

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 4<sup>th</sup> July 2019

**Lead Member / Officer:** Cabinet Lead Member for Planning, Public Protection and Safer Communities

**Report Author:** Development Manager (Planning and Public Protection)

**Title:** Adoption of a Planning Compliance Charter

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**1. What is the report about?**

- 1.1 The report is about the adoption of a planning compliance charter, the purpose of which is to set out how reports of alleged breaches of planning control are handled and resolved by the Council, and how complainants and local organisations such as City, Town and Community Councils can assist us in securing planning compliance.

**2. What is the reason for making this report?**

- 2.1 This report seeks to follow up on the proposal, made at the December 2018 meeting of the Scrutiny Committee, to introduce a planning compliance charter. This report will describe the benefits of adopting such a charter.

**3. What are the Recommendations?**

- 3.1 That Members:
- 3.1.1 Resolve to endorse the charter as currently drafted or make suggestions for further amendments;
  - 3.1.2 Agree on a suitable approach to circulating the (current or amended version of) charter among City, Town and Community Councils for their comments; and
  - 3.1.3 Resolve to consider any amendments which may arise from consultation with City, Town and Community Councils and, if satisfied, to recommend that the charter be adopted at the October 2019 meeting of the Scrutiny Committee.

**4. Report details**

- 4.1 It is important for local planning authorities to have an effective compliance function so that the integrity of the planning regime is safeguarded from development which would undermine it. This is achieved by ensuring that the compliance function is equipped to: a) investigate alleged breaches in a timely way; and then b) as

appropriate, apply local and national planning policies to have the harmful effects of unauthorised development remedied.

- 4.2 The execution of planning compliance powers can be a time- and resource-intensive process which has limited potential to generate income for the Service. Due to the need to contribute to the Council's financial savings targets over recent years, there is now one compliance officer who covers the entirety of the county, handling around 240 reports of potential breaches of planning control (also referred to as 'complaints') each year.
- 4.3 The Service provided an overview of the performance of the planning compliance function to Scrutiny Committee in December 2018. The report identified that one of the variables which impacts performance is the complexity of the cases handled. The report noted that the complexity of a case can be exacerbated by the stakeholders involved: complainants who persistently and repeatedly insist on action, and contraveners who fail to respect the instructions of the Council.
- 4.4 In order to both manage the expectations of complainants and reinforce the obligations on alleged contraveners, it was proposed that the Council adopts a planning compliance charter which sets out the processes and timescales involved in investigating and enforcing against alleged breaches of planning control. It was moreover proposed that using the charter to promote the involvement of complainants and local organisations in the investigatory process—a "help us to help you" approach—would relieve pressure on resources and deliver further performance improvements for the benefit of all involved. The proposed charter can be seen in Appendix 1.
- 4.5 In particular, it was proposed that the charter could be utilised to bring about a closer working relationship between the Council and City, Town and Community Councils. For now, the charter highlights how City, Town and Community Councils can a) report potential planning breaches, b) assist with the investigatory part of the compliance process and c) get involved in the process of introducing planning guidance and localised controls which could facilitate more effective planning compliance. It is hoped that the charter will inspire City, Town and Community Councils to get involved in place planning and use their funds to work in partnership with the Council to target specific planning issues in their localities. This is not solely a planning compliance matter, but it contributes to achieving the corporate priority of building resilient communities by encouraging regeneration and community engagement.
- 4.6 The charter is divided into sections to account for the two main audiences at which it is aimed: complainants (including City, Town and Community Councils) and contraveners. The first section of the charter provides general information about what constitutes a breach of planning control, and provides advice for developers about how to avoid planning compliance involvement. The second and third sections are specifically aimed at complainants and alleged contraveners respectively.
- 4.7 Section 2 of the charter focuses chiefly on explaining the following:
  - What the Service does and does not investigate;
  - The role of local residents and organisations;

- The investigation process—for example, the Service’s approach to site inspections; and
- What happens once a breach has been investigated.

4.8 Section 3 of the charter is aimed at alleged contraveners and focuses chiefly on explaining the following:

- How to respond to an allegation by the Council;
- The functions of different enforcement notices and the penalties for non-compliance;
- The process of applying for retrospective planning permission; and
- What powers officers have to enter land.

4.9 The Service considers that the charter will provide much-needed guidance to stakeholders in the planning compliance system, and that its adoption will thereby reduce demand on officers and result in improvements in the performance of the planning compliance function.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 The adoption of the planning compliance charter will increase the efficiency of the planning compliance function, whose purpose is to support the delivery of each of the Corporate Priorities through policy-led development management.

## **6. What will it cost and how will it affect other services?**

6.1 The adoption of the planning compliance charter will not have direct financial implications, and it is not anticipated that it will have any significant implications on other services.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1 The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report on the planning compliance charter has taken into account the requirements of Section 3 ‘Well-being duties on public bodies’ of the Well-being of Future Generations (Wales) Act 2015, and a well-being impact assessment is attached in Appendix 2 accordingly.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1 The creation of the planning compliance charter is a result of prior consultation with the Scrutiny Committee, as outlined in sections 2 and 4 of this report. The charter has also been subject to consultation within the development management and planning support teams.

**9. Chief Finance Officer Statement**

N/A

**10. What risks are there and is there anything we can do to reduce them?**

10.1 There are no identifiable risks to adopting the planning compliance charter.

**11. Power to make the Decision**

11.1 Section 7.4.1 of the Council's Constitution outlines Scrutiny's powers with regards to policy development and review.

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