

<b>GROWTH, RESOURCES AND COMMUNITIES SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM No. 8</b>
<b>10 January 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Adrian Chapman – Executive Director: Place & Economy	
Cabinet Member(s) responsible:	Cllr Marco Cereste, Cabinet Member for Climate Change, Planning, Housing and Transport	
Contact Officer(s):	Lee Walsh – Acting Development Management Team Leader.	Tel. 07825 867209

**Local Planning Compliance Plan August 2022**

RECOMMENDATIONS	
<b>FROM:</b> Cllr Marco Cereste, Cabinet Member for Climate Change, Planning, Housing and Transport	<b>Deadline date:</b> <i>n/a</i>
It is recommended that Growth, Resources and Communities Scrutiny Committee considers and scrutinises the draft Local Planning Compliance Plan (2022) and endorses its adoption by the Council.	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Growth, Resources and Communities Scrutiny Committee following a review of the Planning Service.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to advise members of the preparation of a draft Planning Compliance Plan (2022) and endorse its adoption. The revision is as a result of the Planning Service review which found that the current Planning Compliance Plan (adopted 2013) is not sufficiently up to date.

2.2 The Planning Compliance Plan (2022) underpins the policies of the Peterborough Local Plan by ensuring compliance with planning legislation and regulations. It sets out the procedures and tools available to the Council for enforcement action as well as setting out customer service standards.

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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**4. BACKGROUND AND KEY ISSUES**

4.1 Planning Compliance is not a statutory function as formal action is discretionary. However, the planning enforcement function underpins the planning function, as without it, there would be no incentive to follow adopted planning policy within the Peterborough Local Plan, thereby undermining Peterborough City Council's objectives for growth and sustainability.

- 4.2 The Planning Compliance Plan sets out the processes of the Council when dealing with breaches of the Town & Country Planning Act 1990 and subordinate legislation. The document also details the performance standards that the residents of Peterborough City Council should expect.
- 4.3 The emerging Plan is more concise at 11 pages long, with Council's performance indicators set out clearly in paragraph 4.4. This is considered an improvement on the current policy, which runs to 37 pages, much of which provides details about planning legislation that are unnecessary and where the key indicators within the text are unclear.
- 4.4 The Plan removes the requirement to update informants at every stage of the investigation. As the Council investigates more than 350 cases each year, within reduced staff numbers, this has not proved possible to meet. The name and contact details of the investigating officer, however, will be provided to the informant allowing them to contact the officer directly on progress. We will continue to advise informant of key milestones such as the service of a formal Notice.
- 4.5 The revised Plan places more onus on those reporting issues to supply sufficient information upfront with their enquiry to allow the alleged breach to be initially assessed through a triage process and desk-top analysis. The reason is two-fold:
- a) concerns can be dealt with quickly where there is no planning breach e.g. re-direction to other Council departments, external organisations or signposting to other legislation; and
  - b) compliance resources can be focused on actual breaches of planning control that cause the most harm or have irreversible consequences.
- 4.6 For actual breaches of planning control, the Plan identifies three levels of priority, with each attracting a difference level of customer service:
- Priority 1 cases will be visited within two working days and a decision on the likely cause for action made in five working days.
  - Priority 2 cases will be visited in 10 working days, with a decision on the likely course of action made in a month.
  - Priority 3 cases will be visited in 10 working days, with a decision on the likely course of action made within three months.
- 4.7 Whilst the low priority cases have deadlines of three months for a likely decision, these will tend to be minor breaches of planning control where a planning permission will be invited to regularise the development as the breach is likely to relate to development that would be acceptable with few, if any, conditions.

## **5. CONSULTATION**

- 5.1 Consultation is not required as part of the review of the current Planning Compliance Plan.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 Quicker response times to local residents for minor matters that are either not breaches of planning control or benefit from permitted development rights.
- 6.2 Less time spent by Technical Support staff making-up enforcement case files unnecessarily, given them time to focus on other areas, such as validating planning applications and supporting the Building Control function.
- 6.3 Compliance Officers will have more time to spend on cases that are more serious and achieve better outcomes in a more expedient way.

## **7. REASON FOR THE RECOMMENDATION**

7.1 The current Compliance Policy was adopted in 2013 and, whilst the planning legislation is still relevant, it has been made more concise. It requires updating to reflect more effective working practices and new service timescales according to the priority of the case.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 The alternative would be to retain the existing Planning Compliance Plan. However, this has led to time being wasted on the investigation of alleged breaches of planning control that could have been dealt with more quickly had the informant provided additional information at the start of the process. This has resulted in additional staff costs and in less time being focused on breaches of planning control that are more harmful or irreversible.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 There are no financial implications as a result of adopting the Local Planning Compliance Plan (2022).

### **Legal Implications**

9.2 There are no legal implications as a result of adopting the Local Planning Compliance Plan (2022).

### **Equalities Implications**

9.3 There are no equalities implication as a result of adopting the Local Planning Compliance Plan (2022).

### **Rural Implications**

9.4 There are no rural implications as a result of adopting the Local Planning Compliance Plan (2022).

### **Carbon Impact Assessment**

9.5 The Council's Local Plan is underpinned by the need for sustainable development. The enforcement plan will support the Local Plan by ensuring compliance with the Local Plan. The changes to this policy are broadly in line with existing practice but it is anticipated that there will be a slight reduction in overall emissions due to the decision to prioritise sites visited therefore decreasing staff mileage.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Planning Compliance Local Plan Revised 2013

## **11. APPENDICES**

11.1 Planning Compliance Plan (2022).

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