

REPORT OF TEAM LEADER - DEVELOPMENT MANAGEMENT

SUBJECT: PLANNING ENFORCEMENT

Purpose of Report:

To inform members of planning enforcement performance and proactive enforcement which is taking place in Pembrokeshire Coast National Park.

Background

The Authority's Improvement Plan for 2017/18, which went to the NPA on 13th August 2018, illustrated the times that enforcement was taking in comparison with the other two National Parks. The report showed:

% of enforcement cases are investigated within 84 days in 2017/18

Pembrokeshire Coast National Park 60.12% (54% in 2016/17)
Snowdonia 93.20%
Brecon Beacons 82%

Average number of days taken to investigate enforcement cases in 2017/18

Pembrokeshire Coast National Park 234 days (199 in 2016/17)
Snowdonia 33.5 days
Brecon Beacons 50 days

Average time taken to take enforcement action in 2017/18

Pembrokeshire Coast National Park 334.5 days (284 in 2016/17)
Snowdonia - no results provided
Brecon Beacons - 320 days

Members requested further information on the background to these figures, hence this report.

Backlog of cases

The Authority's enforcement figures for 2017/18 have been affected due to a number of issues including the loss of an enforcement officer for 4 months of the reporting period and by the quarter 4 data, which reflects the positive work undertaken clearing historic backlog. The need to clear the backlog of historic cases has been carried forward to 2018/19 and once dealt with should result in longer term improved performance in this area.

During quarter 4 of 2017/18 a total of 54 cases were closed and 33% of those cases were in excess of 2 years old. Members will note that the performance indicators request mean 'average' figures, as such the figures returned can be significantly distorted when taking account of length of time to deal with historic cases. Whilst, this average figure does reflect all the work carried out by the officers it does not distinguish between the current and historic caseloads.

In addition to the clearing of the historic backlog, the enforcement team have been dealing with a number of major breaches of enforcement control over this period, such as significant extensions to farming operations and unauthorised changes of use, these cases in particular have taken up a considerable amount of officer time as a result of the amount of investigation, evidence gathering and monitoring work required. This again has an impact on mean average performance figures.

The South Wales Development Management Mangers group are in discussion with Welsh Government in respect of making adjustments to the reporting figures and have suggested reporting median and modal figures rather than mean average figures, as a few longstanding and often complex cases can dramatically affect average performance figures.

Discussions are also on going with Welsh Government in respect of ways in which to report on enforcement performance and in respect of the consequences of non-compliance with enforcement notices. Members will be informed of any changes to legislation that may arise from these discussions.

Other enforcement work

Collaborative working

The PCNPA enforcement team, which is comprised of 2 enforcement officers, has in recent months, formed a good working relationship with the Streetscene department at Pembrokeshire County Council. This assists us greatly when dealing with complaints in respect of unauthorised advertisements on the highway. Both departments have successfully worked collaboratively to remove unauthorised signs on highway land within the National Park.

Projects

Members may recall that a focussed enforcement project was carried out last year in respect of caravan and camp sites within the National Park. The officer assigned to this project visited authorised caravan sites, Certificated campsites and also campsites operating under the '28' day rule. Data from these visits has been spatially captured and will assist with future monitoring. A number of breaches of planning control were found during this project and have successfully been resolved.

A guidance leaflet in respect of '28' campsites and Certificated campsites was also produced by the project officer. The leaflet has been used by Enforcement officers and Park Rangers this summer when approaching landowners who are utilising the '28 day' rule for campsites. A copy is attached for information.

Following the positive work undertaken on the caravan and campsite project, it is proposed to undertake a further project focussing on holiday lets and agricultural 'tied' properties. The officer assigned to this project will review planning permissions which have been conditioned restricting the use of such properties and will contact the current owners to ensure that the properties are being used in accordance with the planning permissions.

Prosecution

Members will also be aware that the enforcement team has prepared a number of cases in respect of on-going breaches of planning control for prosecution. These are currently being considered by solicitors with a view to taking the cases to court. Progress on these matters will be periodically reported to Members at the Development Management Committee.

Training

Enforcement officers and a number of the Planning officers at the National Park Authority are members of NAPE (National Association of Planning Enforcement officers) and attend NAPE training sessions and receive regular updates on national cases through the monthly newsletter. Officers also attend the annual NAPE Wales Conference, which will be held on 23rd October 2018. This is a good opportunity for officers' 'continued professional development', to receive updates on case law and to network with other enforcement officers throughout Wales.

In addition to the above, Enforcement officers throughout Wales are also part of a group who meet approximately twice year to discuss changes to legislation, case law and any interesting cases/projects. This group also regularly communicates through e-mail to aid each other with queries etc.

Financial considerations

None

Risk considerations

None

Equality and Welsh Language

The enforcement team is able to provide a full welsh language service.

Conclusion

The enforcement team has made significant steps to reduce the historic backlog of cases, which is an on-going task. Targeted projects are providing valuable monitoring data and have resulted in positive enforcement action in certain cases.

Continued discussions with Welsh Government may result in an amendment to the way in which enforcement performance is monitored and will reflect a more realistic performance review of enforcement teams.

Recommendation

Members note the content of this report and endorse the proactive approach of the planning enforcement team.

Background Documents:

Campsite leaflet

(For further information, please contact Nicola Gandy: Team Leader - DM)

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