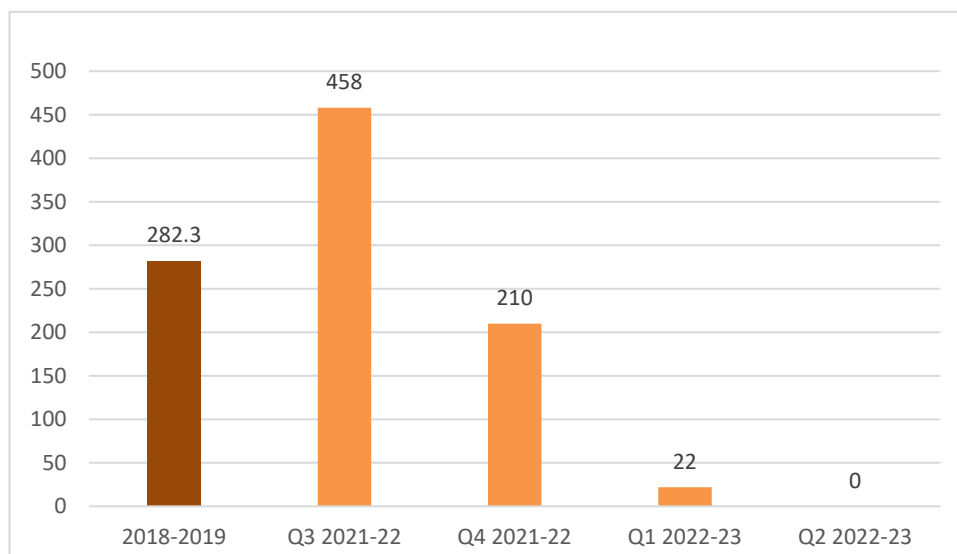
In 2018-2019, the Council's performance was 70.8 days, better than the Welsh average of 80.7 days and ranked 13th out of 25 LPAs.

Exhibit 4: Average time to determine MAJOR planning applications, in days



In 2018-19, the Council's performance was 138 days, significantly better than the Wales average of 231.8 days and ranked 9th out of 25 LPAs. Between Q3 2021-22 and Q2 2022-23, the Council maintained its performance. The zero entry in Q1 2022-23 reflects the fact the Council did not issue any decision notices for major applications in that quarter.

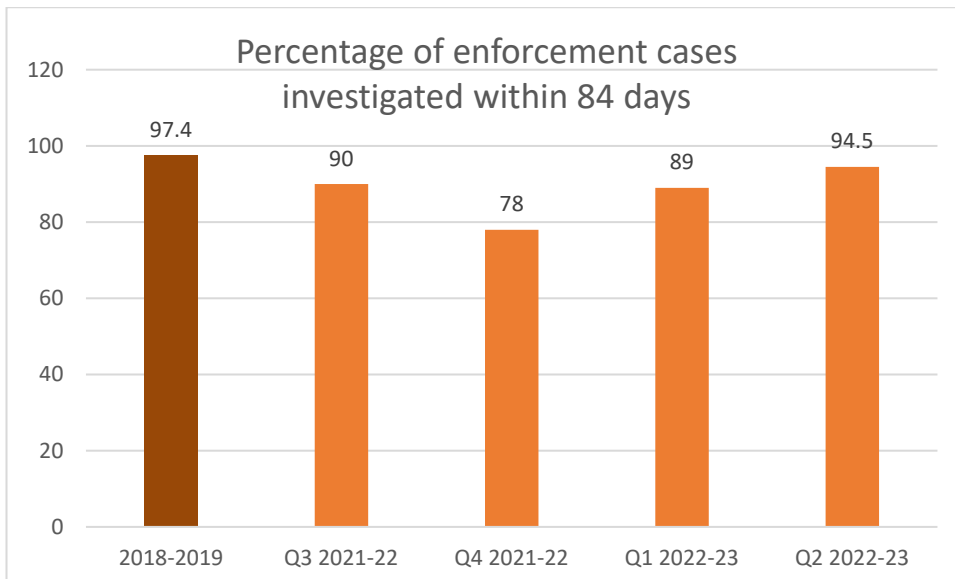
Exhibit 5: Average time taken to take Positive enforcement action, in days



In 2018-19, the Council's average performance was 282.3 days. This was worse than the Wales average of 184.6 days and the Council ranked 22nd out of 25 LPAs. There was a

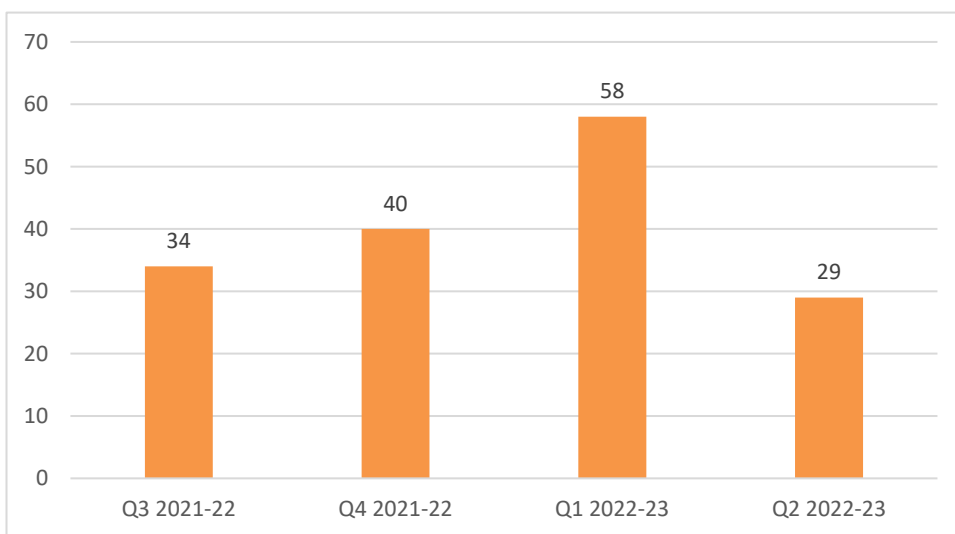
significant decline in performance in Q3 2021-22, but performance improved significantly in Q4 2021-22 when performance was better than in 2018-19. The zero entry in Q2 2022-23 reflects the fact there were no positive action cases in that quarter.

Exhibit 6: Percentage of enforcement cases investigated within 84 days



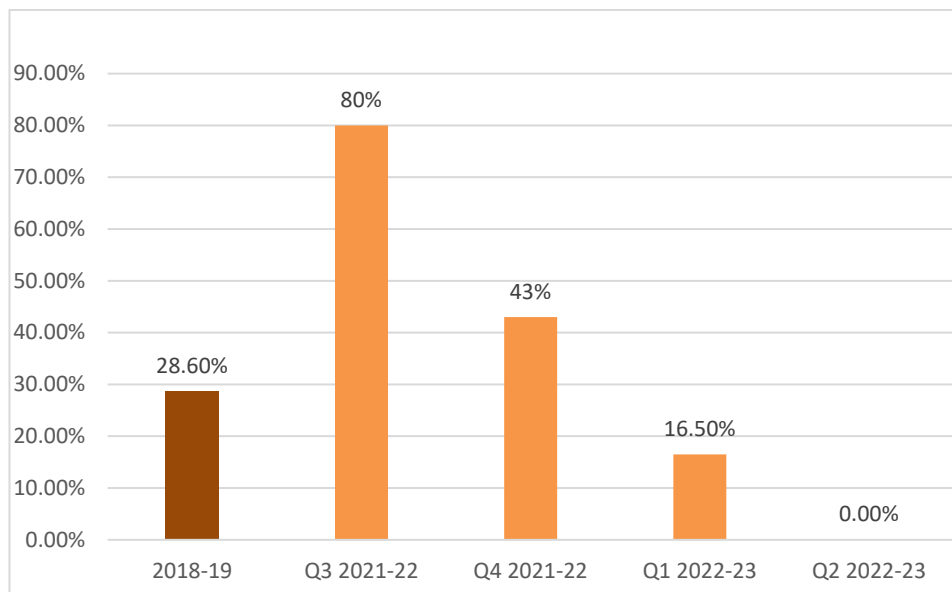
In 2018-19, the service investigated 97.4% of enforcement cases within the 84 days set by Welsh Government. This was significantly better than the Wales average of 76.9% and the Council ranked 4th.

Exhibit 7: Average time taken to investigate enforcement cases, in days



Since changing its performance framework indicators in 2017, the Welsh Government no longer reports on the average time taken to investigate enforcement cases. As a result, there is no full year performance data available for this performance measure for 2018-19. As councils continue to submit this data, we have included the quarterly return data here.

Exhibit 8: Percentage of Member made decisions against officer advice



In 2018-19, 28.6% of member decisions went against officer advice. This was significantly worse than the Wales average of 9.2% and the Council ranked 24th out of 25 LPAs. Performance improved from Q1 2022-23 when the new Planning Committee was established.



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We welcome correspondence and telephone calls in Welsh and English.
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg.

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to:	Chair & Members of Planning Committee
Report Subject:	Development Management Quarterly Performance Information Quarter 4 – January to March 2023
Report Author:	Service Manager Development & Estates
Directorate:	Regeneration and Community Services
Date of Meeting:	6 th July 2023
Key Words:	Performance Management Speed and quality of decision making Welsh Government Performance Monitoring

1.0 Background

- 1.1 Every local planning authority in Wales collates performance information regarding the speed and quality of decision making on all types of planning and related applications. This is submitted to Welsh Government on a quarterly basis.
- 1.2 Welsh Government publishes this data on its website. It is a useful source of comparative information where the Council can not only scrutinise its own performance, but benchmark the data against the 25 other Local Planning authorities (22 unitary authorities and 3 National Parks)
- 1.3 Following a delay in Welsh Government publishing data, the June 2023 cycle of this Committee considered a report that covered the data for the entire calendar year of 2022.
- 1.4 This report deals with new performance data for Q4 2022/23 which is January to March of this year.
- 1.5 The data used in this report was published on the WG website on 21st June 2023 at this [LINK](#).

2.0 Performance Information

- 2.1 The figures reveal...
- 2.2 i. We decided **90%** of applications “in time”. This compares to an all-Wales average of 84%.
- 2.3 ii. On average, it took **84** days to decide each application against an all-Wales average of 123 days.
- 2.4 iii. **0%** of applications in this quarter decided by Planning Committee were contrary to officer recommendation. The Wales average was 6%.

3.0 Evaluation of Performance and Conclusions

- 3.1 The figure of 90% of applications determined in time is broadly in line with historical returns for this indicator.
- 3.2 On average, it takes 84 days to decide each application. Whilst this compares favourably to the all-Wales average, it is higher than I would like and falls short of pre-covid returns.
- 3.3 Members may be aware that we are currently in the process of implementing a new software system and one planning officer has been seconded to manage the process. This will inevitably impact on performance. We have again instructed an external consultancy to take on a limited caseload of applications and this will be closely monitored.
- 3.4 Finally, for the second consecutive quarter we had a nil return for Planning Committee decisions contrary to officer recommendation.
- 3.5 It is pleasing that this puts us above the Welsh average. Overturns are now becoming an exceptional event rather than the norm.

4.0 Recommendation

- 4.1 No decision is required.
- 4.2 Planning Committee is invited to scrutinise the performance returns and officers will address any issues or questions at the meeting.

Table 1:

January to March 2023
Percentage of Planning Applications Determined “On Time”

Welsh Local Planning Authority		Percentage of All Applications Determined On Time
		% Decided in Time
1	Vale of Glamorgan	98
2	Swansea	96
3	Pembrokeshire	95
	Merthyr Tydfil	95
	Caerphilly	95
6	Isle of Anglesey	94
7	Neath Port Talbot	93
	Powys	93
9	Monmouthshire	92
10	Blaenau Gwent	90
	Gwynedd	90
12	Carmarthenshire	87
13	Denbighshire	86
	Conwy	86
15	Rhondda Cynon Taff	84
16	Ceredigion	83
17	Wrexham	82
18	Newport	72
19	Torfaen	70
20	Cardiff	69
21	Pembrokeshire Coast NPA	67
22	Bridgend	63
23	Bannau Brycheiniog NPA	57
24	Snowdonia NPA	33
25	Flintshire	<i>no return</i>
WALES AVERAGE		84%

Table 2:

January to March 2023

Average Days to Decide Each Application

Welsh Local Planning Authority		Average No. of Days Taken to Decide an Application
1	Rhondda Cynon Taff	68
2	Swansea	72
3	Neath Port Talbot	80
4	Blaenau Gwent	84
5	Gwynedd	85
6	Conwy	86
7	Merthyr Tydfil	90
8	Bridgend	94
9	Vale of Glamorgan	95
	Cardiff	95
11	Isle of Anglesey	97
12	Monmouthshire	103
13	Pembrokeshire	112
14	Denbighshire	117
15	Caerphilly	121
16	Torfaen	129
17	Powys	134
18	Pembrokeshire Coast NPA	137
19	Wrexham	155
20	Snowdonia NPA	158
21	Newport	165
22	Bannau Brycheiniog NPA	202
23	Carmarthenshire	225
24	Ceredigion	236
25	Flintshire	<i>no return</i>
WALES AVERAGE		123 Days

Table 3:

January to March 2023
Decisions Contrary to Officer Recommendation

Welsh Local Planning Authority		% Planning Committee Decisions Contrary to Officer Recommendation
1	Bannau Brycheiniog NPA	0
	Blaenau Gwent	0
	Bridgend	0
	Cardiff	0
	Carmarthenshire	0
	Isle of Anglesey	0
	Merthyr	0
	Monmouthshire	0
	Neath Port Talbot	0
	Pembrokeshire	0
	Pembrokeshire Coast NPA	0
	Snowdonia NPA	0
	Swansea	0
	Torfaen	0
	Vale of Glamorgan	0
16	Caerphilly	9
17	Ceredigion	10
18	Rhondda Cynon Taff	11
19	Powys	13
	Wrexham	13
21	Gwynedd	17
22	Conwy	22
23	Newport	25
24	Denbighshire	29
25	Flintshire	<i>no return</i>
Wales Average		6 %

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Agenda Item 6

Cabinet and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Governance and Audit Committee**

Date of meeting: **26th April 2023**

Report Subject: **Building Control - Out of Hours Dangerous Structures Call Outs**

Portfolio Holder: **Non Cabinet Function - Chair of Planning Committee**

Report Submitted by: **Service Manager Development & Estates**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder/ Chair	Governance Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other – Planning Committee
✓	✓	✓						✓

Note for Planning Committee – this report was presented to CLT early April 2023 and option 1 was chosen. As a result, BGCBC do not now provide an out of hours rota for dangerous structures. The risk has been captured in the service risk register. The G&A Committee action sheet from the meeting that considered the original internal Audit report indicates this matter will be referred to the relevant Committee once the issue is resolved.

1.0 Purpose of the Report

To consider the issue of Building Control out of hours dangerous structures (DS) call outs and review whether existing arrangements are fit for purpose.

- 1.1 The report considers calls received outside of normal business hours. Incidents received during 9am to 5pm are responded to as normal, usually within 2 hours.

2.0 Scope and Background

- 2.1 The Building Control service is responsible for dealing with incidents where a privately owned property or structure is dangerous and poses a threat to public safety. It should be noted that property in the ownership of the Council is dealt with by the Corporate Landlord (Community Services Division) and therefore sits outside the scope of this report.

- 2.2 At the outset it is worth defining what a DS is. The term 'dangerous structure' covers not only buildings or parts of buildings but also such things as garden walls, fences, scaffolding or hoardings. In fact, any "structure", which could by its condition endanger persons.

- 2.3 For the purposes of Building Regulations, there are two types of dangerous structures:

- 2.4 a) Imminent: structures which are at risk of collapse and must be secured for public safety. The owner will normally be recharged for emergency works carried out in these cases.
- b) Hazardous: structures which from a survey are unstable but not imminently dangerous. In these cases the owner is given a reasonable time to remove the danger. Failure to respond may result in legal action.
- 2.5 The BCO will visit the site to inspect the structure and to arrange for appropriate action to be taken to remove any danger. If the structure is considered potentially dangerous, the owner of the property will be located and requested to arrange for the structure to be removed or repaired. The area surrounding the structure is cordoned off if necessary to ensure safety is maintained whilst the structure is being dealt with.
- 2.6 If the structure is considered immediately dangerous and likely to collapse, the BCO will arrange for a builder to remove or repair the structure as soon as possible, normally on the same day. The builder's costs are recoverable from the owner of the property.
- 2.7 Where responsibilities overlap with other Emergency Services, a close liaison is maintained to ensure safety at all times. If it is necessary to deal with any immediate danger, we can arrange for our own emergency contractor to carry out the work.
- 2.8 Should a major civil emergency occur, the corporate Emergency Plan would be invoked and involve staff in respect of dangerous buildings. This is also a factor needing consideration.
- 2.9 A structure may fall into the legal definition of "dangerous" by a number of means such as a road traffic accident, poor workmanship/maintenance, fire/weather-related incident or other.
- 2.10 The Building Control Officer in attendance will ensure the site is secured, liaise with the owner and emergency services and take necessary action to remove the danger. In some instances this may involve direct action by the Council. Provided prescribed steps are followed, costs are recoverable.
- 2.11 It is important that due process is followed in order that the Building Act is complied with in case legal notices be required later. It can also have a bearing on whether aforementioned costs incurred can be recovered.
- 2.12 In 2016, a review of the Standby and Out of Hours policy was carried out and the out of hours services were rationalised. Allowances were cut in line with the new policy. This affected the staff who had previously been on a formal rota. Whilst not a contractual obligation, at that time the 4 experienced BCO's shared the duties of covering the Borough and attended incidents at all times of the night and weekend.
- 2.13 However, for some time the service has been unable to guarantee an out of hours response. This is in part due to the BCO's not wishing to go on a rota

under the new policy. The new rates introduced, and mileage/flexi arrangements mean that officers are being asked to make themselves available to attend incidents which impact on their personal lives for very little recompense and if called, being out of pocket for travelling to site.

- 2.14 This is coupled with the fact that the team now has reduced capacity. Only two of the four officers now in post are experienced and qualified to attend which would result in a 7/365 rota being shared between just two BCO's.
- 2.15 The contact centre has the BCO mobile numbers but I cannot guarantee a response if the officer is sick, on holiday or otherwise unable to attend. The contact centre has been provided with a contact list and will endeavour to contact someone in a priority list but some of these people are not professionally competent to attend an incident.
- 2.16 Those Council staff that do attend should only seek to secure the site/highway until the following working day. At that point a BCO will attend and pick up the case. The disadvantage is that the BCO picking up the case may not agree with the course of action undertaken in the preceding hours or be prevented from a cost recovery exercise.
- 2.17 In addition to the issues faced by BCO's I am also concerned that the present arrangement places frontline staff from elsewhere in the Department in a difficult position should they attend an incident. They will not be conversant with the requirements of the Building Act and called upon to make decisions such as closing of highways which they may not be qualified to make.
- 2.18 This principle extends to officers who I have seen quoted as being on a reserve list such as Head of Community Services and myself. We are not professionally competent to attend an incident and ensure the requirements of the Building Act are complied with or otherwise advise on health and safety matters.

3.0 **Options for Recommendation**

3.1 Option 1 – Do nothing (preferred option)

In other words, continue as per the existing arrangement where a BCO is not guaranteed to attend an incident. The advantage of this option is that it entails least cost.

- 3.2 However, this is predicated on the Council acknowledging and accepting the risk that in the event that emergency services require professional advice on the safety of a structure e.g. to enter, then there will be no BCO in attendance.

- 3.3 RCSLT are asked to consider the potential risk and reputational damage associated with what may be a major incident and Building Control do not attend.

- 3.4 It may also prove impossible to instigate any cost recovery against property owners.
- 3.5 Option 2
Reintroduce the formal out of hours service. It was cut as a cost saving measure. At that time and based on the rates payable, the service cost was circa £25K per annum. However, the Building Control budget continues to be “top sliced” year on year for this sum despite the service not being provided.
- 3.6 However, in considering this option RCSLT are made aware that officers are not prepared to go on a formal rota guaranteeing a response based on the current policy and remuneration rates and my understanding is that they are not contractually obliged to do so. The “Stand by and Call Out Policy” was last reviewed in 2021. The rates are £20 for each shift of 16 hours. This rises to £30 for weekends and bank holidays though the shift is obviously much longer.
- 3.7 Mileage cannot be claimed and time accrued on site does not allow for travel time from home to site. This represents a significantly less beneficial terms than the previous in scheme. I can fully understand why BCO’s do not consent to being on a formal rota.
- 3.8 To compound matters, only two officers are currently professionally competent to attend site. Operating a rota on this basis is not sustainable in the interests of an acceptable work/life balance.
- 3.9 If a rota is reintroduced, then negotiation with the officers (and Trade Unions) is required and I would suggest a meaningful uplift is required for officers to voluntarily opt into the scheme. It is not known what the corporate implications of this are given officers across the Council may be on call and on what rates.
- 3.10 Option 3 – Outsource
I investigated this option when the service was originally cut. There are companies who could in theory provide a service. However, as it is impossible to predict the volume or nature of calls, companies either chose not to price for the contract or indicated they would have to charge significantly more than the cost of running it in house to ensure they didn’t operate at a loss.
- 4.0 **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**
- 4.1 One of the key aims is to “Protect and enhance our environment and infrastructure to benefit our communities”. Failure to respond to an out of hours incident could prejudice the ability to meet this aim.

5.0 **Implications Against Each Option**

5.1 **Impact on Budget (short and long term impact)**

This would depend on the rates being offered. Reintroducing a rota on rates commensurate with the previous scheme would place a budgetary pressure on the service in the region of £30K. However, the budget is already top sliced every year to reflect the ongoing corporate savings previously introduced.

5.2 **Risk including Mitigating Actions**

5.3 The difficulty in capturing risk is that it is impossible to predict both the frequency and severity of incidents. The experience of recent years is that dangerous structures calls continue to come in during office hours but have all but dried up during out of hours. However, recent events in Swansea with the explosion at a residential property evidence how such incidents can happen at any time.

5.4 I have copied the following table from the Corporate Risk Management Strategy. The columns attempt to outline the escalating scale of risks against each of the prescribed headings in column 1. This is done for each of the three options.

5.5

Impact of Risk <u>Option 1 – No rota</u>				
Impact/ Outcome	Low	Medium	High	Critical
Financial	No financial outlay.	Ongoing saving.	Possibility that cost recovery options are not available in the event that immediate and direct action is required on site.	
Effect on service delivery	None – cases are picked up the following working day. However, actions taken at an incident may dictate how cases are progressed.	There may be occasions when handover of cases is problematic and BCO's are not comfortable professionally taking on a case where the initial action was not deemed appropriate.	-	-
Achieving key targets	-	-	Inability to deliver on "safer communities" aim.	-

Effect on stakeholders/ community	-	-	A caller may require immediate expert advice.	-
Health and Safety			No competent person on site to advise emergency services.	
Legal and reputational	There is no stat requirement to attend immediately/ out of hours.	In the event of serious incident, no competent officer attends - reputational damage	Criticism from attending services who may not be able to fulfil their roles.	

* AI = "Approved Inspectors" i.e. private sector BCO's.

5.6

Impact of Risk				
<u>Option 2 – Re-introduce out of hours service</u>				
Impact/ Outcome	Low	Medium	High	Critical
Financial	The cost of the service for building control is small in a corporate context.	Changes to the T&C's for one element of the workforce could impact on T&C's in other service areas.	None.	
Effect on service delivery	Staff attending incidents out of hours are entitled to TOIL so would be lost to the service pro rata.- thus impacting daily caseloads	Only two competent officers available to go on rota so impact on their work/life balance.	Losing staff who do not wish to go on a rota to the private sector. AI's have no DS obligations and significantly enhanced T&C's. Recruitment of experienced BCO's in the public sector is extremely challenging	
Achieving key targets	-	-	Inability to deliver on "safer communities" aim.	-
Effect on stakeholders/ community	None.			
Health and Safety	H&S issues all addressed			
Legal and reputational	None.			

5.7

Impact of Risk Option 3 – Outsource				
Impact/ Outcome	Low	Medium	High	Critical
Financial	-	The cost is not known. Previous attempts to outsource did not result in any interest from the private sector. This was due to the inability to predict frequency and nature of calls. If a company were to price, they would have to assume worst case scenario resulting in a cost way in excess of the likely cost of reintroducing an in-house service.		
Effect on service delivery	None			
Achieving key targets	Achieved			
Effect on stakeholders/ community	None			
Health and Safety	H&S issues all addressed			
Legal and reputational	None			

5.8 **Legal**

The Building Act 1984 Section 77 and 78 offers powers rather than a duty to Local Authorities to act if it appears that a building or structure or part of has the potential to be dangerous or become so.

5.9 My understanding of this is that whilst this does not require an out of hours service to be provided, the Council could be required to demonstrate that a response was initiated within a reasonable time period. During office hours our internal target is to respond within 2 hours.

5.10 **Human Resources**

There are no specific OD implications associated with this report, as it is for information purposes of the risks associated for RCSLT and CLT's awareness.

5.11 However, if discussions are required regarding the Standby and Out of Hours policy and the associated allowances, this would need to be considered across the Council and not in isolation of Building Control.

6.0 **Supporting Evidence**

6.1 **Performance Information and Data**

Prior to the service changes in 2016, BCO's frequently responded to out of hours calls. The frequency was impossible to predict and dependent on many factors.

6.2 One of the outcomes of the changes is that since that time, out of hours calls have all but ceased. Efforts to establish why this is the case have not provided any clear answers.

- 6.3 Having interrogated service records is over the last 5 years we have received **552** DS calls since 1st April 2018 i.e. approaching 10 calls per calendar month. None of these were out of hours though it is known that non BC staff have attended the occasional incident.
- 6.4 This data should assist in putting the risk into context. However, it doesn't deal with the "what if" scenario e.g. the Swansea incident referred to above
- 6.5 ***Expected outcome for the public***
Certainty for everyone what the adopted process is in the event of an out of hours call.
- 6.5 ***Involvement (consultation, engagement, participation)***
None to date. This report is intended to start the conversation.
- 6.6 ***Thinking for the Long term (forward planning)***
- 6.7 ***Preventative focus***
N/A
- 6.8 ***Collaboration / partnership working***
It is known that neighbouring LABC teams have similar difficulties and there is no spare capacity for cross boundary service provision.
- 6.9 I have spoken to 3 neighbouring LABC Departments. None of these operate a formal out of hours rota though contact numbers have been provided to contact centres in much the same way as we currently operate.
- 6.9 ***Integration (across service areas)***
There is no capacity or competency in other teams.
- 6.10 ***Decarbonisation and Reducing Carbon Emissions***
N/A
- 6.11 ***Integrated Impact Assessment (IAA)*** *To note a screening template no longer needs to be completed*
- 7.0 **Monitoring Arrangements**
- 7.1 *State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements*

Background Documents /Electronic Links

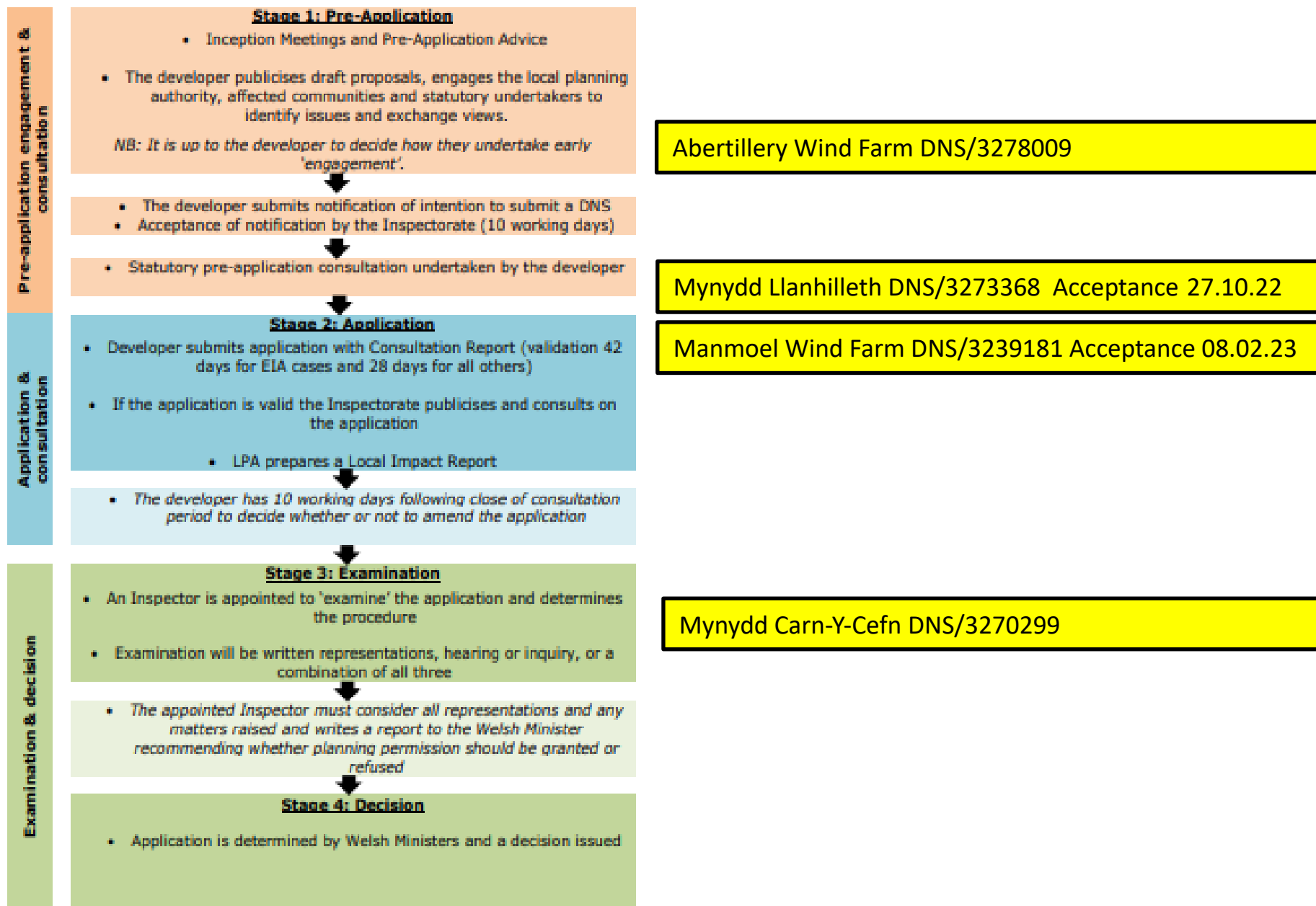
- [Stand by and Call Out Policy](#)

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Appeals, Consultations and DNS Update July 2023
Report Author	Service Manager Development & Estates
Report Date	24 June 2023
Directorate	Regeneration & Community Services
Date of meeting	6 July 2023

1.0	Purpose of Report
1.1	To update Members in relation to planning appeals, live DNS cases and status update of anticipated DNS schemes.
2.0	Present Position
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload. It also provides information of the status of anticipated DNS schemes.
3.0	Recommendation/s for Consideration
3.1	That the report be noted.

	Application No Appeal Reference Case Officer	Site Address	Development	Type Procedure	Sit Rep
1	CAS-02310-J7Y5T0 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised raised decking and timber building	Enforcement Appeal Written Reps	LPA written statement submitted to PEDW
2	CAS-02311-Z4L0N4 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised change of use of land	Enforcement Appeal Written Reps	LPA written statement submitted to PEDW
3	CAS-02445-W7P8Q6 Paul Samuel	Glyn Millwr, Stones Houses, NP13 3AA	Unauthorised change of use of land to a residential travellers site including the siting of caravans and associated vehicles	Enforcement Appeal Hearing	LPA Questionnaire submitted to PEDW
4	CAS-02748-D5F5G5 (C/2022/0301) Jane Engel	Springfield Cottage Queen Victoria ST Blaenau NP22 2QA	Upgrade the Existing Rear Access	Planning Appeal Written Reps	LPA Questionnaire submitted to PEDW

Developments of National Significance (DNS) – Status Update



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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	List of applications decided under delegated powers between 30th May 2023 and 22nd June 2023.
Report Author	Business Support Officer
Report Date	23rd June 2023
Directorate	Regeneration & Community Services
Date of meeting	6th July 2023

1.0 Purpose of Report
1.1 To report decisions taken under delegated powers.
2.0 Scope of the Report
2.1 The attached list deals with the period 30 th May 2023 and 22 nd June 2023.
3.0 Recommendation/s for Consideration
3.1 The report lists decisions that have already been made and is for information only.

Application No.	Address	Proposal	Valid Date Decision Date
C/2022/0265	1 Cross Brook Cottages Trefil Tredegar	To retain the development of the new house as built, renovation of existing outbuilding into garage with room above and replacement parking.	12/09/22 15/06/23 Approved
C/2022/0137	Land opposite 1 & 2 Greenmeadow Beaufort Ebbw Vale	Domestic garage.	06/05/22 02/06/23 Refused
C/2023/0064	85 Gladstone Street Abertillery	Take down existing concrete panel garage & reconstruct a timber frame garage for two vehicles.	16/03/23 09/06/23 Approved
C/2022/0300	Bethania Congregational Church Southend Tredegar	Proposed demolition of Bethania Congregational Church and replace with residential development comprising 6 no. terrace houses and including landscaping, ecological enhancement, services and parking on plot for 2 no. car spaces per dwelling.	26/10/22 07/06/23 Approved
C/2022/0319	Unit 19-20 Shoda Sauces Rising Sun Industrial Estate Blaina	Discharge of condition application to discharge condition 4 (Landscaping Scheme & Maintenance Details) of planning permission C/2022/0164 (Erection of a new detached storage building over existing hard standing area, with additional ancillary office accommodation, replacement parking area with new access drive and associated works).	22/11/22 05/06/23 Condition Discharged

C/2023/0038	Land between 12A & Springfield Cottage Queen Victoria Street Tredegar	Proposed development of two detached properties with associated car parking and external works.	13/02/23 21/06/23 Approved
C/2023/0086	Honeydale Blaencuffin Road Brynithel Abertillery	Creation of new access.	11/04/23 14/06/23 Approved
C/2023/0102	The Croft Hall Street Victoria Ebbw Vale	Application for works to trees G4.1.Oak. Crown clean/removal of deadwood. Reduction in length of branches to reduce live end weight overhanging property. G4.2.Cherry. Fell. Note: Prunus species is not included in TPO schedule for Group G4 and therefore does not require LPA consent. G4.3 & 4. Sycamore x2. Light trimming/slight reduction in length of longitudinal branches over drive. Ensure vehicular clearance of 5.2m above ground level. G5. 5.Sycamore. Reduce weight of regrowth over decayed stems, 3m crown reduction.G7.6.Ash. Reduce to 12m in height. (Covered by TPO No. BG22)	03/05/23 19/06/23 Approved
C/2023/0026	Unit 45 Rassau Industrial Estate Rassau Ebbw Vale	Proposed 3 bay extension to eastern end of existing industrial unit.	01/02/23 08/06/23 Approved

C/2023/0003	Briery Hill School Woodside Crescent Ebbw Vale	Application for discharge of condition 2 - Architect's Site Plan illustrating Boundary Treatments, condition 4 - Landscape Architect's Site Plan and Management Plan illustrating POS details, condition 6 - Construction Method Statement, (Report / Document), condition 12 - Landscape Architect's Site Plan and Management Plan & condition 13 - Updated Ecology / Reptile Survey Report of planning permission C/2017/0280 (Construction of 35 residential units and associated works).	04/01/23 31/05/23 Condition Discharged
C/2023/0091	27 Wesley Buildings Nantyglo Brynmawr	Lawful Development Certificate for proposed use to operate a children's home looking after 3 children.	01/01/01 01/06/23 Lawful Development Certificate Granted
C/2023/0090	23 Aneurin Avenue Sofrydd Abertillery	Two storey rear extension.	24/04/23 08/06/23 Approved
C/2023/0096	23 Elmwood Grove Georgetown Tredegar	Single storey side extension.	25/04/23 19/06/23 Approved
C/2023/0104	102 Beaufort Road Tredegar	Application for Lawful Development Certificate for construction of rear conservatory.	10/05/23 13/06/23 Approved

C/2023/0095	77 Clydach Street Brynmawr	Two storey extension to side and rear of dwelling.	25/04/23 15/06/23 Approved
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