

Committee	Regulatory Planning Committee
Date	12 July 2023
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to: (i) enforcement and site monitoring, undertaken under delegated powers for the period between 1 January 2023 and 30 June 2023; and (ii) development management performance for the period 1 April 2022 to 31 March 2023.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 January 2023 and 30 June 2023, inclusive, there were thirty six new complaints about alleged breaches of planning control. With the exception of one, all of the new cases all related to “County Matter” sites. Of the new cases, fourteen were dealt with and completed within the reporting period and eleven older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of June 2023 was forty one. This represents an increase of eleven in the number of cases that were outstanding at the end of the previously reported period (1 April 2022 – 31 December 2022).

1.2 The number of outstanding cases does represent an increase compared to the previously reported period. Part of this can be attributed to the scale and complexity of certain cases, which consumes a disproportionate amount of officer time and resources. Also, some cases are kept open when awaiting outcomes from other sources, so a breach of planning control may be resolved from the County Planning Authority point of view, but the case is kept open pending decisions by other regulatory bodies or third parties. Members may note that several cases in either Table 3 or 4 in Appendix 1 of this report show that a “final” site visit is required before a case can be closed. This is not to suggest that there remain outstanding matters with these sites, but that priority has been given to other sites where breaches are occurring that require immediate attention. Before the next report to Planning Committee, endeavours will be made to closing these minor outstanding cases. A final contribution to the increase in workloads and outstanding cases has been the amount of staff resource available within the Planning Policy and Development Management Team, which ultimately support the enforcement function. Whilst there have been positions successfully recruited to, there does remain one full-time position vacant within the team, which is proving challenging to recruit to.

Notwithstanding these challenges, the enforcement service continues to be provided in a positive, proactive and effective manner and is well regarded.

1.3 Members will recall from previous reports that joint working with other regulatory bodies and organisations plays a significant part in the role of our enforcement function. This has continued and remains highly valued and sees very positive outcomes. An example of this is in relation to a site in Newhaven, where planning permission was granted for a complex site involving, amongst other things, an asphalt plant. The site is also regulated by an Environmental Permit issued by Lewes District Council. During a site monitoring visit, Officers from this Authority noted a number of issues relating to both the site layout and also breaches of conditions of the planning permission. At the same time, complaints and concerns were raised regarding emissions and possible breaches of the Environmental Permit. Officers from both this Authority and Lewes District Council have worked together closely and collaboratively and significant improvements have been made to operations at the site. This joint working will continue and enhances the strength of enforcement actions that can be taken.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January 2023 and 30 June 2023, together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this report.

2. Site Monitoring

2.1 Site monitoring visits have continued, albeit on a slightly ad hoc basis. However, in a drive to resume the full site monitoring regime, letters have been sent out to operators of waste and minerals sites in the County. This amounts to in the region of 120 sites to be formally inspected, and most sites will be inspected at least twice each year.

2.2 Members will note from some of the tables in Appendix 1 that enforcement actions have arisen from site monitoring visits. This shows the importance of monitoring sites to ensure conformity with their planning permission. However, site monitoring has to be accommodated within the limited resources of the Planning Policy and Development management team.

3. Development Management

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in “special measures”. Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

3.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary

authorities and not County Councils. Therefore, the performance on the determination of the non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we continue to monitor and report on our own performance.

3.3 In terms of performance, for the period April 2022 to March 2023 (inclusive) of the relevant applications, 100% of County Matter applications (waste and minerals proposals) were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications (for the County Council’s own development proposals) were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally. With respect to the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending March 2023 was 100% of major applications determined within the relevant timescale, which is clearly well above the current 60% threshold.

3.4 The table below sets out the number and types of formal applications/queries dealt with for the financial year 2022/23.

Type	2022/2023
County Council applications determined	16
County Matter applications determined	4
Cross Boundary Applications	0
Applications withdrawn	5
Non-material amendment applications determined	6
Lawful Development certificates	1
Prior Notification	0
Formal Pre-Application Advice	18
“Do I need planning permission” requests	22
Minerals/Waste Safeguarding and other consultations	57
EIA Screening Opinion requests	5

4. Contact Officers

4.1 Members with any queries about enforcement or site monitoring matters should contact either Sarah Iles (01273 481631) or Marcus Berrisford (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Kiran Sajjan (01273 481595) or Sarah Iles.

RUPERT CLUBB
 Director of Communities, Economy and Transport
 04 July 2023

Local Members: All