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Planning Services Scrutiny Working
Group

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Our Ref:

Date:

22nd October 2014

Re: Planning Services Scrutiny Working Group – 10th June 2014

I refer to your letter received 2nd July 2014 regarding the above and please accept my apologies for the delay in responding to you.

Firstly, I would again like to thank you as Convener and the Members of the Scrutiny Working Group for your work, for your focus on key elements of the Planning Service and for your further recommendations for improvement. I comment below on the points raised.

Enforcement Activity

Directly comparative data for other Authority's regarding the resources they have available to deal with planning enforcement is not readily available or published and it has proven difficult to obtain such data from other Authority's, not least because of differences in the structure and make up of each service.

Welsh Government do, however, record data on the performance of other Authority's in Wales in terms of the resolution of cases within 12 weeks which is reproduced at Appendix 1. Whilst performance is low when measured against this indicator this data illustrates that Swansea resolved some 746 enforcement cases in the 12 months to June 2014 which is more than any other Authority in Wales and significantly more than comparable sized Local Planning Authorities namely Cardiff (671), RCT (508) and Carmarthen (403).

It is acknowledged that enforcement investigations are very often responsive to complaints given the available resources and scale of complaints the service is currently facing. However as has previously been discussed Building Control records are accessed by the Enforcement Team to establish when development has commenced on site and where "prior to commencement" conditions have not been discharged an enforcement case is set up.

This is then recorded as an enforcement complaint and investigated by the relevant area enforcement officer. Whilst this is an effective mechanism to establish where a breach of planning control may have taken place you will appreciate that the investigation and subsequent resolution of such a case may take some time to resolve.

- Continued -

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Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.



Whilst there has been some disruption in this process this year I am comfortable that the monitoring mechanism in this respect is robust, however, there are clear issues, as has previously been discussed, with the subsequent resolution of such breaches of planning control, where they occur. In this respect the Enforcement Team is now fully staffed and I am confident that there will be an improvement in performance although this may take some time to be reflected in the time related performance indicators set for the service, as older backlog cases are resolved.

In view of the above, therefore, and whilst I understand the logic behind your recommendation I do not consider it necessary, at this stage to recommend that the Building Control Service be moved under the management of the Head of Economic Regeneration & Planning.

I attach as Appendix 2 data on the number of retrospective applications received over the past 3 years and the outcome. These represent a small number of the total applications determined by the Authority over this period (13%) with an average approval rate of some 78% although these figures do illustrate that a large number of unauthorised developments can be regularised through this mechanism.

In this respect it is anticipated that proposals in the Draft Wales Planning Bill to allow Authorities to issue a notice to require the submission of a planning application will assist in bringing such complaints to a more speedy resolution via this mechanism.

Planning Restructure

I can confirm that the restructure of the Service was formally introduced at the end of June but that interim management arrangements were in place until 10th August 2014 pending the re-organisation of the office layout which has now been completed.

Officers are now, therefore, working towards the introduction of revised business processes to “front load” the planning application process and provide a greater focus on providing advice prior to the submission of a valid planning application. This is seen as providing two benefits, firstly providing applicants with advice as early as possible in the process so that they can make better informed judgements about the nature, form and design of their scheme as early as possible in the process and secondly, reducing the need for negotiation during the statutory 8 week period to improve performance when assessed against this statutory measure.

Pre-Committee Briefings

I have considered the recommendation of the Working Group relating to pre-committee briefings and am conscious that Committee structures and protocols are currently being reviewed by Welsh Government following consultation on the Draft Wales Planning Bill. I propose, therefore, that the Authority await the outcome of this consultation and the publication of the Wales Planning Bill later this year, which may have wider implications for current governance arrangements in this Authority, before we consider this matter further.

Member Training

I have discussed this matter with the Development, Conservation & Design Manager who will provide a series of sessions with Members after the Area 1 and Area 2 Committee's in January 2015 and provide learning points on specific appeal cases including those relating to applications over-turned by Members at Committee.

Statutory Consultees

The Authority actively engages with its colleagues in a number of statutory agencies and at a variety of levels to consider service delivery issues for example in the agreement of a Memorandum of Understanding signed by Welsh Water, Natural Resources Wales and both this Authority and Carmarthenshire Council to release development which discharges foul and surface water to the Burry Inlet.

It is widely acknowledged, however, that competing priorities, objectives and increasing pressures on budgets can inhibit the delivery of sustainable development in a timely manner. The performance of statutory consultees and their engagement with the planning process is, therefore, critical to the success of any proposals to improve the planning system and again is a key issue being considered as part of the current Welsh Government review.

Whilst officers within the Authority will continue to develop a strong working relationship with its statutory partners this Authority has limited scope to introduce measures to directly influence the performance of these agencies although this is an issue, it is anticipated, that will be addressed as part of the Wales Planning Bill.

I trust that the above provides an appropriate response to the issues raised by the Planning Services Scrutiny Working Group. Once again I would like to thank you as Convener and the Working Group as a whole for the positive approach adopted and the constructive recommendations that have been forthcoming. I would, however, be more than happy to provide further clarification or comment on any of the issues raised.

Yours sincerely,

COUNCILLOR ROBERT FRANCIS-DAVIES

Cabinet Member for Enterprise, Development & Regeneration