

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

SUBJECT: ENFORCEMENT UPDATE

Purpose of Report

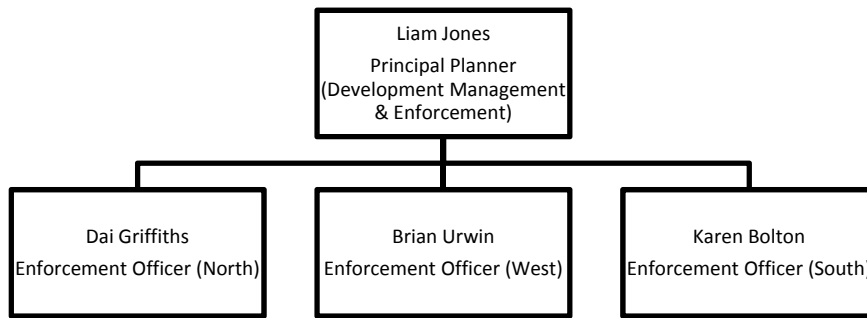
- 1. To provide members with an update of the Authority's Planning Enforcement Function and**
- 2. For members to note its content**

Introduction

1. The Planning Enforcement Function of the Authority has undergone some changes in recent years as a result of improvements being sought in the level of planning service offered by the Authority. Historically the majority of enforcement matters would be brought to and discussed at the Development Management Committee of the Authority and as such there has not been a need to bring forward updates.
2. Following an amendment to the Delegation Agreement to allow most enforcement matters to be delegated to senior officers, and with changes to the team and processes the purpose of this report is to highlight the current system in place and the performance of the team. It is hoped that this reporting procedure will result in future updates being provided on a yearly basis.

Structure of Enforcement Team

3. At present there are 3 full time Enforcement Officers working on an area-basis (North, West, South) throughout the National Park. The Enforcement Officers report directly to a Principal Planner responsible for the management of the team, workload allocation and for providing technical planning advice and assistance. The Principal Planner reports directly to the Head of Development Management.
4. The team works in Development Management and officers presently integrate with planning and administrative staff within Development Management by sharing resources. The current structure of the team is:



Our Policy & Delegation

5. In June 2011 the Authority Adopted a 'Planning Enforcement & Compliance Policy'. The purpose of the document was to set out a clear vision regarding the process of investigating complaints and the taking or not of enforcement action against breaches of planning control.
6. The Policy provides priorities for certain types of alleged breaches of planning control, identifies how complaints will be accepted, explains how the decision making process works and identifies the enforcement measures available to the Authority. This Policy has helped both officers and the public to focus on certain breaches and have more transparent and rigorous processes in place.
7. On 1st February 2012 the National Park Authority introduced a Scheme of Delegation for the majority of planning enforcement matters. This scheme gave delegated powers to senior officers to take enforcement action against breaches of planning control without having to direct the matter before a full planning committee.
8. As a result of introducing this scheme officers are now able to ensure speedier decisions are taken on enforcement cases in line with the advice set out by Welsh Government.

Current Processes

9. A new computer system (APAS) was introduced in 2010 and all planning enforcement investigations are entered into this computer database. All Enforcement complaints are given a unique reference number (i.e. EC/13/0001) and the processing Enforcement Officer is able to record and view information relating to the investigation, generate letters as well as reports.
10. The Principal Planner has installed internal guidelines to officers on the processing of Enforcement Cases in line with the Adopted Policy and seeks to ensure the service is delivered in line with Welsh Government Guidelines. These guidelines seek the resolution of enforcement complaints within 12 weeks of receipt.
11. In order to ensure efficient processing a 'Guide for the Public' as well as a standard 'Enforcement Complaint Form' has been created. Both are available for public view online and provide advice on the general processes involved in

planning enforcement as well as the information required to support a complaint. The purpose of the complaint form is to ensure a standard format for complaints to be investigated and enables officers to have enough supporting information before visiting a site.

Performance

12. With regard to performance, the Authority is judged on its speed of dealing with complaints received as opposed to the processing technique or number of formal notices served. As such the number of Notices served is not usually a good benchmark of performance. As noted above National Welsh Government performance indicators suggest that initial complaints should be dealt with within 12 weeks.

13. The measure of a complaint being 'closed' is taken as being when one of the following measures has been taken in the investigation;

- Deciding there is no breach
- Deciding there is a breach but it is not expedient to take formal action
- Receipt of a valid planning application for the breach
- Service of an Enforcement Notice to remedy breach

14. Prior to implementation of the Authority's Planning Enforcement Policy the Authority had a large volume of outstanding cases. This topped 500 cases in July 2009, with 430 of those being over 12 weeks old. Since that time the Authority has shown significant improvement in being able to reduce the backlog of outstanding cases and also improved with the percentage of cases closed within 12 weeks.

15. At present (January 2013) there are 117 current enforcement cases being investigated by Enforcement Officers with only 66 of these being over 12 weeks old. The figures below provide details of the number of complaints that have been received by the section over the last 3 years, an indication of the percentage closed within 12 weeks over different date ranges as well as the number of planning applications generated from enforcement work.

No. of Enforcement Complaints received

2012	129
2011	217
2010	138

No. of Enforcement Cases Closed & within 12 weeks

Date Range	No. of Cases Closed	No. within 12 Weeks
July 2012 – Jan 2013	64	72%
Jan 2012 – July 2012	121	58%
July 2011 – Jan 2012	166	50%
Jan 2011 – July 2011	235	34%

Date Range	No. of Cases Closed	No. within 12 Weeks
July 2010 – Jan 2011	278	19%
Jan 2010 – July 2010	359	11%

No. of Retrospective Planning Applications Received & fee generated

Year	No of Retrospective planning applications received as a result of Enforcement Work	Fee generated from retrospective planning applications
2012	29	£5,123
2011	28	£7,116
2010	20	£3,705

16. As the planning enforcement system is much complaint based the majority of the workload in the section revolves around responding to complaints received about alleged unauthorised developments. This involves investigating whether a breach has occurred, discussions with owners and complainants and coming to a satisfactory resolution.

17. Officers also spend time monitoring conditions attached to planning permissions. This is presently made on a case by case basis when officers are informed that works have commenced or on larger scale developments which are subject to a number of conditions. Due to priority being given to dealing with complaints received less priority has historically been given to dealing with the monitoring of planning conditions. Consideration is currently being given to providing for an internal system of monitoring conditions attached to planning permissions by introducing a more formal scheme of monitoring.

Enforcement Notices

18. Serving a formal Enforcement Notice should be seen as a last resort for the Authority after all modes of negotiation have been exhausted. As such it is not usually a good benchmark for performance. It can be noted that 4 Notices were served in 2012 and 7 Notices served in 2011.

19. The below table shows the details of the Notices served by the Authority throughout 2011 and 2012.

Ref. No.	Address	Breach	Date Served	Compliance Date	Other
EC12/0033	Land at Llwyncelyn, Crosswell, Crymych	Change of use from agricultural to a mixed use of agricultural and the stationing of a caravan used for residential purposes and the erection of a porch	23/11/12	2/3/13	Appeal Received
EC11/0200	Saffron, 20 Nun Street, St Davids	Non Compliance with Condition 4 of Planning Approval NP/10/476	29/5/12	29/7/12	Investigation on going
EC06/137	Field adj to Blaenafon, Newport	Material change of use of land from agricultural to a mixed use of agricultural and the siting of	3/4/12	9/7/12	Appeal dismissed 13/11/12.

Ref. No.	Address	Breach	Date Served	Compliance Date	Other
		two shipping containers used for storage			Agreed to remove by 1/4/13
EC10/126	Land at Llethyr, Pontfaen	Erection of an extension on the south west elevation of an existing barn, erection of an extension on the north east elevation of an existing hay barn, erection of a cattle shed, erection of a building used for pigsties and carrying out of excavation works	10/2/12	16/9/12	Appeal against refusal of planning permission dismissed. Negotiation to resolve.
EC10/004	17 Puffin Way, Broad Haven	Erection of a wall approx 2.5m high across rear garden of dwellinghouse	18/10/11	18/1/12	Prosecution initiated 22/8/12 total fine £3000 and costs of £1572. Compliance achieved 10/10/12
EC11/0071	Higney, Rhos-Y-Gors, Rhodiad, St Davids	Material change of use of the chalet from uses ancillary to the main farmhouse to use as a separate unit of accommodation for full time occupation	29/9/11	1/11/12	Investigation on going
EC11/0071	Porthclais Farm, St Davids	Erection of toilet and shower portacabins	7/9/11	7/12/11	Appeal dismissed 19/3/12. Portacabins removed 2011
EC10/118	Shambella, 25 Castle View, Saundersfoot	Erection of a front garden/forecourt wall	9/6/11	20/10/11	Appeal dismissed 11/10/11. Compliance achieved
EC03/046 (b)	Tabor Baptist Chapel Vestry, Dinas Cross	Installation of 4 UPVC windows to West Side of Vestry	12/4/11	18/5/21	Long period for compliance given by Authority. Pursue after 18/5/21
EC03/046 (a)	Tabor Baptist Chapel Vestry, Dinas Cross	Installation of 4 UPVC windows to West Side of Vestry	12/4/11	18/5/16	Long period for compliance given by Authority. Pursue after 18/5/16
EC10/042	Gerddi Windsor, Bridge St, Newport	Non compliance with Condition 3 of NP/06/004	11/4/11	11/7/11	Notice complied with 29/9/11

Conclusion

20. In summary it is considered that the increased delegation of enforcement matters within the Authority as well as internal improvements made in respect of the use of APAS database has enabled complaints to be dealt with more efficiently and effectively. The introduction of a standard Enforcement Complaint Form and Leaflet should help with efficiency of the service and produce a system that the public expect to receive from the Authority. It is hoped that the service will continue to improve into the forthcoming years.

Recommendation

That members note the improvements made in the service and updates be provided on an annual basis.

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Consultees: Head of Development Management, Director of Park Direction