

Committee	Regulatory Planning Committee
Date	17 April 2024
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 October 2023 and 31 March 2024; and (ii) development management performance for the period 1 April 2023 to 31 March 2024.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

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 October 2023 and 31 March 2024, inclusive, there were 16 new complaints about alleged breaches of planning control. All of the new cases relate to “County Matter” sites. Of the new cases, 6 were dealt with and completed within the reporting period and 4 older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2024 was 38. This represents an increase of 6 in the number of cases that were outstanding at the end of the previously reported period (1 July 2023 – 30 September 2023).

1.2 It is acknowledged that there has been a small increase in the number of outstanding cases, which can be attributed to a number of factors. Primarily, the scale and complex nature of some of the cases has consumed a considerable amount of officer time and in turn has meant that less pressing cases do not get resolved as swiftly as they could be. Although some cases do involve more officer time than others, the focus is on achieving the best outcome and often negotiated outcomes are not only more cost effective, but can achieve a better outcome than resorting to formal enforcement action. Also, where joint/multiple agency visits are required, it can take longer for arrangements to be made. A further factor is that there have been staffing changes within the Planning Policy and Development Management Team, with there remaining some current vacancies. Notwithstanding these factors, the enforcement service continues to be effective and provided proactively.

1.3 Appendix 1 of this report provides details of cases resolved and received within the period 1 October 2023 and 31 March 2024, 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 The resumption of the site monitoring regime has continued to progress well and in the period between 1 October 2023 and 31 March 2024 41 formal site monitoring visits were carried out. None of the monitoring visits have raised any significant issues.

2.2 Formal site monitoring will be part of an ongoing programme.

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 2023 to March 2024 (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 December 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 2023/24.

Type	2023/2024
County Council applications determined	20
County Matter applications determined	11
Cross Boundary Applications	0
Applications withdrawn	7
Non-material amendment applications determined	2
Lawful Development certificates	3
Prior Notification	0
Formal Pre-Application Advice	7
“Do I need planning permission” requests	28
Minerals/Waste Safeguarding and other consultations	40
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.

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Director of Communities, Economy and Transport

Local Members: All