

# REPORT TO DEVELOPMENT CONTROL COMMITTEE

19 July 2018

## REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

### Suggested Changes to the Planning Enforcement System in Wales – Update

#### 1. Purpose of Report

- 1.1 At the meeting of the Development Control Committee on 21 December 2017 Members resolved to forward a report to the Welsh Assembly Cabinet Secretary for Energy, Planning and Rural Affairs and Bridgend Assembly Members outlining a number of suggested changes to the Planning Enforcement System in Wales. This report provides Members with an update on progress since the report was sent to the Cabinet Secretary.

#### 2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

#### 3. Background

- 3.1 Following a number of concerns raised by MPs, AMs and Members regarding the effectiveness of the planning enforcement system in controlling major polluting activities that raise significant amenity issues, Bridgend County Borough Council (BCBC) was asked to compile a list of potential improvements to the planning enforcement system that would provide greater strength to the local planning authorities to effectively and swiftly control development. BCBC has raised this issue with other authorities and regional planning groups and it was discussed and debated at the Wales Planning Enforcement Conference.
- 3.2 The report provides an outline of the current enforcement system and suggests a number of changes and improvements to planning enforcement and these are grouped under the following headings:-
- Principle of enforcement action – criminal and proportionate?
  - Fiscal measures
  - Role of Welsh Government
  - Enforcement Appeals
  - Relationship between Planning and other Environmental Agencies
  - Advertisement Controls
  - Other areas for improvement
- 3.3 Most of the suggested changes require new or alterations to primary or secondary legislation or national policy although there are other improvements that can be made under current powers.
- 3.4 Following distribution of the report, Huw Irranca Davies AM offered to facilitate a meeting with the Cabinet Secretary, Lesley Griffiths AM, in order to discuss the report in more detail.

- 3.5 The Cabinet Member Communities, Chair of the DC Committee, Corporate Director Communities and the Group Manager Development attended the meeting on 11 June 2018 with the Cabinet Secretary, Ogmores AM and an official from the Welsh Government Planning Division.
- 3.6 The Cabinet Secretary was sympathetic to the challenges facing Bridgend and other local planning authorities with regard to the enforcement of land use planning and, in particular, where there are significant environmental and amenity issues arising from some unauthorised activities.
- 3.7 The Cabinet Secretary indicated that any legislative changes would not be likely given the challenging law making workload currently facing the National Assembly, however, there may be scope to look at how the current system operates in order to encourage more effective use of existing powers and smarter working between the enforcement agencies.
- 3.8 To this end a task group will be set up comprising representatives from local planning authorities, Natural Resources Wales, Public Protection Officers and Welsh Government.
- 3.9 The first meeting will take place early Autumn and Members will be updated with a progress report in due course.

#### **4. Equality Impact Assessment**

- 4.1 The report raises no issues that impact on equality.

#### **5. Financial Implications**

- 5.1 The cost of the enforcement service is met from the Development budget and any work arising from the task group will be carried out by planning staff.

#### **6. Wellbeing of Future Generations (Wales) Act 2015**

- 6.1 The planning service operates in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

#### **7. Recommendation**

That the Development Control Committee notes the content of the report.

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#### **Background Papers**

Suggested Changes to the Planning Enforcement System in Wales – a discussion paper presented by Bridgend County Borough Council – January 2018.