

EXTRAORDINARY CABINET	AGENDA ITEM No. 5
23 March 2023	PUBLIC REPORT

Report of:	Adrian Chapman, Executive Director: Place & Economy	
Cabinet Member(s) responsible:	Cllr Marco Cereste, Cabinet Member for Climate Change, Planning, Housing and Transport	
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ADOPTION OF THE PLANNING COMPLIANCE PLAN 2022

RECOMMENDATIONS	
FROM: Cllr Marco Cereste, Cabinet Member for Climate Change, Planning, Housing and Transport	Deadline date: N/A
<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. Cabinet carefully review and consider the Planning Compliance Plan included at Appendix A 2. Cabinet adopt the Planning Compliance Plan 2022 included at Appendix A. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet as a result of the review of the Planning Service and is endorsed by the Growth, Resources and Communities.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek approval for adoption of the revised Planning Compliance Plan (2022). The revision is a result of the Planning Service review which found that the current Planning Compliance Plan adopted in 2013 (the 2013 plan) 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.

- 2.3 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, *'To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.'*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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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, because 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 developers and residents of Peterborough City Council should expect.
- 4.3 The revised Plan is more concise at 11 pages long, with the Council's performance indicators set out clearly on paragraph 4.4. This is considered an improvement on the current plan 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 of the 2013 Plan to update informants of the progress of each case at every stage of the investigation. It is not possible to meet this commitment with the number of staff currently employed to undertake the planning compliance function, which has 2.6 officers dealing with an annual case load of exceeding 350 cases. The revised plan will place the onus of the informant to contact the compliance officer to ascertain the progress being made on their concerns. Informants are provided with the contact details of the compliance officer in the acknowledgement letter. We will continue to advise the 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 up-front 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. The targets are from the date the alleged breach of planning control was brought to our attention:
- Priority 1 cases will be visited within two working days and a decision on the likely cause for action made within five working days of the visit.
 - Priority 2 cases will be visited in 5 working days with a decision on the likely course of action made within a month of the visit.
 - Priority 3 cases will be visited in 10 working days, with a decision on the likely course of action made within three months of the visit.
- 4.7 Whilst the low priority cases have deadlines of three months for a decision, these will tend to be minor breaches of planning control where little harm is caused and a retrospective planning application will be invited that, if it were to be approved and planning permission granted would be acceptable with few, if any, conditions.

CORPORATE PRIORITIES

- 4.8 *Our Places & Communities*
The effective deployment of resources is key to delivering the aims of the planning enforcement function, which is to protect the environment from development, uses and building operations, that are harmful. This ensures the built and natural environment is preserved for the enjoyment of residents and visitors alike, providing good quality spaces.

4.9 *The Economic & Inclusive Growth*
The effective and efficient use of land as outlined in the adopted policies of the Peterborough Local Plan an essential tool to maximising economic growth and prosperity. The Planning Compliance plan will ensure resources are focused in these key areas to ensure the vision of the existing or revised Local Plan is not undermined.

4.10 *Environment*
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.

5. CONSULTATION

5.1 Consultation was not required as part of the review of the Planning Enforcement 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, the policy 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 2013 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 implication 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).

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 Appendix 1 - Planning Compliance Plan (2022).