



**Riverside, 4 Canning Road, Lowestoft, Suffolk,  
NR33 0EQ**

# **Strategic Planning Committee**

## **Members:**

Councillor Paul Ashdown (Chairman)  
Councillor Debbie McCallum (Vice-Chairman)  
Councillor Stuart Bird  
Councillor Chris Blundell  
Councillor Norman Brooks  
Councillor Jenny Ceresa  
Councillor Tony Cooper  
Councillor Linda Coulam  
Councillor Tom Daly  
Councillor Mike Deacon  
Councillor Andree Gee  
Councillor Colin Hedgley  
Councillor Mark Newton  
Councillor Malcolm Pitchers  
Councillor Sarah Plummer  
Councillor David Ritchie  
Councillor Craig Rivett  
Councillor Kay Yule

Members are invited to a **Meeting of the Strategic Planning Committee**  
to be held in the Conference Room, Riverside, Lowestoft,  
on **Monday, 10 October 2022 at 10.00am**

This meeting will be broadcast to the public via the East Suffolk YouTube  
Channel at <https://youtu.be/B4QDJyKpZiA>.

An Agenda is set out below.

## **Part One – Open to the Public**

**Pages**

<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
<b>3</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 6 June 2022	<b>1 - 11</b>
<b>4</b>	<b>Energy Projects Update</b> To receive a presentation on energy projects within East Suffolk from the Deputy Leader and Cabinet Member with responsibility for Economic Development	
<b>5</b>	<b>Major Sites Update</b> To receive a presentation on major development sites within East Suffolk from the Cabinet Member with responsibility for Planning and Coastal Management	
<b>6</b>	<b>Planning Performance Report - 1 October 2020 to 20 September 2022 ES/1302</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management	<b>12 - 34</b>
<b>7</b>	<b>Proposals to Improve the Delivery and Performance Monitoring of Planning Enforcement at East Suffolk Council ES/1303</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management	<b>35 - 66</b>
<b>8</b>	<b>Enforcement Performance Report - April to June 2022 ES/1304</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management	<b>67 - 72</b>
<b>9</b>	<b>Appeals Performance Report - 20 May to 19 September 2022 ES/1305</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management	<b>73 - 94</b>
<b>10</b>	<b>Planning Policy and Delivery Update ES/1306</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management	<b>95 - 103</b>
<b>11</b>	<b>Strategic Planning Committee's Forward Work Programme</b> To consider the Committee's Forward Work Programme	

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

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**Unconfirmed**



Minutes of a Meeting of the **Strategic Planning Committee** held in the Conference Room, Riverside, Lowestoft, on **Monday, 06 June 2022 at 10.30am**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Tom Daly, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor David Ritchie, Councillor Craig Rivett

**Other Members present:**

Councillor David Beavan, Councillor Peter Byatt

**Officers present:**

Nicola Biddall (Rights of Way Officer), Cate Buck (Senior Enforcement Officer), Naomi Goold (Energy Projects Manager), Matt Makin (Democratic Services Officer), Andrea McMillan (Planning Manager (Policy, Delivery and Specialist Services)), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Robert Scrimgeour (Principal Design and Conservation Officer), Ben Woolnough (Planning Manager (Development Management)), Nicola Wotton (Deputy Democratic Services Manager)

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**1 Election of a Chairman**

The Clerk sought nominations for the election of a Chairman for the 2022/23 Municipal Year. Councillor Paul Ashdown was nominated by Councillor Debbie McCallum and this nomination was seconded by Councillor David Ritchie. There being no other nominees, it was duly

**RESOLVED**

That Councillor Paul Ashdown be elected as Chairman of the Strategic Planning Committee for the 2022/23 Municipal Year.

**2 Election of a Vice-Chairman**

The Chairman sought nominations for a Vice-Chairman for the 2022/23 Municipal Year. Councillor Debbie McCallum was nominated by Councillor Paul Ashdown and this nomination was seconded by Councillor Stuart Bird. There being no other nominees, it was duly

**RESOLVED**

That Councillor Debbie McCallum be elected as Vice-Chairman of the Strategic Planning Committee for the 2022/23 Municipal Year.

### **3 Apologies for Absence and Substitutions**

*Councillor Coulam arrived at the meeting at this point (10.33am).*

Apologies for Absence were received from Councillors Norman Brooks, Mike Deacon and Mark Newton. Councillor Peter Byatt attended the meeting as Councillor Deacon's substitute.

*NOTE: Councillor Kay Yule submitted apologies for absence prior to the meeting, however these were not received by the Democratic Services Officer until after the conclusion of the meeting and were therefore not given to the meeting at this time.*

### **4 Declarations of Interest**

No declarations of interest were made.

### **5 Minutes**

It was by a consensus

#### **RESOLVED**

That the minutes of the meeting held on 7 March 2022 be agreed as a correct record and signed by the Chairman.

### **6 Energy Projects Update**

The Committee received a presentation on energy projects in East Suffolk from Councillor Craig Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development.

Councillor Rivett provided an update on the Nationally Significant Infrastructure Projects (NSIP) taking place in the district, providing a detailed update on Sizewell C. Councillor Rivett noted that a decision was still forthcoming on this project and that the Secretary of State had issued post-examination information requests; a six-week delay to the issuing of a decision was announced on 12 May 2022 and a new decision date would be no later than 8 July 2022.

The Committee was advised that the Secretary of State had approved the East Anglia One North and East Anglia Two offshore wind farms, following a recommendation of approval from the Examining Authority and the planning balance detailed by the Secretary of State was outlined. Councillor Rivett announced that the decisions were now subject to Judicial Review applications which were pending.

Councillor Rivett provided an update on the Offshore Transmission Network Review (OTNR), the British Energy Security Strategy and the Levelling Up and Regeneration Bill.

The Chairman invited questions to Councillor Rivett.

Councillor Rivett said that the goal to treble nuclear power output by 2050 was part of the government's energy strategy and further details would be forthcoming on how this would be achieved. Councillor Rivett acknowledged that the Development Consent Order (DCO) process was a slow and thorough process and was unsure how this could be sped up whilst retaining the ability for key stakeholders to contribute to the process in a meaningful way. Councillor Rivett was of the view that energy from a variety of different sources would be needed to increase capacity and noted that he and officers would be attending a briefing on the OTNR later that week.

In response to a question on modular reactors in relation to the United Kingdom's history of producing nuclear powered submarines, Councillor Rivett advised that any new reactor design needed to be rigorously tested and could take up to 10 years to be developed.

Councillor Rivett confirmed that East Anglia One North and East Anglia Two offshore wind farms remained subject to Judicial Review and decisions on these challenge were pending. Councillor Rivett advised that the Council continued to feed into the ONTR and that he had met with ministers to speak about the need for tangibles when looking at co-ordination.

Councillor Rivett answered a question on the possibility of onshore wind farms and noted the significant site area of East Anglia One North compared to the proposed final operational site area for Sizewell C. Councillor Rivett reiterated that one source of energy was not a "silver bullet" for reaching net zero and stated that the government had not approached the Council about possible onshore wind farm sites in the district. The Head of Planning and Coastal Management added that given the constraints of the district's geography it would be difficult to develop a policy to identify possible onshore wind farm sites.

Councillor Rivett outlined how floating, tethered offshore wind turbines would work, noting that it was not always possible to replace a wind turbine on the base of a previous one.

The Chairman thanked Councillor Rivett and the officers for the presentation.

## **7 Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022**

The Committee received report **ES/1171** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Prior to introducing the report, Councillor Ritchie updated the Committee on changes to the senior structure of the Development Management team, noting that there were now three Principal Planners in the team and that Katherine Scott was now the Principal Planner with the technical lead for the team.

Councillor Ritchie considered that the statistics set out in the report showed that the Planning Referral Panel system was effective but acknowledged it had received some criticism from Members. Councillor Ritchie noted that the system was similar to the one operated by West Suffolk Council, but the chief difference was that West Suffolk Council allowed Ward Members to speak at Referral Panel meetings.

Councillor Ritchie said that the report proposed a change to the Planning Referral Panel process to allow Ward Members to answer factual questions only. Councillor Ritchie considered it was important that this was the limit of Ward Member involvement in Planning Referral Panel meetings as the Planning Referral Panel was not determining applications but only deciding the route they take for determination, either to the Head of Planning and Coastal Management for determination under his delegated authority or to the Planning Committee North or Planning Committee South for determination by Members.

Councillor Ritchie noted the thoroughness of the report presented to the Committee and invited the Principal Planner to give a presentation to the Committee on the statistics contained therein.

The Principal Planner outlined the life cycle of a planning application and highlighted the points where the Planning Referral Panel process could be triggered, as well as the process of the Referral Panel itself.

The Committee was advised that in the 2021/22 Municipal Year a total of 244 applications had been to the Planning Referral Panel, with 122 in the north area of the district and 122 in the south area of the district. 3% of these applications were majors, 42% were minors and the remaining 55% being other applications. The Principal Planner noted that there had been an increase in both the number and the proportion of applications in the south of the district going to the Planning Referral Panel compared to the previous two Municipal Years.

The Principal Planner provided an overview of the cases received at Planning Referral Panel meetings by Ward, with a further breakdown by parish and application type. It was noted that the geographical area with the most applications in the north of the district was Lowestoft and that the geographical area with the most applications in the south of the district was Felixstowe. The Principal Planner also highlighted the figures for areas adjacent to Ipswich and for market towns in the district.

The Committee was provided with the numbers and proportions of applications within each parish and how they had triggered the referral process for the previous three municipal years.

The Principal Planner outlined the Referral Panel outcomes for the previous three municipal years and noted there had been consistency over this period in the number of applications referred to either Planning Committee North or Planning Committee South for determination.

The Principal Planner provided a breakdown on the work of the Planning Committee North and the Planning Committee South and the reasons for applications being referred to Committee and detailed the proportion of business at each committee.

The Committee was shown a breakdown of public speaking at planning committees and the Principal Planner advised that the most common speaker was the applicant or their agents. The Principal Planner also noted the proportion of major, minor and other applications sent to the planning committees.

The Principal Planner outlined the determination route and effects upon time to determine applications.

*Councillor McCallum left the meeting room at this point (11.23am).*

The Principal Planner outlined the recommendations set out in the report.

*Councillor Plummer arrived at the meeting at this point (11.24am).*

The Chairman invited questions to Councillor Ritchie and the officers.

In response to questions on the changes to allow Ward Members to answer questions on factual matters, the Chairman reminded members of the Committee that they should continue make comments on applications during the consultation stage, as this would allow the Planning Referral Panel to direct questions to Ward Members when they considered a factual matter to be erroneous.

Councillor Cooper complimented the Principal Planner for the amount of work put into the report.

*Councillor McCallum returned to the meeting room at this point (11.27am).*

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Ritchie, seconded by Councillor Cooper it was by a majority vote

## **RESOLVED**

1. That the content of the report be noted.
2. That it be agreed that with effect from 1 July 2022 Ward Members are invited to the Planning Referral meetings to answer questions on factual matters and this process change be reviewed by the Committee in June 2023.

*NOTE: Councillor Plummer abstained from voting on this item as she had not been present for the presentation of the report.*

## **8 Appeals Performance Report – 14 February to 19 May 2022**

The Committee received report **ES/1172** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and highlighted that of the 17 appeals determined by Planning Inspectors during the period 14 February to 19 May 2022 13



had been dismissed and four allowed, which resulted in a dismissal rate of 76.5%. Councillor Ritchie invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager said there were no appeal decisions of note and recommended that members of the Committee read the appeal decision summaries at Appendix A to the report.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Rivett expressed his thanks to the Head of Planning and Coastal Management and his team and was of the view that the high rate of dismissals showed that excellent advice was being provided to the Council's planning committees.

Councillor Ritchie sought an update on the backlog of appeals to be considered by the Planning Inspectorate. The Planning Manager advised that appeals were still taking some time to be determined and that although the new fast track process for public inquiries had been successful, appeals going to hearings or written representations were still taking a long time to be concluded.

In response to a question on the split decision appeal summarised in the report, the Planning Manager explained that this was an application that had been directed to the Planning Referral Panel and delegated to officers for a decision, where it was apparent that there was merit to the equestrian element of the proposals but not the residential element so a split decision was issued resulting in one part of the application being approved and the other part refused, which was then appealed by the applicant.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor McCallum, seconded by Councillor Rivett it was by a unanimous vote

## **RESOLVED**

That the content of the report be noted.

## **9 Enforcement Performance Report – January to March 2022**

The Committee received report **ES/1173** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and noted that in the period January to March 2022 more enforcement cases had been closed than had been opened. Councillor Ritchie informed the Committee that there was the possibility to increase the capacity in the Enforcement team to further improve its performance and invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager confirmed that officers were looking to improve the processes and services the Enforcement team provided and noted that a recent review of the service by the Council's Internal Audit team had assisted in highlighting where further improvements could be made. The Planning Manager advised the Committee that a

comprehensive report would be presented at its September 2022 meeting outlining how these improvements would be achieved, including enhanced enforcement update reporting to the Planning Committee North and the Planning Committee South.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Blundell asked if reporting to committees could include information on cases where possible enforcement action was being investigated. The Planning Manager explained that reporting was currently only on cases where an enforcement notice had been served and that publicly reporting on potential enforcement cases did not take place. The Planning Manager advised that part of the improvements referred to would include how to process requests from Ward Members on possible enforcement issues outside of the committee process.

In response to a question on enforcement timeframes, the Planning Manager noted that no two cases were the same and that enforcement action is suspended when a planning application is made and this suspension can last until the application is heard on appeal by a Planning Inspector. The Planning Manager said that the focus needed to be on processing notifications of possible planning breaches and investigating them in a timely manner, adding that the priority was the quality of the investigation not the speed in which it was conducted. The Planning Manager acknowledged that the COVID-19 lockdowns of 2020/21 had created more complaints of planning breaches for the team to action.

*Councillor Daly arrived at the meeting at this point (11.39am).*

Councillor Bird highlighted that planning enforcement was being reviewed by the Scrutiny Committee at its meeting of 16 June 2022 and encouraged Members to visit and engage in this meeting.

In response to a further question on speeding up enforcement cases the Planning Manager reiterated the various complexities each case had and advised that future reporting would provide more detail on the status of each case. The Planning Manager noted that there were elements outside of the Council's control which delayed matters, such as court hearing dates, and said that a member of the Council's legal team would be present at the next meeting to cover this and other legal aspects of planning enforcement.

In response to a comment from Councillor Plummer, members of the Committee were advised by the Chairman to pass back enforcement issues to their town and parish councils wherever possible.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Pitchers it was by a majority vote

## **RESOLVED**

That the content of the report be noted.

*NOTE: Councillor Daly abstained from voting on this item as he had not been present for the presentation of the report.*

## **10 Planning Performance Report - April 2021 to March 2022**

The Committee received report **ES/1174** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report, which covered the whole of the 2021/22 Municipal Year, and focused on the figures for the fourth quarter of the year which showed that 90% of major applications had been determined in a timely fashion, ahead of both the national and the Council's own local stretched targets. Councillor Ritchie noted that in the case of minor and other applications this figure was lower, 64% for each, which was below the national and local targets.

Councillor Ritchie stated that 5,549 planning applications had been received in 2021/22 which represented an increased workload for the Council's planning service, particularly in relation to householder applications. Councillor Ritchie was confident that improved processes would be reflected in figures in the near future and invited the Principal Planner to give a presentation to the Committee.

The Principal Planner highlighted the quarterly returns summarised by Councillor Ritchie and provided a breakdown on the number of major, minor and other applications received in the last three municipal years; the Principal Planner noted this showed a consistent increase, particularly in other applications due to the number of householder applications received.

The Committee was shown figures on the number of planning applications validated in the previous three municipal years, the quarterly returns for the previous three years (since the formation of East Suffolk Council), the total number of applications received each municipal year, including the proportion of application types and the proportion approved and refused.

The Committee received statistics on the routes of applications to appeal, noting that 94% of applications appealed had been refused by officers under delegated authority, and the outcome of appeals in 2021/22.

The Principal Planner noted that in each of the last three municipal years the number of enforcement cases closed exceeded the number opened and there was a trend that showed the fewer received, the more closed. The Planning Manager (Development Management) added that the statistics showed that complaints peaked during the COVID-19 lockdowns of 2020/21.

The Principal Planner outlined the recommendation set out in the report.

The Chairman invited questions to Councillor Ritchie and the officers.

The Committee was advised that statistics on retrospective applications were not kept as they were not considered differently to other applications received. Councillor Ritchie advised that it was not illegal to build without planning permission and that to

do so was accepting the risk that planning permission may later be refused and development taken down.

*At this point in the meeting Councillor Stuart Bird declared a Local Non-Pecuniary Interest in the item as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.*

Councillor Bird sought clarity on how applications in conservation areas could be validated without this being acknowledged in the design and access statement, noting that since January 2021 Felixstowe Town Council had considered 78 such applications with 14 making no mention of the conservation area.

The Planning Manager advised that there was a more strenuous process for some applications in conservation areas, but this was not universal to every application in a conservation area, citing the example of a one-storey extension application not requiring anything additional to an application outside of a conservation area. The Planning Manager said that any discrepancies were picked up at the application stage and that officers were rigorous in ensuring applications were not validated incorrectly, advising that a piece of work was going to be undertaken to update the Council's local validation list.

In response to a question on updates on major sites, the Planning Manager noted that the statement of community involvement set out the expected engagement between a developer and the community at an earlier stage of planning but that more work was needed to encourage developers to keep the community informed when there were delays during development itself.

*Councillor McCallum left the meeting room at this point (12.07pm).*

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Bird it was by a unanimous vote

## **RESOLVED**

That the content of the report be noted.

## **11 Planning Policy and Delivery Update**

The Committee received report **ES/1175** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and welcomed Andrea McMillan as the Council's new Planning Manager (Policy, Delivery and Specialist Services), having taken over from Desi Reed who had retired after 32 years of service with East Suffolk Council and its predecessor authorities. Councillor Ritchie took the opportunity to wish Ms Reed well for her retirement.

*Councillor McCallum returned to the meeting room and Councillor Rivett left the meeting room at this point (12.10pm).*

Councillor Ritchie noted the ongoing work of the Policy, Delivery and Specialist Services team and highlighted the recent expansion of the service. Councillor Ritchie said it was important that this service had been strengthened ahead of proposed changes to the planning system by the government and this would also reduce the Council's reliance on consultants for specialist pieces of work. Councillor Ritchie invite the Planning Manager (Policy, Delivery and Specialist Services) to comment on the report.

The Planning Manager noted that the Council's new Design Champion and Specialist Services Manager would begin employment the following week and this would bring the Specialist Services team to full complement.

*Councillor Rivett returned to the meeting room at this point (12.13pm).*

The Committee was advised that both the Sustainable Construction and Affordable Housing Supplementary Planning Documents (SPDs) had recently been adopted by the Cabinet and that an initial consultation on a Healthy Environments SPD would be undertaken shortly to inform the scope of the document. Consultation was also planned for the Draft Housing in Clusters and Small Scale Residential Development in the Countryside SPD.

The Planning Manager noted that approximately seven to eight of the Neighbourhood Plans in development in the district were reaching the latter stages of the process, as set out in the report.

The Committee was reminded that the Levelling Up and Regeneration Bill was due to receive its second reading later in the week and several changes to the planning system were anticipated based on the information in the Planning White Paper published in 202 and the more recent Levelling Up White Paper, to make the planning system more genuinely plan-led. The Planning Manager expected that secondary legislation and changes to national policy documents would be forthcoming.

The Chairman invited questions to Councillor Ritchie and the officers.

The Planning Manager explained that the changes to the planning system would require any material planning considerations to 'strongly indicate otherwise' if a decision was to be taken contrary to local and national planning policies. Councillor Daly, who had posed the questions, suggested that more training on this issue would be useful when the changes came into effect.

In response to a question on street votes, The Planning Manager (Development Management) highlighted that there had been some miscommunication on this proposed change and that they would be used for streets coming together for the gentle intensification of an area.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Cooper, seconded by Councillor Bird it was by a majority vote

**RESOLVED**

That the content of the report be noted.

*NOTE: Councillor Rivett abstained from voting on this item as he had not been present for the entire duration of the presentation of the report.*

## **12 Strategic Planning Committee's Forward Work Programme**

The Committee considered its Forward Work Programme.

It was agreed that officers would produce a major application update on Brightwell Lakes to be presented to the Committee at its meeting being held on 5 September 2022.

The meeting concluded at 12.26pm

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Chairman



**STRATEGIC PLANNING COMMITTEE**

**Monday, 10 October 2022**

<b>Subject</b>	Planning Performance Report – 1 October 2020 to 20 September 2022
<b>Report by</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 <a href="mailto:Ben.woolnough@eastsuffolk.gov.uk">Ben.woolnough@eastsuffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:Katherine.scott@eastsuffolk.gov.uk">Katherine.scott@eastsuffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

**Purpose of Report:**

This report provides an update on the planning performance of the Development Management Team in terms of the timescales for determining planning applications.

**Options:**

None.

**Recommendation/s:**

That the content of the report be noted.

## Corporate Impact Assessment

**Governance:**

Not applicable.

**ESC policies and strategies that directly apply to the proposal:**

Not applicable.

**Environmental:**

Not applicable.

**Equalities and Diversity:**

Not applicable.

**Financial:**

Not applicable.

**Human Resources:**

Not applicable.

**ICT:**

Not applicable.

**Legal:**

Not applicable.

**Risk:**

Not applicable.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b> To provide information on the performance of the enforcement section			

## Background and Justification for Recommendation

1 Background facts	
1.1	This report provides details on the determination timescales for all planning applications at East Suffolk Council when tested against the government set timescales as well as the East Suffolk Council stretched targets.
1.2	The Key Performance Indicators (KPIs) are reported on a quarterly basis and included within the East Suffolk Council performance report and tested against the Council's Business Plan.

2 Current position	
2.1	Section 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) sets out the timeframes for the determination of Planning Applications by Local Planning Authorities, setting a 13-week target for 'Major' applications and 8 weeks for 'non-Major' applications. It is these national targets that East Suffolk Council must seek to meet for the determination of all planning applications.
2.2	These 8/13 week timescales pre-date the 2015 Order and have been in place for decades. They have not been increased in length despite the increasing complexity of applications resulting from increased expectations placed upon the planning process from national legislation and planning policy, leading to increased complexity in the considerations by consultees and the Local Planning Authority in determining such applications.
2.3	This increase in complexity alongside depleting resources nationally both within Local Authorities and external parties who provide consultation responses, leads to increasing pressure and dependency on agreeing extensions of time with agents/applicants, in order for Local Planning Authorities to be able to meet national targets for the proportions of applications determined within either the 8/13 week timescales or agreed extensions of time.
2.4	The numbers of applications determined within these 8/13 week targets and/or agreed extensions of time are monitored and have to be reported to government on a quarterly basis (currently to the Department for Levelling Up, Housing and Communities), who use these figures to monitor the performance of Local Planning Authorities.

2.5	Section 62A of the Town and Country Planning Act 1990 (as amended) allows for certain applications to be made direct to the Secretary of State, where the Local Planning Authority for the area has been designated for this purpose. This 'designation' can be imposed if over a two-year period, a Local Planning Authority fails to meet thresholds for the proportion of 'Major' or 'Non-Major' Planning Applications being determined within statutory target dates (13 or 8 weeks respectively) or within an extension of time agreed with the applicant/agent.
2.6	At the time of the drafting of this report, we are approaching the end of a two-year monitoring period, which started on 1 October 2020 and will end on 30 September 2022. By the date of the Strategic Planning Committee meeting the 2-year period would have completed and a final complete set of statistics will be presented to members.
2.7	The numbers and proportions (as percentages) of 'Major', 'Minor' and 'Other' Planning applications have been reported to members quarterly within the Strategic Planning Committee Reports. During a more recent review of reported statistics, the way in which the figures for 'Others' was calculated previously and thus published in previous Strategic Planning Committee Reports, was identified as being incorrect, as those figures included some forms of 'other' applications that whilst falling within that category in terms of size and scale, are not 'Planning Applications' (e.g. Listed Building Consent, Advertisement Consent). Therefore, they are not used within the calculations used to measure performance at a national level.
2.8	For the same reasons, they should not have been included within the 'Planning Application' decision figures reported to Strategic Planning Committee. Therefore, the quarterly figures relating to 'Minors' and 'Others' for the past 2 years have been recalculated and those figures for 'Major' Planning Applications have also been checked against the data from the application database system and the figures in our quarterly returns to government. These revised figures are included in Appendix A to this report, alongside details of the previously published figures.
2.9	The national targets for the proportions of 'Major' and 'Non-Major' application determinations within the target date or within an agreed extension of time, were also amended in December 2020, but the quarterly reports to Strategic Planning Committee had continued to show the previously set targets. The tables containing the recalculated figures for each quarter within Appendix A, include the current national targets and our own 'stretch' targets.
2.10	The recalculated figures have been used to create the figures within Appendix B, which show the performance in terms of 'Majors', 'Minors' and 'Others' in terms of each quarter over the past two years.

2.11	When looking at these figures the National Target for the percentage of 'Majors' determined within the 13 weeks or an agreed extension of time to be at least 60% for the two-year period. East Suffolk Council is currently at 79% as an overall percentage for the 2-year period, which is comfortably above the 60% threshold, and it has been above this threshold in all relevant quarters, as shown in the table in Appendix B and in the graph in Appendix C.
2.12	The other threshold relates to the combined figures for 'Minor' and 'Other' Planning Applications. It is required to be at least 70% across the two-year period. As can be seen in the table in Appendix B and in the graph in Appendix C, ESC as Local Planning Authority has dipped below this threshold in a number of quarters during the two-year measuring period. However, the important figure is the overall figure which is currently at 73.6% as we approach the end of the two-year period, which means we are on target to meet the required threshold of at least 70%.
2.13	It is acknowledged that it is not ideal that during the two-year period the combined figures for 'Minors' and 'Others' during some quarters were significantly below the target of at least 70% and that the overall figure is not much higher than the 70% threshold. Members of the Strategic Planning Committee have previously received reports setting out reasons and context for some periods where statistics fell below target. This has included a notable period of managerial change reductions in resource in the team. However, the capacity in resource, particularly at a Principal Officer level has been rebuilt over 2022. It should also be noted that the higher result in the most recent/current quarter is as a result of conscious efforts across all Development Management Officers to pull the final quarter figure upwards to achieve in excess of 70%. These figures have only been achieved by virtue of all the hard work and determination of both case officers and those officers who review and sign off reports and recommendations. This success is not something the team can remain complacent over and the recent extraordinary efforts may also not be sustainable without further resource or workload adjustments.
2.14	The recent aim of officers has been to seek to maximise the numbers being determined within time within this last quarter to pull the overall 2-year figure up and has included them securing a significant number of extensions of time, with some officers working significantly above their contracted hours, and signing off/authorising officers prioritising those cases that are due imminently. This has been at the expense of other elements of their roles, such as the quality and speed of pre-application enquiries and potentially affected the ability to seek to optimum improvement the quality of some schemes.

2.15	<p>Therefore, whilst it is good that the 70% target has been achieved, it should also be recognised that the role of Development Management Officers is not only about timeliness of decisions, but they should also be able to seek to improve the quality of the world around us, by seeking to improve development proposals, beyond that which is purely on balance acceptable or not refusable. Extensions of time to the determination period are highly beneficial to meeting targets, and where they are agreed it is hoped that they also reflect a degree of customer satisfaction with the progression of decisions. However, the timeliness of decisions must not be solely relied upon as an indicator of customer satisfaction or the quality of decision making.</p>
2.16	<p>In addition to the figures the government uses to measure performance, it is also important to note that the teams within Planning Services deal with a significant number of other types of application, all of which have their own targets and processes, taking significant officer time over and above that for the 'Planning Applications'. These include but are not limited to applications for Listed Building Consent, Advertisement Consent, Prior Notification Approval, Approval of Matters Reserved by Condition (i.e. discharge of conditions), Non-material Amendments, consultations from other organisations and pre-application enquiries. The overall figures were set out in more detail within the Performance Report to Strategic Committee in June, but it is useful to note that between 1 October 2020 and 19 September 2022 when this report is being drafted the Local Planning Authority determined over 10,200 submissions in that 2-year period (including the planning applications reported quarterly).</p>
2.17	<p>Over the period 1 October 2020 to 31 August 2022, 'Trainee /Assistant Planners' within the Development Management Team determined an average of 449 submissions per officer, with the maximum number of cases being determined by one Trainee /Assistant Planning Officer being considerably higher than this figure at 701 cases. The number of cases dealt with by each officer may have been artificially skewed by staff sickness, the promotion of one officer and the departure of two others during this period. This may explain at least in part the significant difference between the average and the highest number of cases being dealt with by one officer. Alongside dealing with these cases and all that involves including site visits, consideration of the schemes, drafting reports and recommendations, referral panel meetings, planning committee, Trainee/Assistant Planning Officers also take part in our duty planning officer rota system answering informal queries for customers, and therefore these figures for number of applications should not be taken in isolation. Considering such officers are at the earliest stage of their career, and most are also studying part-time, efforts have been outstanding.</p>

2.18	<p>During the same period, 'Planners' within the Development Management Team determined an average of 477 submissions per officer, with the maximum number of cases being determined by one Planning Officer being considerably higher at 617 cases. However, it should be noted that during the monitoring period one of the assistants was promoted to an Officer so that may have affected the averaged for both groups of officers. As per the Trainees/Assistant Officers, alongside dealing with these cases and all that involves Planning Officers also defend Planning Appeals and take part in our duty planning officer rota system, and therefore these figures for number of applications should not be taken in isolation, and the efforts of these officers should be commended.</p>
2.19	<p>During the same period, 'Senior Planners' within the Development Management Team determined an average of 418 submissions per officer (including both full time and part time members of staff), with the maximum number of cases being determined by one Senior Planning Officer being significantly higher at 544 cases. However, the average may have been in part skewed by two of the seniors being part-time and by the retirement of a full-time senior officer, with her position yet to be filled. Senior Planning Officers generally have more complex cases and also have other elements to their role including review and sign off other officer's reports and recommendations, mentoring less experienced members of the team, defending planning appeals, including public enquiries and they are also involved in our duty rota system, and therefore these figures for number of applications should not be taken in isolation, these officers should be praised for dealing with this number of more complex applications alongside the other elements of their roles.</p>
2.20	<p>During the same period, 'Principal Planners' within the Major Projects Team determined an average of 121 submissions, with the maximum number of cases being determined by one Officer being only slightly higher at 126 cases. One member of this team is also involved in our duty rota system. Such officers deal with the largest developments and generally carry a smaller case load than other planning officers.</p>
2.21	<p>The Principal Officers within the Development Management Team are also case officers for some of the submissions made. However, it is difficult to calculate a realistic average for the 2-year period, as the number of officers increased this year, so any average calculated would be skewed significantly by the change from 2 to 3 principal officers three-quarters of the way through the period. It is acknowledged that their case loads are lower than those for other officers, because they have to balance these cases alongside the other elements of their role that arise from being team leaders, including mentoring, general team management, wider case discussions, discussions/meetings with other teams, monitoring of team performance and involvement other projects. Most importantly Principal Planners undertake the daily task of reviewing and signing off other officer's reports and recommendations for delegated decisions, the referral panel and planning committees etc. The majority of the 10,200+ applications over the past 2 years have been signed off by Principal Planners and Senior Planners.</p>

2.22	It is also important to recognise that these two-year performance figures for Planning Applications and the overall numbers of cases determined, whilst useful, do not show the quality of decisions being made and/or improvements officers have worked hard to secure in order to improve developments. Whilst there is no quantitatively means to measure the latter of these, the quality of decisions can be in part be assessed by the outcomes of appeals against the decisions of the Local Planning Authority to the Planning Inspectorate. There is a separate report on this schedule which details the Planning Appeal outcomes for this past quarter.
2.23	Therefore, as explained above, the team has met the government overall targets for the determination timeframes for applications, but there is a limited buffer between the target threshold and the figures achieved for the two-year period, and this has in part only been achieved by the diligence and exhaustive efforts of various members of the Development Management Team during recent quarters.
2.24	Therefore, officers and members should not be complacent in thinking this approach is sustainable in the longer term with the current status quo of resources. However, it should also be recognised that processes are already in motion to fill the vacant senior officer post, and wider consideration is also being given to how we organise teams within the Development Management Team. Alongside this other external lead processes are expected to enable officers to work more efficiently. These include the introduction of a new Document Management System (DMS), a new Geographical Information System and tablets with an app that links to the database and the new DMS for use during site visits.

### 3 How to address current situation

3.1	Quarterly monitoring.
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### 4 Reason/s for recommendation

4.1	That the report concerning the performance of the Development Management Team in terms of the speed of determining planning applications is noted.
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## Appendices

Appendices:	
<b>Appendix A</b>	The recalculated figures for each quarter from 1 October 2020 to 19 September 2022
<b>Appendix B</b>	Table showing the performance of East Suffolk during each quarter from 1 October 2020 to 19 September 2022, and predicted levels for the 2-year period.
<b>Appendix C</b>	The figures for each quarter from 1 October 2020 to 19 September 2022 shown in graph form

**Background reference papers:**

None.



**October to December 2020**

As published in Strategic Planning Committee Report – March 2021

	<b>Oct - Dec 2020 Numbers</b>	<b>Oct - Dec 2020 Percentages</b>
<b>Major Planning Applications</b>	11/13	85%
<b>Minor Planning Applications</b>	106/139	76%
<b>Other Planning Applications</b>	430/466	92%

Recalculated September 2022 based upon returns to Government

The figures for this quarter were re-run direct from the system and have been double checked as they are significantly different from those originally calculated. Officers are confident that the revised figures below are accurate, and the align with those that were submitted to government as a resubmission of data following checks on submitted data by officers.

	<b>Oct - Dec 2020 Numbers</b>	<b>Oct - Dec Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	10/12	<b>83%</b>	<b>60%</b>	65%
Minor Planning Applications	106/139	76%	-	75%
Other Planning Applications	354/384	92%	-	90%
<b>Combined Minors and Others Planning Applications</b>	<b>460/523</b>	<b>88%</b>	<b>70%</b>	-

**January to March 2021**

As published in Strategic Planning Committee Reports – June 2021 and 4 October 2021

	<b>Jan - March 2021 Numbers</b>	<b>Jan to March Percentages</b>
<b>Major Planning Applications</b>	13/17	76%
<b>Minor Planning Applications</b>	95/133	71%
<b>Other Planning Applications</b>	465/523	89%

Recalculated September 2022 based upon returns to Government

	<b>Jan - March 2021 Numbers</b>	<b>Jan - March Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	13/17	76%	<b>60%</b>	65%
Minor Planning Applications	95/133	71.4%	-	75%
Other Planning Applications	399/450	77.6%	-	90%
<b>Combined Minors and Others Planning Applications</b>	494/583	84.7%	<b>70%</b>	-

**April to June 2021 (Q1)**

Published in Strategic Planning Committee Reports – 4 October 2021, 13 December 2021, March 2022 and June 2022

	<b>April - June 2021 Numbers</b>	<b>April to June Percentages</b>
<b>Major Planning Applications</b>	9/14	64.29%
<b>Minor Planning Applications</b>	92/127	71%
<b>Other Planning Applications</b>	446/586	76%

Recalculated September 2022 based upon s returns.to Government

	<b>April - June 2021 Numbers</b>	<b>April - June Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	9/14	64.3%	<b>60%</b>	65%
Minor Planning Applications	92/127	72.4%	-	75%
Other Planning Applications	371/495	74.9%	-	90%
<b>Combined Minors and Others Planning Applications</b>	463/622	74.4%	<b>70%</b>	-

**July – Sept 2021 (Q2)**

Published in Strategic Planning Committee Reports – 13 December 2021, 7 March 2022, and June 2022

	<b>July – Sept 2021 Numbers</b>	<b>July – Sept Percentages</b>
<b>Major Planning Applications</b>	7/11	63.6%
<b>Minor Planning Applications</b>	103/136	75.7%
<b>Other Planning Applications</b>	474/560	84.5%

Recalculated September 2022 based upon returns to Government

	<b>July - Sept 2021 Numbers</b>	<b>July - Sept Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	7/11	64%	<b>60%</b>	65%
Minor Planning Applications	77/136	56.6%	-	75%
Other Planning Applications	326/483	67.5%	-	90%
<b>Combined Minors and Others Planning Applications</b>	403/619	65.1%	<b>70%</b>	-

**October to December 2021**

Published in Strategic Planning Committee Reports – 7 March 2022 and June 2022

	<b>Oct - Dec 2021 Numbers</b>	<b>Oct - Dec Percentages</b>
<b>Major Planning Applications</b>	8/9	89%
<b>Minor Planning Applications</b>	79/149	53%
<b>Other Planning Applications</b>	287/482	60%

Recalculated September 2022 based upon returns to Government

	<b>Oct - Dec 2021 Numbers</b>	<b>Oct - Dec Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	8/9	89%	<b>60%</b>	65%
Minor Planning Applications	79/149	53%	-	75%
Other Planning Applications	238/398	59.8%	-	90%
<b>Combined Minors and Others Planning Applications</b>	317/547	58%	<b>70%</b>	-

**January to March 2022**

Published in Strategic Planning Committee Report – June 2022

	<b>Jan - March 2022 Numbers</b>	<b>Jan to March Percentages</b>
<b>Major Planning Applications</b>	19/21	90%
<b>Minor Planning Applications</b>	87/136	64%
<b>Other Planning Applications</b>	306/483	64%

Recalculated September 2022 based upon returns to Government

	<b>Jan - March 2022 Numbers</b>	<b>Jan to March Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	19/21	90%	<b>60%</b>	65%
Minor Planning Applications	87/136	64%	-	75%
Other Planning Applications	262/402	65%	-	90%
<b>Combined Minors and Others Planning Applications</b>	349/538	64.87%	<b>70%</b>	-

**April to June 2022**

Calculated September 2022 based upon returns.to Government

	<b>April - June 2022 Numbers</b>	<b>April to June Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	6/8	75%	<b>60%</b>	65%
Minor Planning Applications	85/123	69.1%	-	75%
Other Planning Applications	249/364	68%	-	90%
<b>Combined Minors and Others Planning Applications</b>	334/487	68.58%	<b>70%</b>	-

**July to 19 September 2022**

**Calculated 19 September 2022**

These figures are based upon data pulled direct from the system at a particular moment in time, and therefore the actual figures at the end of the quarter will be different, as we are likely to have issued more decisions between this snapshot in time being taken and the end of September. However, it is provided to give a likely idea of projected position at the end of the quarter.

	<b>1 July to 19 Sept 2022 Numbers</b>	<b>1 July to 19 Sept 2022 Percentages</b>	<b>National Target</b>	<b>Our Target</b>
<b>Major Planning Applications</b>	9/11	82%	<b>60%</b>	65%
Minor Planning Applications	107/125	85.6%	-	75%
Other Planning Applications	319/366	87.2%	-	90%
<b>Combined Minors and Others Planning Applications</b>	426/491	86.76%	<b>70%</b>	-



## East Suffolk

### Designation Period 2020\_2022

**Criteria: Speed**

Council  
East Suffolk

District matter Majors (151a)						
	All Major Decisions	Major Decisions within 13 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result
Q1 Oct - Dec 2020	12	2	9	8	2	83%
Q2 Jan - Mar 2021	17	5	12	8	4	76%
Q3 Apr - Jun 2021	14	2	11	7	5	64%
Q4 Jul - Sep 2021	11	3	6	4	4	64%
Q5 Oct - Dec 2021	9	2	6	6	1	89%
Q6 Jan - Mar 2022	21	4	15	15	2	90%
Q7 Apr - Jun 2022	8	0	8	6	2	75%
Q8 Jul - Sep 2022	11	2	8	7	2	82%
<b>total</b>	<b>103</b>	<b>20</b>	<b>75</b>	<b>61</b>	<b>22</b>	<b>79%</b>
Minimum level required						<b>60%</b>

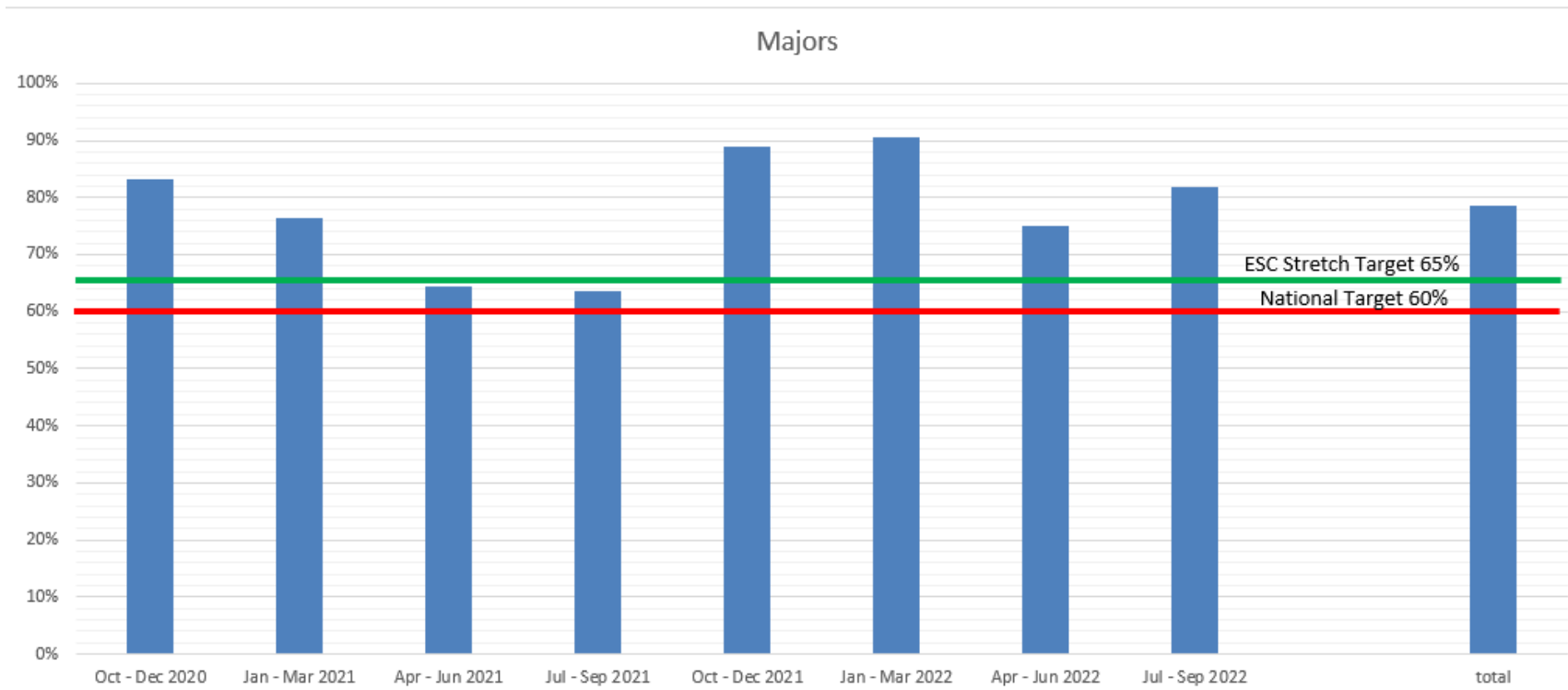
County matter majors (151b)						
	All Major Decisions	Major Decisions within 13 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result
Q1						
Q2						
Q3						
Q4						
Q5						
Q6						
Q7						
Q8						
	0	0	0	0		
Minimum level required						60%

N/A to ESC as District Authority, not County Council

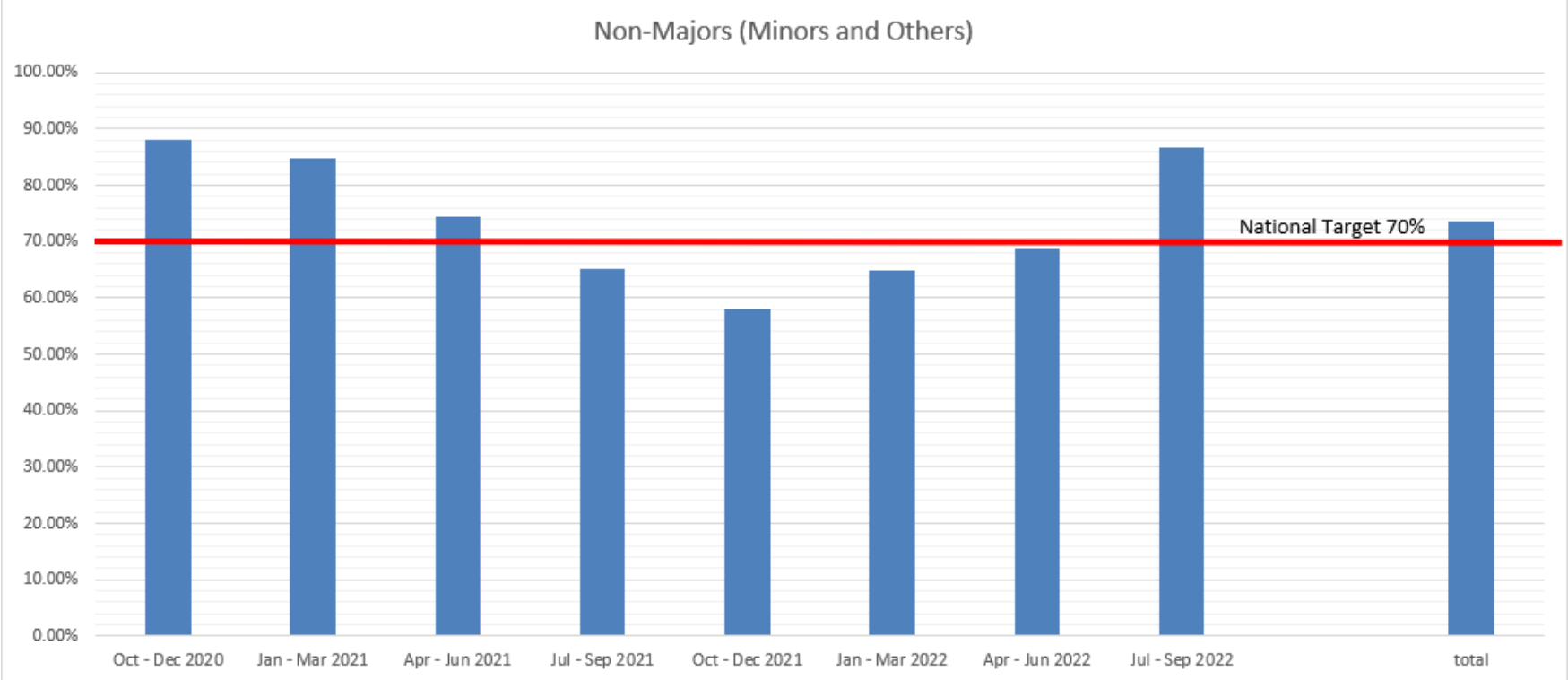
Non-majors (153)						
	Non-major Decisions	Non-major Decisions within 8 weeks	PPA, EoT or EIA Decisions	PPA, EoT or EIA Decisions in time	Out of time	Result
Q1	523	344	150	116	63	87.95%
Q2	583	352	167	142	89	84.73%
Q3	622	323	218	140	159	74.44%
Q4	619	282	183	121	216	65.11%
Q5	547	209	167	108	230	57.95%
Q6	538	185	203	164	189	64.87%
Q7	487	163	221	171	153	68.58%
Q8	491	176	268	250	65	86.76%
	4410	2034	1577	1212	1164	73.61%
Minimum level required						<b>70.0000%</b>

Assessment is made late December 2022, for designation announcement early 2023

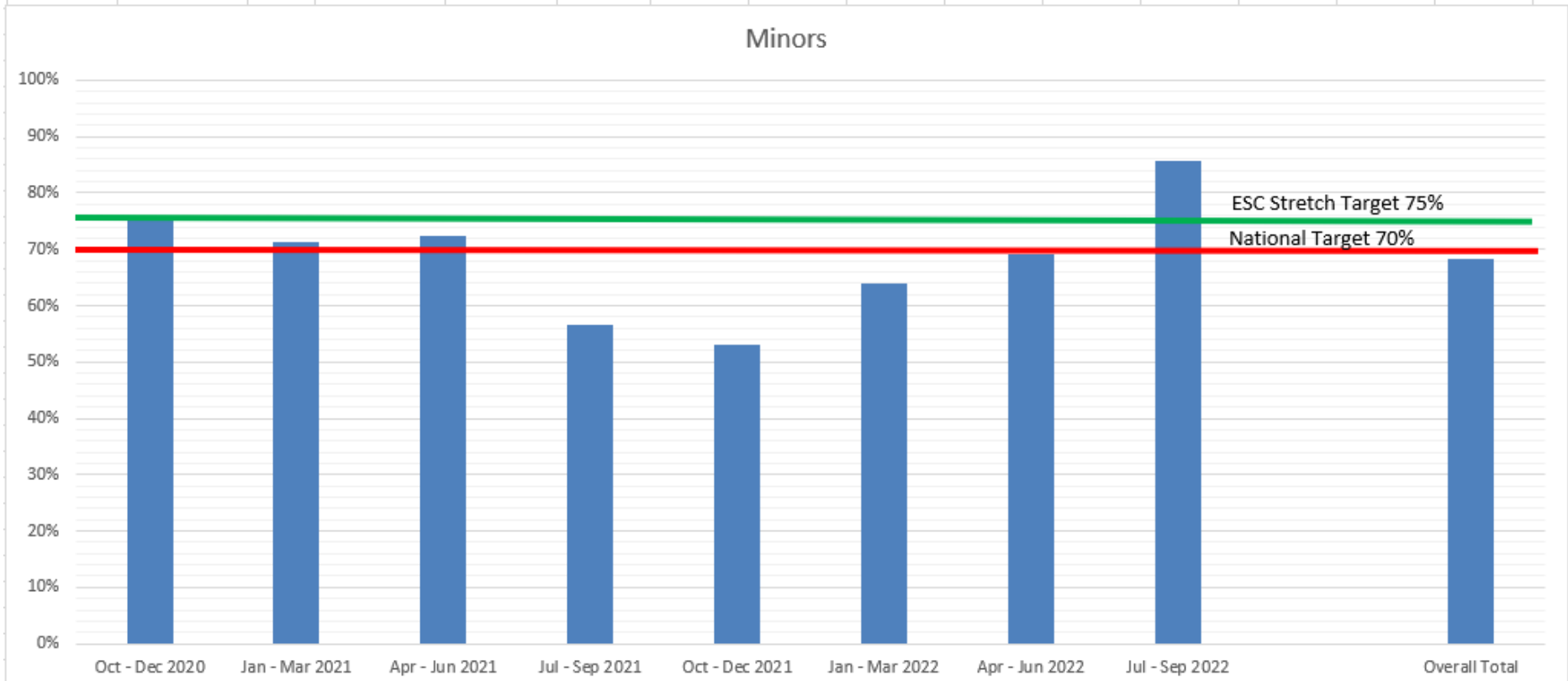
**Appendix C:** The figures for each quarter from 1 October 2020 to 19 September 2022 shown in graph form



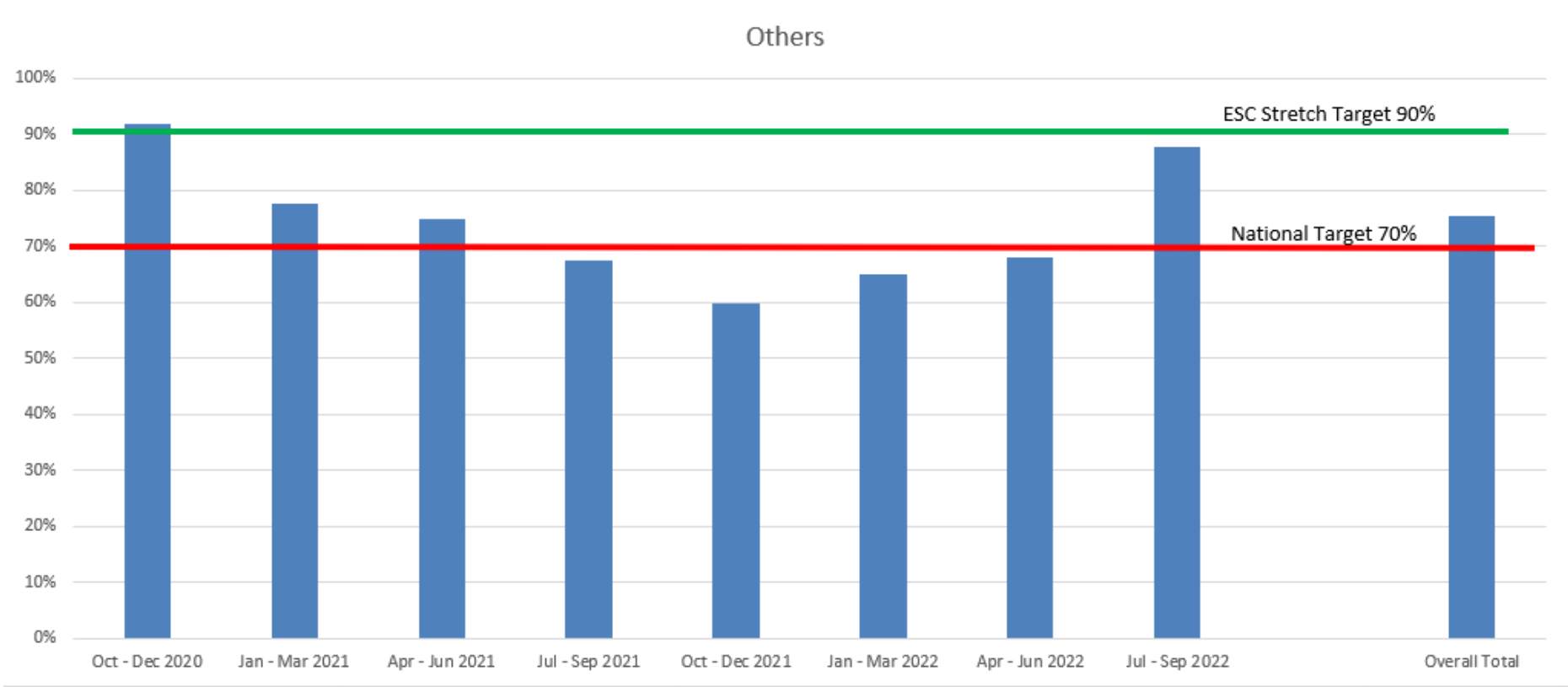
**Appendix C:** The figures for each quarter from 1 October 2020 to 19 September 2022 shown in graph form



**Appendix C:** The figures for each quarter from 1 October 2020 to 19 September 2022 shown in graph form



**Appendix C:** The figures for each quarter from 1 October 2020 to 19 September 2022 shown in graph form





**STRATEGIC PLANNING COMMITTEE**

**Monday, 10 October 2022**

<b>Subject</b>	Proposals to Improve the Delivery and Performance Monitoring of Planning Enforcement at East Suffolk Council
<b>Report by</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 <a href="mailto:Ben.woolnough@eastsuffolk.gov.uk">Ben.woolnough@eastsuffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:Katherine.scott@eastsuffolk.gov.uk">Katherine.scott@eastsuffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

**Purpose of Report:**

This report provides an overview of the proposed plan of action for resolving issued highlighted within the Audit Report of the delivery of Planning Enforcement.

**Options:**

None.

**Recommendation/s:**

That the content of the report be noted.

## Corporate Impact Assessment

**Governance:**

Not applicable.

**ESC policies and strategies that directly apply to the proposal:**

Not applicable.

**Environmental:**

Not applicable.

**Equalities and Diversity:**

Not applicable.

**Financial:**

Not applicable.

**Human Resources:**

Not applicable.

**ICT:**

Not applicable.

**Legal:**

Not applicable.

**Risk:**

Not applicable.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b> To provide information on the performance of the enforcement section			



## Background and Justification for Recommendation

1	Background facts
1.1	This report provides details on the role and activities of Planning Enforcement at East Suffolk Council, the current situations and actions that are proposed to improve the way in which the service functions.
1.2	The key points raised within this report have been identified over the past year following management changes in the Development Management, Major Sites and Infrastructure Team. This includes commencement of Katherine Scott as Principal Planner (Technical Lead) overseeing the enforcement service. The report has also been informed by comments raised by the Planning Committees over the past year and comments raised in the June 2012 Scrutiny Committee. A significant influence has been given to the findings of an Audit Report produced in 2018/19 with outstanding Planning Enforcement actions and a more recent Audit report focussing on areas of progress and intentions in that respect. Other matters that have been identified by members of the team that can be addressed concurrently are also outlined within this report, for example, improvements to the way in which the software is utilised.
1.3	This report sets out the current position, and then how we plan to address the current situation in the form of an annual Planning Enforcement Action Plan. This plan is based upon Audit Reports from earlier this year and 2018/19, and discussions at Scrutiny Committee.
1.4	<p>The key outstanding findings of the Audit Report from 2018/19 are:</p> <ul style="list-style-type: none"> <li>Improvements to the use of software and monitoring, primarily the need to use the system software effectively to improve electronic and efficient working, and data quality concerns existed.</li> </ul>

1.5	<p>The findings of the Audit Report from earlier this year are:</p> <ul style="list-style-type: none"> <li>• It remains the case that improvements to the use of software and monitoring, are required primarily the need to use the system software effectively to improve electronic and efficient working, and data quality concerns existed, with specific reference to: <ul style="list-style-type: none"> <li>○ the enforcement module of Uniform is currently underutilised,</li> <li>○ Monitoring against the Enforcement Performance standards is not in place and there is doubt over whether the data inputted is sufficient to be relied upon in quarterly reports to members without manual checks, which means the service is unable to measure its own success,</li> <li>○ The ‘access reports’ that pull data from the system do not currently pull data for the last day of the month, so require manual adjustments to be made to quarterly reporting to Strategic Planning Committee,</li> <li>○ Accidentally created duplicate cases cannot be closed off as such so on the rare occasions these are logged, they cannot be easily identified and/or removed from overall case numbers.</li> <li>○ Lack of formal review/signing off process prior to closer of cases.</li> <li>○ Reasons for closure and reasons for decision options within the uniform system do not align.</li> </ul> </li> </ul>
1.6	<p>The minutes of the June 2022 Scrutiny Committee are included as Appendix E to this report.</p>

## 2 Current position

2.1	<p>In considering the role and activities of Planning Enforcement at East Suffolk Council, key consideration should be given to paragraph 59 of the NPPF which states:</p> <p><i>“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”</i></p>
2.2	<p>An Action Plan monitoring table has been produced and is included as Appendix D to this report. It will be updated and presented to each Strategic Planning Committee until all actions have been concluded.</p>

2.3

**ACTION 1 : Caseloads and Resources**

As reported in Appendix M to the Planning Performance Report to Strategic Planning Committee in June 2022, and in the quarterly Enforcement Performance Reports to each Strategic Planning Committee, East Suffolk Council continues to receive a significant number of reports of potential breaches of Planning Control. The number of cases/reports received each month is shown per month in Figure 1 below.

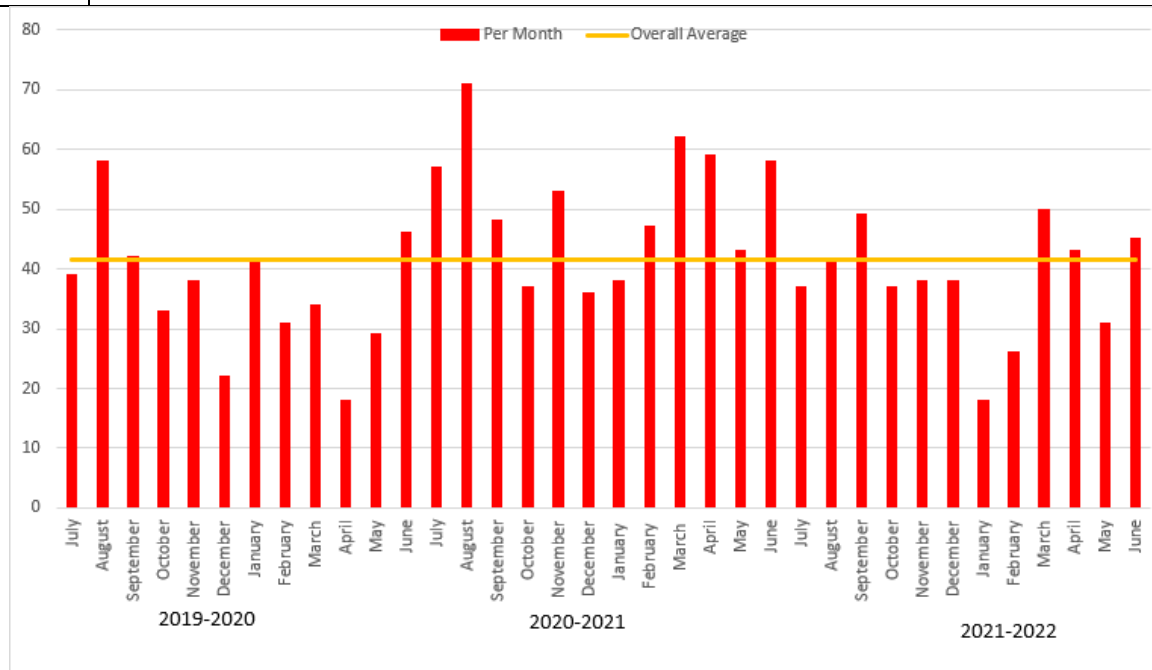


Figure 1: The number of cases reported to Planning Enforcement each month from July 2019 – June 2022.

2.4

Whilst in some cases the matters on which enforcement reports are made, are not matters that there are any planning controls over, a number are not planning related, or turn out not to be breaches of planning control, they all have to be logged and investigated by the team, which in the majority of cases includes a site visit, after which an assessment has to be made as to whether there is a planning breach and if so if it is expedient to take formal action.

2.5

Each of these steps along with the associated process logging on every case, takes significant officer time. This means that often the process generally takes a few weeks to complete, even if there is no breach and the process runs smoothly, which in turn means that often even the simplest cases cannot be closed within the same month that they are received, and therefore these potentially simpler cases accumulate along with those that are more complex requiring longer investigations, more communication with site owners and complainants etc and potentially leading to formal action, meaning that the number of cases open at any one time is significantly greater than the number of cases reported in that particular month.

2.6	As the Enforcement Team currently comprises of just three full time members of staff, comprising a Senior Planning Enforcement Officer, one Assistant Planning Enforcement Officer for the north Area and one Assistant Planning Enforcement Officer for the South Area. This means that the majority of the current Planning Enforcement Caseload is split across just three officers. As of 1 September 2022, the two Assistant Planning Enforcement officers had 165 and 233 cases open each, with a further 10 cases yet to be logged.
2.7	By comparison, details of caseloads and officer numbers have been provided informally by colleagues at other Local Planning Authorities from across the country, who attended a course with our Assistant Enforcement Officers. Of the six authorities who have shared their figures, the majority of the full-time members of staff have caseloads ranging from 35-100 cases each. There is one authority who has reported, that their full-timer member of staff has 212 cases but that they are also in the process of reviewing their enforcement team and process. Although this is not an extensive survey of caseloads at other authorities, it provides a useful snapshot, and confirms what officers already suspected, that caseloads need to be significantly lower than they are currently in order to be more manageable.
2.8	The audit report highlighted a number of older cases which were allocated to officers outside the Enforcement Team (e.g. those within Development Management). Whilst the team are attempting to review these cases and close them where appropriate, their ability to undertake this task is limited by their workload capacity.
2.9	<u>ACTION 2: Use of software and digitisation</u> It is recognised by officers that the database software and the associated document management software are not being used to their full potential. For example, emails and letters to site owners/developers and complainants are often generated manually outside the system.
2.10	It is also recognised that there has been some inconsistency in the past in the way in which certain tasks have been logged within the database, for example notes on a visit to the site, were logged by some but not all officers within the database, with some making notes elsewhere. This has been resolved in terms of current and new cases as they are only allocated to officers within the enforcement team, and the members of that team have a consistent approach to such matters.
2.11	The current document management system which sits alongside the database is also not particularly user friendly, and it takes significant time for documents to be added to it and labelled appropriately. The enforcement officers have not had time to perform these tasks with their current caseloads, and the team has been without administrative support for many years. Therefore, the majority of documentation relating to current enforcement cases, and recently closed cases, is being held securely elsewhere, outside the database document management system.

2.12	Enforcement Notices are currently produced outside the uniform system, and therefore providing quarterly reports to members on the number of notices served is a manual process.
2.13	The priority levels for enforcement cases that can be selected within the uniform software do not currently align with those within the <a href="#">East Suffolk Local Planning Enforcement Policy</a> , which means data on cases of different priority levels cannot be pulled directly from the system.
2.14	Officers also acknowledge that there are a significant number of historic enforcement cases that remain open on the system. These cases require review, before it is decided how to proceed (i.e. whether further investigation is required and the following steps that might result or whether the case should be closed).
2.15	<u>ACTION 3 : Signing off Process</u> The audit report raised concern that enforcement cases can be closed by individual case officers without formal record of independent review by an authorising officer. The three enforcement officers meet weekly to discuss live cases and another weekly meeting takes place with the Principal Planner (Technical Lead) and Development Management Officers of the 'Enforcement and Technical Team', during which cases are also discussed. Therefore, cases that the case officer is uncertain of in terms of either it being a breach of planning control, and/or if it is expedient to take action are discussed before being closed, and cases on which we are proceeding towards or through formal action are also discussed, but there are no written minutes of those meetings, and the cases are not currently formally signed off by an authorising officer on the database system through a formally adopted process.
2.16	<u>ACTION 4: Reporting of updates on cases to members</u> It is recognised that there are issues with the way in which the "East Suffolk Enforcement Action – Case Update" report to Planning Committees is set out, which results in the information on some cases stretching across several pages, and it is not always immediately clear what the current status and/or latest action on the case is.
2.17	<u>ACTION 5: Questions from members on enforcement cases</u> Officers have concerns with some of the questions asked during Planning Committee's on enforcement cases that are under investigation but have not reached a point whereby they would be included on the "East Suffolk Enforcement Action – Case Update" report to Planning Committees.
2.18	Whilst the members wish for an update on such cases recognised, the information provided in a public forum such as Planning Committee, has to be carefully considered in a sensitive manner. In some circumstances, particularly if a case has only recently been received/logged, contact with the site or property owner may not have been made and therefore they may not be aware that there is a potential issue, prior to it being raised in this public forum.

2.19	Discussing cases that are not in the Enforcement Report could also result in data protection breaches, as details can be revealed that should not be in the public domain, particularly when reference is made to named individuals and/or their addresses. Other potentially sensitive data can also be revealed which should not be discussed in a public forum, on cases at all stages of investigation.
2.20	It should also be recognised that if certain details are revealed about a case. it can potentially affect how any action can proceed, particularly if we reveal that formal action is about to take place or that certain legal advice on how to proceed has been received. Therefore, officers are limited in what information they can provide in such a forum.
2.21	As explained earlier in this report, the officers dealing with enforcement have a significant number of cases. Therefore, whilst there will be some cases they recall in great detail, given the volumes of cases, they cannot reasonably be expected to recall the precise details of every case currently assigned to them. This means that they may well not be able to answer unexpected questions on the cases not on the “East Suffolk Enforcement Action – Case Update” report to Planning Committees.

### 3 How to address current situation

3.1	<u>Caseloads and Resources</u> In order to address the issue of high caseloads and to provide an efficient and customer focused enforcement service, two additional posts are proposed to be created. The first would be an Enforcement Officer level position, and the second would be an administrative support position.
3.2	The additional Enforcement Officer level position would support the Senior Enforcement Officer and the wider team. A copy of the proposed structure chart is included as Appendix C.
3.3	The additional administrative support position will assist the Team in providing additional help by way of logging cases, data support and generally assisting the team. It is proposed that this is delivered as part of the Planning Support and will be provided as part of a wider range of small changes to that team to ensure that it service the planning service as a whole, not just Development Management and Building Control as it currently does.
3.4	This report here presents the initial business case for these two further roles, with the recruitment of an Enforcement Officer to be an immediate action and the support officer to be provided as soon as possible thereafter. It is recognised that the presenting of this recommendation for increased staffing resource cannot be solely agreed by Strategic Planning Committee, and is dependent upon agreement from elsewhere including in terms of financial agreement to fund the post. Therefore, whilst there is full intention to create and fill such a post, it must be

	recognised that there remains some uncertainty as to if and when this can be achieved.
3.5	Whilst increasing the number of staff will reduce the number of cases on hand with each officer (i.e. their individual caseloads), which should enable the workloads to be more manageable, it is important to recognise that the formal logging, investigation and communication processes will still have to be adhered to, even on cases that do not then result in formal enforcement action, and all of these processed take time. A number of actions proposed in this report will also add responsibilities and additional administrative work to current enforcement officers.
3.6	A further area of work where officers are keen to increase attention is on the monitoring of the implementation of development. This is in respect of how developments progress in accordance with approved plans and how conditions are complied with. It is not the role of the Local Planning Authority to closely monitor and undertake checks on development and the majority of development does get undertaken completely in accordance with approved plans and conditions. However, there are cases where the Council can take a more proactive stance in reviewing implemented and completed development, particularly major development.
3.7	This includes the implementation of landscaping and tree planting, where the Council controls the need to replace any planting which has failed in the first 5 years. With the last very dry summer and climate change there are risks that planting, particularly trees and hedges, can fail and we need to be ready to request their replacement. Furthermore, as part of developing skills of officers and having wider awareness of design quality, visiting developments which are underway and completed is incredibly valuable to development of planning and design skills and hold developers to greater account over design quality. This will need wider planning service involvement to take forward aspirations as it remains difficult to accommodate a proactive alongside the current reactive approach to this in terms of resources and demands of day-to-day decision making. But with the heightened importance of high-quality design and challenges of climate change, monitoring is an increasingly important part of development management.
3.8	For the reasons outlined in paragraphs 2.4 to 2.6 of this report, enforcement cases will still take time to deal with, and therefore even with additional resources, it will not be possible to close the majority of even the simplest cases within a period of less than 3-4 weeks (21-28 days). Therefore, it is also recommended that the timeframe bands used to monitor time taken to close enforcement cases, are adjusted to be a truer and fairer reflection of realistic potential timeframes for the process to be undertaken.

3.9	These bands are currently set in 9 day intervals (i.e. 1-10 days, 11-20 days, 21-30 days, 31-40 days and 40+ days), which means that often cases fall into the 31-40 days and 40+ days categories, because as explained above the process by its very nature takes at least a few weeks to be completed even on the most straightforward cases where there is no breach. This means that there is a lack of detail on the actual length of time that those taking the longest time actually take to close or resolve. Therefore, it is proposed to alter the time-taken monitoring bands to 19 day intervals of 1-20 days, 21-40 days, 41-60 days, 61-80 days, 81-100 days, 101-120days and 121 days +.
3.10	The monitoring bands for the closure of cases are not formally defined within the Local Planning Enforcement Policy, and therefore they can be adjusted without any further formal process.
3.11	<u>Use of software and digitisation</u> It is recommended that we seek to utilise the software to improve processes and save time where possible. For example, in order to reduce the need for officers to manually input certain information to letters and emails that are being sent out, the software can be set up with templates, that automatically pull through certain details such as the customers contact information and the enforcement case reference number and address. Whilst this may not save more than a few minutes each time a letter or email is created, cumulatively this could save the officer's significant time.
3.12	In time, it is also hoped that the system can be set up with templates for enforcement notices, stop notices etc. Although such documents will likely still require manual review and potential editing by the Enforcement Team and/or the Legal Services Team once generated from the system, if they can be created through the system and their service logged in a consistent manner within the database, it should also reduce the work required in terms of manual calculations to produce the quarterly updates on numbers of notices served etc.
3.13	The priority levels for enforcement cases need to be amended within the uniform system so that they align with those in the <a href="#">East Suffolk Local Planning Enforcement Policy</a> , so that data on number of cases of each priority level and whether targets are being met etc can be pulled directly from the system, and in time lead into the PowerBi software.
3.14	The way in which 'events' such as site visit are now being logged within the database, should enable statistical reports to be set up to pull information from the system, as a means of monitoring officer workloads, time taken for a certain action to take place on each case etc, which in theory should be able to feed into the PowerBi software that is beginning to be utilised across East Suffolk Council. The intention to utilise this software to enable closer monitoring of general process and caseloads, with the aim of understanding where the potential pressure points are in our process, and overall workload numbers etc.



3.15	A new document management system is currently in the process of being set up and rolled out across the council. This is produced by the same company as the database system we already use for planning applications and enforcement cases, and therefore is designed to work with it in a more cohesive manner than the current document management system. The new software is also more user friendly in terms of the way files are labelled and organised. Therefore, the Enforcement Team aim to utilise this software once in place, however, this will be in part dependent upon having administrative support to assist them with logging new cases and adding documents to the document management system as and when they are received or generated.
3.16	Alongside this, there will also be a need to transfer documents, photographs, letters, emails etc on current live cases and previously closed cases into the new document management system, which will take significant time. This process maybe aided by administrative support, but given the volumes of data involved, addition support from the wider planning support team and/or elsewhere maybe required.
3.17	The review of the historic enforcement cases on the system will take time, and much of this process needs to be undertaken by officers with Planning Enforcement and/or Development Management experience. However, once the reviewing process has been undertaken there may be associated tasks that could be undertaken by administrative support officers. Therefore, it is hoped that with the additional resource of an additional Enforcement Officer and a specific Enforcement Administrative Support Officer, progress can be made on clearing down the backlog of historic cases.
3.18	Whilst it would be advantageous to commence the digital changes as soon as possible, the timing will be very dependent upon the recruitment of officers to fill the two new posts within the Planning Enforcement Team and also be dependent upon the ICT changes that are currently underway across the authority, and then the capacity of officers within the Enforcement Team and ICT to create and set up automated processes within the software and other things such as letter templates.
3.19	<u>Signing off Process</u> The lack of formal written audit trail of the review of cases by an officer other than the allocated case officer is recognised. It is therefore proposed that a formal signing off process will be put in place, so that cases are reviewed by an authorising officer (a senior or a principal) as part of all cases being closed. Whilst some cases have been reviewed and 'signed off' since 1 August 2022, which demonstrates that a formal review and signing off procedure can be undertaken through the uniform system, the process undertaken so far is reliant upon reviewing officers looking in the system for cases that have been 'closed' by cases officers. A more formal process needs to be created so that files automatically pass to a 'available tasks' list for reviewing officers.
3.20	Introducing this process will ensure that electronic case files pass from case officers to reviewing/signing off officers at the appropriate time, with no chance of

	<p>them disappearing into the ether. It will also mean that those cases requiring review can be seen as items that need doing and thus stay on the radar of reviewing officers, which reduce the risk of them being overlooked due to other competing workload pressures.</p>
3.21	<p>The timing for this process to be formerly introduced will be dependent upon changes to the electronic system, so that trigger points are set up so at the required time, the electronic case files pass from the case officers workload list to the reviewing/signing off officer's 'available tasks' list.</p>
3.22	<p>However, in putting in place this process, it should be recognised that this means all such cases will need to be reviewed and signed off, primarily by the Senior Enforcement Officer and the Principal Planner (Technical Lead). This means the timing for closing cases through the review process will be dependent upon their availability. Alongside reviewing and signing off enforcement cases, they also have many other elements of their roles including their own caseloads, mentoring team members, the serving of notices by the Senior Enforcement Officer, and the review and signing off of planning related applications, team leader responsibilities and technical tasks by the Principal Planner (Technical Lead). Therefore, other elements of their role may have to take priority at certain times, in order to meet other targets and deadlines including government targets on the formal applications. In addition, there will be times when officers are unavailable due to annual leave. Therefore, there is likely to be a delay in some enforcement cases being reviewed, which in turn will likely affect the numbers of cases being closed within certain time frames, and in turn skew the statistics for the number of cases dealt with within certain timeframes.</p>
3.23	<p>The introduction of this reviewing and signing off process, is important in order to address the concerns raised in the Audit Report. However, in the view of officers, it should not be seen as the end of the improvements to the way in which officers utilise the system, and therefore in the longer term, the intention is to also look at means by which other trigger points can be set up and utilised, not only to enable certain tasks to automatically complete such as the transfer of case files between officers, but also as means of monitoring the enforcement process with reference to our Enforcement Policy such as the time taken for the first site visit to take place, Alongside this as mentioned elsewhere in this report we will also seek to set up means by which the system can be used to automatically complete certain content on letters, notices etc.</p>
3.24	<p><u>Reporting of updates on cases to members</u></p> <p>As outlined in the 'current position' section of this report, it is recognised that the existing "East Suffolk Enforcement Action – Case Update" report to Planning Committees is not set out in the most user-friendly manner. It is therefore recommended that the template used for this report is altered.</p>

3.25	The new format in Appendix A includes a copy of a blank table which will be completed for each case and examples of the table completed for two existing cases to illustrate how it would appear. The contents of those tables are a copy, paste and reorganisation of the data published in a recent report to a Planning Committee, so the same level of information is still being provided.
3.26	This format is proposed with the aim of presenting the information in an easier to read format, making it clear at which stage a particular case has reached, whilst ensuring the level of detail provided to members is not diminished by this new approach.
3.27	<u>Questions from members on enforcement cases</u> As outlined in the 'current position' section of this report, there are significant concerns with questions being raised by members in the public forum of Planning Committees on cases that are yet to reach the "East Suffolk Enforcement Action – Case Update" report. These are matters that should be raised outside the public meeting.
3.28	However, it is recognised that members will wish to ask questions and receive updates on cases that are not on the "East Suffolk Enforcement Action – Case Update" report. As outlined in paragraph 3.20 of this report there are significant concerns with answering such queries during public meetings, including those related to data protection and potential implications for future legal action. Therefore, members should raise queries on such cases outside those meetings and it is proposed a new protocol for raising these queries is followed, which will comprise the steps detailed in Appendix B, which will be shared with all members following this Strategic Planning Committee Meeting.

#### 4 Reason/s for recommendation

4.1	That the report concerning the overview of the proposed plan of action and recommendations for resolving issues highlighted within the Audit Report of the delivery of Planning Enforcement and key issues identified by officers within the team is noted, and support is provided to its implementation.
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## Appendices

Appendices:	
<b>Appendix A</b>	New Committee Report template style for the reporting of formal Enforcement Action on cases.
<b>Appendix B</b>	Protocol for Members to raise queries on cases
<b>Appendix C</b>	Proposed Team Structure
<b>Appendix D</b>	Enforcement Action Plan Timeframes

<b>Appendix E</b>	Minutes of Scrutiny Committee 16 June 2022
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<b>Background reference papers:</b>
None

**Appendix A – Template for reporting updates to Planning Committees on Enforcement Cases that are subject to formal enforcement action.**

**ES/1303**

At the start of the report a summary list will be provided of those cases on which changes have occurred/updates are provided since the previous report was published.

The cases will be organised in to categories based upon current status e.g.

- A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.
- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period
- D. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action
- E. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

All the cases listed are to be assigned a reference letter and number based upon their location within the report, and the paragraph/list at the beginning of the report will make reference to the cases based upon those reference letters/numbers (possibly with a hyperlink to that section of the report).

A copy of this table will be completed for each individual enforcement case

<b>LPA Enforcement Case Reference</b>	
<b>Location / Address</b>	
<b>North or South Area</b>	
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b>	
<b><u>Summary timeline of actions on case</u></b>	
<b><u>Current Status/Position</u></b>	
<b>Date by which Compliance expected (or prosecution date)</b>	

Set out below are two examples of how existing cases would appear in these tables

**Appendix A – Template for reporting updates to Planning Committees on Enforcement Cases that are subject to formal enforcement action.**

**A.1**

<b>LPA Enforcement Case Reference</b>	ENF/2016/0292
<b>Location / Address</b>	Houseboat Friendship, New Quay Lane, Melton
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Change of use of land	
<b><u>Summary timeline of actions on case</u></b> <b>1/08/2016</b> – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. <b>20/10/2016</b> - Enforcement Notice served, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<b><u>Current Status/Position</u></b> We are still in the compliance period. No further action can be taken until that period expires.	
<b>Date by which Compliance expected (or prosecution date)</b>	24/11/2024

**F.1**

<b>LPA Enforcement Case Reference</b>	N08/0264 & ENF/2013/0191
<b>Location / Address</b>	Pine Lodge Caravan Park, Hazels Lane, Hinton
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	
<b><u>Nature of Breach:</u></b> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<b><u>Summary timeline of actions on case</u></b> <b>15/10/2010</b> - Enforcement Notice served <b>08/02/2010</b> - Appeal received <b>10/11/2010</b> - Appeal dismissed <b>25/06/2013</b> - Three Planning applications received <b>06/11/2013</b> – The three applications refused at Planning Committee. <b>13/12/2013</b> - Appeal Lodged <b>21/03/2014</b> – Enforcement Notice's served and become effective on 24/04/2014/ <b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing	

**Appendix A – Template for reporting updates to Planning Committees on Enforcement Cases that are subject to formal enforcement action.**

**31/01/2015** – New planning appeal received for refusal of Application DC/13/3708

**03/02/2015** – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.

**10/11/2015** – Informal hearing held

**01/03/2016** – Planning Appeal dismissed

**04/08/2016** – Site re-visited three of four Notices have not been complied with. Trial date set for 21/04/2017. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.

**19/06/2017** – Site re-visited, no compliance with the Enforcement Notice.

**14/11/2017** – Full Injunction granted for the removal of the mobile home and steps.

**21/11/2017** – Mobile home and steps removed from site.

Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.

**27/06/2018** – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought.

10/09/2018 – Site revisited to check for compliance with Notices.

**11/09/2018** – Case referred back to Legal Department for further action to be considered.

**11/10/2018** – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).

**01/11/2018** – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.

**13/12/2018** – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.

**04/02/2019** – Site visit undertaken to check on compliance with Injunction served on 01/11/2018

**26/02/2019** – case passed to Legal for further action to be considered. Update to be given at Planning Committee.

**27/03/2019**, High Court hearing, the case was adjourned until the 03/04/2019

**03/04/2019** - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non- attendance as was required in the Order of 27/03/2019.

**11/04/2019** – Officers returned to the High Court, the case was adjourned until 7 May 2019.

**07/05/2019** – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.

**05/09/2019** – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.

**28/11/2019** - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020

**Appendix A – Template for reporting updates to Planning Committees on Enforcement Cases that are subject to formal enforcement action.**

<b><u>Current Status/Position</u></b> Site visited. Case currently with the Council’s Legal Team for assessment. Charging orders have been placed on the land to recover costs.	
<b>Date by which Compliance expected (or prosecution date)</b>	





### **Protocol for Councillors to raise queries on Planning Enforcement Cases**

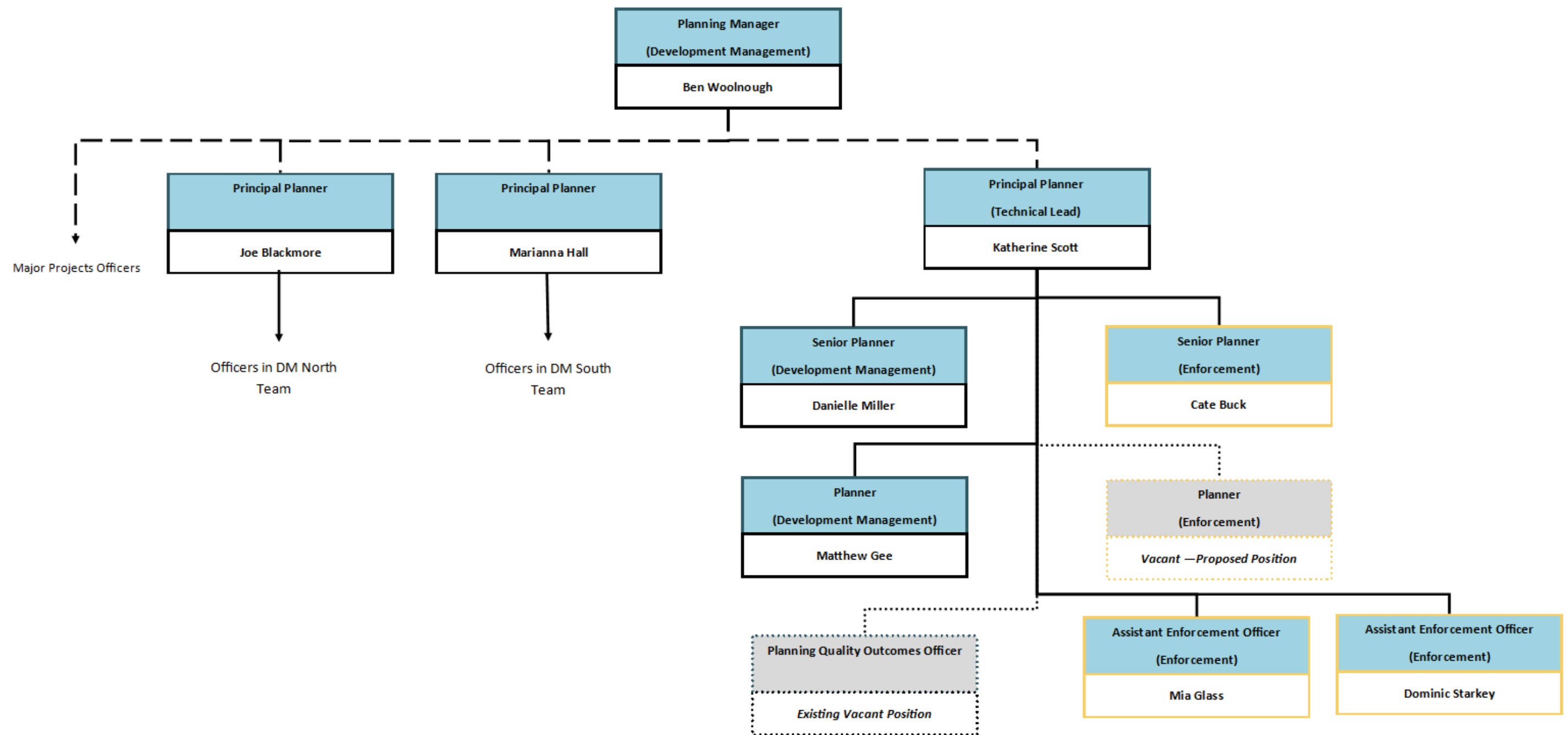
Each month Assistant Enforcement Officers provide updates on current Planning Enforcement action to the North and South Planning Committees. It is important to recognise that this update relates to cases where enforcement action has been taken, through the serving of enforcement notices or through appeals and legal action. Such cases are in the public domain and can be openly discussed in Planning Committees as far as that information does not compromise the action being taken.

The cases referenced above are different to the majority of Planning Enforcement work which relates to enforcement complaints and live investigations where action has not yet been taken. Such cases are not yet in the public domain and public discussion of such cases can compromise investigations and may be breach data protection. Due to the volume of live investigations, it is also unlikely that officers would be able to provide useful updates based on member questions in Planning Committees.

Questions in respect of ongoing enforcement complaints and investigations will no longer be answered in Planning Committee and questions must only relate to the cases listed in the report where action is being taken. It should be noted that it is the enforcement officers who are best placed to answer questions over managers, who will need to revert to enforcement case officers anyway.

**The following steps should be followed by Councillor who have a query or are seeking an update on a current already registered enforcement case at the complaint/investigation stage.**

1. Phone or email the case officer who is dealing with the enforcement case. The majority of the time it is the case officer or one of the enforcement team who are best placed and most informed to deal with your query. If a member does not know who the case officer is and/or if a case has been logged, they should either email the enforcement team inbox [d.c.enforcement@eastsuffolk.gov.uk](mailto:d.c.enforcement@eastsuffolk.gov.uk) or telephone the enforcement team general number 01394 444297.
2. If a member sends an email or leaves a voicemail, they should receive a response within 3 working days. If no response is received, they should try again prior to escalation.
3. If no response is received within 3 working days, and a further phone call/email has been made with no response, or if the matter is extremely urgent, then the query should be escalated by contacting the Principal Planner managing the enforcement team, Katherine Scott, Principal Planner (Technical Lead, Development Management) via [Katherine.scott@eastsuffolk.gov.uk](mailto:Katherine.scott@eastsuffolk.gov.uk) or 07867 155568 or Ben Woolnough (Planning Manager) [ben.woolnough@eastsuffolk.gov.uk](mailto:ben.woolnough@eastsuffolk.gov.uk) 07833 406681



Action Point	Key Tasks within that Action	Aims and Intentions	Factors affecting timeframe for delivery	Target Time for completion
<b>Action 1: Caseloads and Resources</b>	<ul style="list-style-type: none"> <li>Recruitment of additional Enforcement Officer.</li> <li>Expansion of Planning Support resource to provide enforcement support</li> <li>Introduction of new monitoring bands for the timeframes for the closure of cases</li> </ul>	<ul style="list-style-type: none"> <li>To increase the number officers in order to reduce individual caseloads to a more manageable level, which in turn should enable officers to clear many of the simpler cases that are less likely to result in formal enforcement action, which in turn should enable officers to be able to focus more on the those cases that are resulting in the most harm and are in the public interest to pursue.</li> <li>To add administrative support to the team, in order to reduce the number these tasks that enforcement officers have to undertaken (e.g. uploading files) which should also increase their capacity to deal with cases.</li> </ul>	<ul style="list-style-type: none"> <li>The recruitment process, including approval of resources, advertisement of positions, interviews and appointment process.</li> </ul>	6-9 Months
Action 2: Use of Software and Digitisation	<ul style="list-style-type: none"> <li>Transfer of data from 'Information at work to the new Document Management System (As part of wider programme for Document Management System role out for Planning Service)</li> <li>Transfer of enforcement case data stored elsewhere on to the new Document Management System.</li> <li>Review and where appropriate closure of old /historic enforcement cases.</li> <li>Setting up processes/ensuring appropriate data is being recorded in to the enforcement module of the uniform system ready for PowerBi.</li> <li>Introduction of other monitoring mechanisms and timeframes for enforcement tasks, linking to PowerBi, e.g. time taken for case to be logged, time taken for first site inspection etc...</li> <li>Exploration of what we can set up in terms of document templates within the Enforcement module of Uniform, and then their creation and introduction</li> </ul>	<ul style="list-style-type: none"> <li>The transfer of data from 'Information at Work' and from elsewhere will ensure all data related to planning enforcement cases is stored in one location, improving accessibility for officers which in time should create efficiency in the way they can access these records.</li> <li>Old/historic cases are to be closed as part of cleansing the dataset, so a truer picture of the number of open cases can be obtained.</li> <li>The introduction of these monitoring mechanisms and timeframes, will tie in with the targets for initial site visits publish in the <a href="#">Local Planning Enforcement Policy</a> with monitoring of team capacity through PowerBi, and should enable the team to identify any potential elements to process which are resulting in common delays and/or preventing officers from proceeding forward with cases.</li> <li>The introduction of templates for documents such as notification letters and emails to complainants</li> </ul>	<ul style="list-style-type: none"> <li>These key tasks and process are going to require a significant amount of officer time, from the Technical Lead and within both the Planning Enforcement Team and the ICT team.</li> <li>The availability of officer resources within the ICT team and Planning Services will be critical to the completion.</li> <li>The timeframes for wider programs of ICT upgrades and improvements including the role out of the new Document Management System and PowerBi, will affect the points at which certain tasks can be completed, along with affecting the availability of ICT staff to assist with other elements of these proposals.</li> </ul>	<p>These will be evolving and ongoing tasks over the next 12 months, but there are the following key target dates for various elements:</p> <ul style="list-style-type: none"> <li>Transfer of data from Information at work on to the new Document Management System (and commencement of using that Document Management System for new cases) – to be completed in line with wider ICT timescale by Spring 2023</li> <li>Transfer of electronic data from elsewhere onto the new Document Management System – the time for completion is dependent upon additional planning administrative support, but the aims is for it to be completed within 6 months of the introduction of the new Document Management System (i.e. by Spring 2023)</li> <li>Scanning of paper files and transfer into the New Document Management System. This is likely to be an ongoing task for many years, which can be done as and when around the day job.</li> </ul>

## Appendix D: Enforcement Action Plan Timeframes

		and site owners (and potentially enforcement cases) within the uniform software, so that contact details etc are automatically populated, would enable time savings for Enforcement Officers in the longer term.		<ul style="list-style-type: none"> <li>Review of current boxes being used for recording key tasks in uniform and ensuring appropriate boxes are being completed for integration with PowerBI statistical system – this will be an ongoing task, but the aim is to be able to introduce these fully within 12 months.</li> <li>Determining which document templates would be useful, setting them up and commencement of use by the team, this will be an ongoing task, but the aim is to be able to introduce these within 12 months.</li> </ul>
Action 3: Signing off Process	<ul style="list-style-type: none"> <li>Mapping out how process has to work within uniform and enterprise, in terms of not only cases being closed/signed off, but also the 'trigger points' for the transfer of cases between officers. Also need to carefully consider how notification letters etc fit into this process.</li> <li>ICT to create trigger points in uniform and enterprise software</li> <li>Roll out of new review and signing off process to enforcement team</li> </ul>	<ul style="list-style-type: none"> <li>To ensure that the signing off process and associated process of electronic case files passing between officers occurs in such a way as to avoid the potential for files to go missing or be overlooked for review and signing off.</li> <li>To ensure that signing off tasks appear on the active tasks lists within enterprise for the relevant signing off officers, so that they are recognised as to do tasks.</li> </ul>	<ul style="list-style-type: none"> <li>This will be dependent upon the officer resource of the Technical Lead, other enforcement officers and ICT officers to ensure the process is set up correctly with the appropriate trigger points and completion of appropriate boxes within the uniform database for future monitoring purposes.</li> </ul>	Process to be introduced by the end of 2022.
Action 4: Reporting of updates on cases to Members	<ul style="list-style-type: none"> <li>Report to Strategic Planning Committee setting out recommended new report format</li> <li>Commencement of use of new Report format for North and South Planning Committees</li> </ul>	<ul style="list-style-type: none"> <li>To make the information available to members in a more digestible format.</li> </ul>	There are few risks of this not being completed on time, as the format has been drafted (Appendix A to this report), and following the meeting it will be used for all upcoming North and South Planning Committee Meetings (excluding those for which reports have already been drafted)	New template to be used for all Planning Committee Meetings from 1 November 2022 onwards.
Action 5: Questions from members on enforcement cases that are not on the "Enforcement Action – Case Update"	<ul style="list-style-type: none"> <li>Report to Strategic Planning Committee setting out recommended new protocol</li> <li>Distribution of new Protocol to all District Councillors</li> </ul>	<ul style="list-style-type: none"> <li>To avoid questions being asked on cases that are not on the "East Suffolk Enforcement Action – Case Update" during public meetings, such as planning committee, as providing answers to such queries in a public forum can have implications for future enforcement action and there are concerns regarding data protection (further details within the Enforcement Action Plan Report on this agenda).</li> </ul>	There are few risks of this not being completed on time, as the protocol has already been drafted (Appendix B to this report) and following the meeting it will simply need distributing.	Within 48 hours of the protocol being presented to Strategic Planning Committee on 10 October 2022

<p><b>Unconfirmed</b></p>
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Minutes of a Meeting of the **Scrutiny Committee** held in the Conference Room, Riverside,  
on **Thursday, 16 June 2022 at 6.30pm**

**Members of the Committee present:**

Councillor Edward Back, Councillor Stuart Bird, Councillor Judy Cloke, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Tess Gandy, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Geoff Lynch, Councillor Keith Robinson

**Other Members present:**

Councillor Peter Byatt, Councillor Tony Cooper, Councillor Louise Gooch, Councillor David Ritchie

**Officers present:** Martin Clarke (Licensing Manager and Housing Lead Lawyer), Sarah Davis (Democratic Services Officer), Jo Hooley (Legal and Licensing Services Manager), Philip Ridley (Head of Planning and Coastal Management), Alli Stone (Democratic Services Officer) and Ben Woolnough (Planning Manager - Development Management).

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Beavan, Green and Topping.

**2 Declarations of Interest**

There were no Declarations of Interest.

**3 Minutes**

**RESOLVED**

That the minutes of the meeting held on 19 May 2022 be approved as a correct record and signed by the Chairman.

**4 Review of the Planning Enforcement Process**

The Committee received report ES/1184 from the Cabinet Member for Planning and Coastal Management who stressed that enforcement was a very important part of the planning process. He explained that a quarterly statistical report was given on enforcement to the Strategic Planning Committee and that it had been reported at the last meeting that there were fewer cases open at the end of the last three months with the main reason for the closures being because there had been no breach, they were

now complying or the use had ceased, or they now had planning permission. He added that both Planning Committees North and South met monthly and they also received a report on the cases that were open in their areas. There were three Enforcement Officers, 1 senior and 2 junior officers who the Cabinet Member felt did an extremely good job but he hoped improvements could still be made to the system. He explained that Internal Audit were currently looking at the systems and processes and they would give some pointers moving forwards and changes had already been made to the management structure of the service.

The Planning Manager - Development Management stated that he had started managing the Enforcement Team last year and had identified early on the need to give a renewed approach to the management and processes within the Team, hence why it had been suggested to the last Strategic Planning Committee that an enforcement action plan be presented to them in September setting out the improvements, measures, and potential efficiencies that could be brought into the service over the rest of this year and next. He explained that this would sit alongside ongoing work with the Audit Team, following on from previous audit reports which had highlighted some areas that needed attention, predominantly the way in which the IT system was used to process enforcement complaints, maintain data and documents and this was being actioned. It was hoped that a lot of information would be forthcoming in the near future on how the service would be improved further. He stressed that the service was not failing in any way. The Team had worked incredibly hard over the Covid period and figures had shown a significant rise in enforcement complaints over the early stages of the Covid period, possibly due to a lot of people doing their own developments at home under permitted development or under planning applications eg improvements and extensions which had given rise to enforcement complaints etc, as more people were at home and could see what was happening around them. He stated that the Council welcomed feedback on any breaches of planning control and they were investigated diligently but pointed out that a lot were closed quickly because many were under permitted development or did not require further investigation and these were reported back to Committee too.

The Chairman stated that he had cross referenced the report with the scoping document and did not feel that all the lines of enquiry had been answered eg what timescale/targets the Team had to complete the process before a case went to the Legal Team and he also asked what would help speed that process up. The Planning Manager - Development Management responded that the Planning Enforcement Policy which had been attached to the report had been adopted in March 2019 and set out how complaints were investigated and the way in which they were taken forward. He referred, in particular, to Section 5 which detailed how complaints would be investigated including an acknowledgement within 14 working days and he explained that they involved quite a lot of work, such as a Site Visit, researching the planning history, communicating with the complainant and developer to understand what was needed to take the case forward eg the nature of concerns, the extent of investigations needed, the harm being caused and what resources were available. He added that the Section also described how the Council sought to close cases as follows:

- Within 20 weeks of receiving a request for an investigation 60% of all cases where there was no breach of planning control would be closed.

- Within 20 weeks of receiving a request for an investigation 60% of all cases where there was a breach of planning control but it was not expedient to take action would be closed.
- Within 24 weeks of receiving a request for an investigation we would decide what further action to take in 80% of cases where a retrospective application was appropriate but not submitted, or where rectification had not occurred.
- Within 24 weeks of receiving a request for an investigation we would determine what enforcement action to take in 80% of cases where formal action was necessary.

The Planning Manager - Development Management acknowledged that 20 and 24 weeks appeared lengthy and Officers had to manage complainant's expectations carefully, however, he reiterated that there was an incredible amount of work that needed to be undertaken during that time. He stated that the Council did not want to rush cases and end up with abortive work further down the line, penalties on appeals and, in some cases, if we proceeded in the wrong way we could end up back at square one.

The Chairman stressed that Members were concerned about the timescales and he queried what could be done to speed that process up including if setting a more rigorous target would help. The Planning Manager - Development Management responded that a lot of changes had been introduced over the last few years to speed up the processes including the fact that Planning Officers had previously investigated cases, whereas now the two Assistant Enforcement Officers took full responsibility for the early investigation eg logging of cases and first site visits, then they fed back to other Officers to determine the way forward. He stated that he wanted to improve things on the back of other changes recently made such as the provision of a dedicated team, including the creation of a line manager and a couple of Planning Officers to review cases regularly and make clear recommendations on action to be taken, thereby having a more professional input at an early stage. He added that this would be formally set out as part of the action plan being taken to the Strategic Planning Committee. He concluded that there needed to be that professional input at an early stage to make the right call and to advise customers what would happen.

Councillor Goldson queried, if there was no legal requirement, what would happen if the Council did not provide a planning enforcement service. The Cabinet Member responded that the Council had a responsibility to enforce and the power to enforce, but did not have the duty to enforce so if the Council did not do it then there would not be any. He added that it was sensible to do it this way because sometimes there were small cases that did not always have to be enforced eg if minor and not controversial differences between plans and what was actually built, so need to use common sense when deciding to enforce or not. He concluded that the Council did not enforce all cases but did where it was felt appropriate to do so. He confirmed that there was no legal requirement for the Council to operate an enforcement service. Councillor Goldson queried if consideration had been given to outsourcing the service. The Head of Planning and Coastal Management confirmed that it was a discretionary function of the Authority but he strongly advised against outsourcing because the Council wanted a seamless planning authority to deal with matters at the front end through to delivery so that we had an overview of development going forward and provide public confidence. He acknowledged that the Council did get a number of enforcement

complaints but most were relatively minor that could be resolved by email, phone, a visit etc but if there was a major breach then resources would be made available. He confirmed that the Team was looking to improve the function provided and acknowledged that some cases did take longer than anticipated but it was hoped that the 20 and 24 weeks timescales could be shortened, although he stressed that by the time Officers had visited and spoken to colleagues then wrote to the owner, those weeks passed by quickly. He concluded that Officers would report further on improvements to the Strategic Planning Committee in September but that outsourcing was not a panacea.

The Chairman queried if the Council had an option to walk away if it was a discretionary service and not pursue a case even if there was a clear breach. The Cabinet Member responded that it was the Council's intention was always to enforce major breaches when expedient to do so.

Councillor Hedgley acknowledged that things had improved in the last few years but queried if the Team had enough resources and he also asked how many breaches were found due to public information coming in. The Cabinet Member responded that there was now extra capacity with the addition of a dedicated technical lead and line manager for the team. He added that the Audit Team had recently examined the enforcement processes and it was a really positive experience to have a good look at things with a fresh pair of eyes. He acknowledged that more capacity in the team might be needed but he felt that there was sufficient capacity at management level.

The Planning Manager - Development Management stated that the Policy set out the principles of good enforcement and the way in which complaints were prioritised eg a serious threat to the health or safety of the public, irreparable damage to a historic or natural environment, impacts on Sites of Special Scientific Importance etc would trigger a quicker response because they had another legislative importance to them eg unauthorised works to a listed building were a criminal offence so had to be investigated quickly. In response to the other question regarding enforcement as a result of complaints by members of the public, he stated that, although he did not have any specific statistics, the vast majority came in from the public or Town and Parish Councils.

#### **Councillor Lynch joined the meeting at 7pm.**

In relation to resource, he stated that there was always capacity to add resource to teams, particularly the Enforcement Team, because they were undertaking many Site Visits and worked through complaints in a detailed fashion and now there was an additional Principal Planner and the other Planners provided a considerable input into the process, those cases where a retrospective application was recommended could now be dealt with in a timely manner eg whether to proceed or take the necessary action. The Head of Planning and Coastal Management acknowledged that it would be good to have more resource but stated that they would be discussing whether it would be better to have more compliance and monitoring colleagues to check consented developments were being undertaken in accordance with approved plans at the time of commencement as that added value at the front end rather than waiting for them to grow into an enforcement case.



The Licensing Manager and Housing Lead Lawyer clarified that, whilst it was a discretionary service, the Council could not act unreasonably so if it decided not to enforce any cases at all, it would be susceptible to a judicial review.

Councillor Deacon agreed that the service was much better than it was years ago but he asked how East Suffolk matched up against other similar Council Planning Departments. The Head of Planning and Coastal Management stated that the Council only reported the number of enforcement notices served to the Government rather than the number of cases so it was difficult to compare the service with neighbouring authorities but he acknowledged that benchmarking should be looked at as part of the ongoing review work.

In response to Councillor Deacon's query about what happened after a case went to the Legal Team, the Licensing Manager and Housing Lead Lawyer explained that there were two main processes that the Team were involved in. The first was prosecutions, so following an Enforcement Notice not being complied with, Planning Officers presented the case to Legal, it was examined in liaison with the Officers to decide if it was in the public interest to prosecute and, if so, the Court was then asked for a date, a summons was issued and then it went to Court. He added that, since he had been involved, the Council had undertaken three prosecutions, all of which had been successful and resulted in conviction. The second, was by injunction requiring action to be taken, and again enough evidence needed to be gathered to seek an injunction and do an Expediency Report to determine if it was expedient and proper to seek an injunction and then the case went to the High Court. He added that he had been involved in two injunction cases and these had taken longer than he would have liked, one started last year but due to Covid, resource issues and also an issue with a previous barrister, this had resulted in delays, and the second case was politically sensitive but he hoped both injunctions would go out to the Court soon.

The Chairman asked if there was any way to speed up the cases that had gone on for years. The Planning Manager - Development Management stated that there were two parts to planning enforcement the planning and legal elements, however, the vast majority of planning enforcement work did not involve going to Court or injunctions but involved making planning judgements earlier on and that could include retrospective planning applications, appeals and Enforcement Notices. He reflected that the processes could be long winded and not necessarily clearly sequential as they could be cyclical, so it was not always the legal stage that was the slow part and he referred to a flow chart in the Policy which set out the process. He explained that the other area where there were delays was determining if a development was lawful or not, eg a potential breach was claimed to be permitted development or they did not need planning permission which could then get stuck in a process called Certificate of Lawful Use and that could include an appeal process which could take time too. He added that one area which had been sped up was changes to the scheme of delegation, in that the Head of Planning and Coastal Management now had delegated authority on all enforcement matters, eg not to pursue action and to serve notices, whereas previously the Committee had to approve the service of an Enforcement Notice which had caused delays.

In response to the Chairman's query about whether a clever defence could throw up appeals or procedural points to delay and hamper things, the Planning Manager -

Development Management stated that there were times when people played the system and made applications, sought an appeal or made another application etc so, whilst the planning stage went on, the ability to take enforcement action was hindered.

Councillor Coulam expressed concern at the lengthy delays due to the legal process which could take years and could look to the public that the Council was not doing its job. The Licensing Manager and Housing Lead Lawyer stated that, whilst it was not acceptable, there were two legal cases that were outstanding, one was Pine Lodge and the issue was that the officers who dealt with the case originally were no longer at the Council and, for some reason, the amounts on the charging order did not reflect any of the figures the Team or the Barrister could come up with. He added that none of the Courts seemed to know where the judgement had come from for this order but having spoken to the Barrister the Council was going to pursue it anyway. In relation to the other case, which started last year again, he admitted that this should have been prioritised differently.

Councillor Coulam queried if it was hoped to recruit another lawyer to help with the cases and the Licensing Manager and Housing Lead Lawyer responded that it was currently difficult to recruit lawyers so in the meantime he would ensure that enforcement cases were a higher priority in future and the new case he had referred to earlier was his number one priority.

Councillor Hedgley suggested that more resources were needed. The Cabinet Member responded that he was pleased to hear from Councillors that the Team should have more Planners but he pointed out that only a tiny number of enforcement cases went to the Legal Team. He added that he thought the Licensing Manager and Housing Lead Lawyer was being too hard on himself because he was not responsible for cases taking three years and everyone shared the frustration when cases took such a long time.

Councillor Deacon referred to page 9 which stated that there was a time limit for bringing legal proceedings and he asked if any cases had missed that time limit. In response, the Licensing Manager and Housing Lead Lawyer stated that none of the cases he had been involved in had missed a time limit for prosecution.

Councillor Goldson stated that he did not think the Council should employ more staff because of the cost to the taxpayer unless there was a benefit to have more Planning Officers eg what improvements would be seen in the short, medium and long term. The Cabinet Member responded that there was no plan to recruit more staff in enforcement at the moment but there were some current vacancies in the Planning Team which had arisen due to retirements and internal promotions, so the priority was to backfill those. He added that he might at some point ask for more officers but he wanted to see the results of the review first before making a decision and he agreed that he did not want to employ people unless there was good reason because it was public money.

The Chairman referred to the Head of Planning and Coastal Management's earlier comment that an additional Enforcement Officer(s) would not necessarily be of benefit but a Compliance Officer(s) who could check that developments were being built in accordance with approved plans might prevent a lot of cases coming to the Enforcement Team. The Planning Manager - Development Management agreed that

would be a good recommendation as the quality of developments taking place was an area the Council needed to focus on rather than just enforcement. He added that the Council now had a specialist services team to achieve the Government's expectations for good design, great landscaping and biodiversity which was going to require a lot of monitoring especially for big developments eg if the landscaping was not done well it could become an enforcement issue so it needed monitoring. He stated that he appreciated the positive comments regarding staff but pointed out that there were currently recruitment issues, although he acknowledged that enforcement staff could have transferable skills so if the Council wanted to expand the resource in that area in future we could grow and train our own to be good Enforcement Officers. He concluded that he wanted the Strategic Planning Committee report to set out an action plan and it was possible that the review of the whole service might identify the need for additional resources. In response to the Chairman seeking clarification regarding the type of additional resource required, the Head of Planning and Coastal Management stated that the Government was introducing the Levelling Up and Regeneration Bill and it was anticipated that there would be an increase in planning fees which might allow additional funding to employ additional staff on the enforcement/monitoring side so the Committee might wish to recommend that Officers explore opportunities to take this forward. He added that the design criterion on developments was ratcheting up, biodiversity, net gain, quality of places, healthy places etc so the Council needed to provide that reassurance to the community that where consent was granted, it was being implemented in accordance with plans and where it was not, we needed a faster track through to resolving matters to everyone's satisfaction.

Councillor Gandy queried if there were any apprenticeships within the Enforcement and Compliance Teams and if it would help lessen pressure on Officers to water down the response times in the Policy. The Planning Manager - Development Management referred to the fact that the Head of Planning and Coastal Management had worked with the RTPi to get planning apprenticeships underway and the Council currently had 5 or 6 Officers going through to Masters level and that gap would be filled when they became seniors in 5 years' time. He added that there was no reason why this could not be extended to Enforcement Officers.

In response to Councillor Lynch's query regarding sharing resources with other local authorities, the Planning Manager - Development Management stated that East Suffolk worked closely with other Suffolk Local Authorities to try to share the load but all the Council's had busy caseloads.

Councillor Robinson asked about time limits for legal proceedings and the Licensing Manager and Housing Lead Lawyer responded that either way offences did not have time limits but if the Council tried to prosecute 20 years after the event, the Court might say it was not in the interests of justice to proceed. He explained that the time limits applied from when the Enforcement Notice was not complied with, so it was not a case of six months from when a building went up. Once an Enforcement Notice was issued, if it was an either way or indictable only there were no time limits but if it was summary only there was a six months' time limit. He clarified that the offence was not normally the actual construction of the building but the offence was the failure to comply with the Enforcement Notice.

Councillor Gandy queried if the Council could legally amend the times for responses and, if so, would that alleviate pressure on staff. The Planning Manager - Development Management stated that the Planning Enforcement Policy timeframes could be amended as it was a discretionary service, however, he suggested that it was not necessarily the timeframes but the volume of cases that were the issue. He added that, if the timeframes were extended, the Council would still need to deal with the level of perception and expectation by the public on how quickly they felt things should be dealt with and a lot of time was spent in explaining the processes, so he would rather try to be more effective on how things were done in those periods of time rather than extend the timeframes.

Councillor Goldson queried what the report to the Strategic Planning Committee would contain and suggested it would be better for the Scrutiny Committee to see it before them. The Planning Manager - Development Management confirmed that the report would include a number of actions to improve things and also various changes to the way things operated including setting the scene on some work going on behind the scenes that Planning Committee Members were not aware of but was quite important on how the Team became more efficient. The Chairman agreed that he would have preferred this Committee to be able to inform the Strategic Planning Committee report and pointed out that if it was to come back to Scrutiny the earliest date would be April 2023.

The Licensing Manager and Housing Lead Lawyer reported that his Team was trying to recruit an additional Litigation Lawyer who could assist with planning enforcement but he reiterated that it was difficult to recruit.

The Cabinet Member reiterated that the most common outcome of enforcement complaints was that there was no actual breach and only a few cases were passed to the Legal Team. He thanked Officers and suggested that the Scrutiny Committee might want to look at this again in a year's time when improvements had time to bed in.

A discussion ensued on whether to make a recommendation supporting the principle of the Cabinet Member and Officers exploring the provision of additional resource, within the compliance area, if it was found that this would support the Enforcement Team moving forwards. Councillor Goldson stated that he felt it would not be appropriate for the Scrutiny Committee to support even the principle of additional resource without seeing the Strategic Planning Committee report and action plan. The point was made that the Scrutiny Committee could always review the matter again once the report and action plan was considered by the Strategic Planning Committee.

#### **RESOLVED**

That the Cabinet Member with responsibility for Planning and Coastal Management note that the Scrutiny Committee would support the principle of exploring opportunities for additional resource in the compliance and monitoring area to support and improve the Enforcement Service.

**The meeting adjourned for a comfort break at 7.53pm and resumed at 8pm.**

**Councillor Coulam left the meeting.**

## **5 Cabinet Member Scrutiny Session**

The Chairman welcomed and thanked Councillor Ritchie, Cabinet Member with responsibility for Planning and Coastal Management who gave a brief verbal presentation in relation to Local Plans. Several queries were raised in relation to Neighbourhood Plans and the Cabinet Member explained they were a material planning consideration and could not be ignored so were not a waste of time. He also confirmed that Town and Parish Councils could restrict the sale of dwellings in their Plan to principal residences only which helped those areas where the provision of affordable housing and second home ownership was a particular issue. The Committee also noted that it was hoped eventually to have only one plan which covered the entire District but that paid attention to the different areas.

The Cabinet Member also gave a brief verbal presentation in relation to the Development Management side of his portfolio. He explained that workloads continued to be high nationally and that all East Suffolk's major applications had met their timescales within the last three months and, although some of the smaller ones had slipped, he was confident that the Team would get back to meeting national targets and the Council's own stretch targets soon.

## **6 Scrutiny Committee Work Programme**

The Scrutiny Committee received and reviewed its current forward work programme and the Chairman confirmed that the next meeting on 14 July 2022 would review the Council's progress following the Declaration of a Climate Emergency.

The meeting concluded at 8.30pm.

.....  
Chairman



## STRATEGIC PLANNING COMMITTEE

Monday, 10 October 2022

<b>Subject</b>	Enforcement Performance Report – April to June 2022
<b>Report by</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Cate Buck Senior Planning & Enforcement Officer <a href="mailto:Cate.buck@eastsoffolk.gov.uk">Cate.buck@eastsoffolk.gov.uk</a> 01394 444290  Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 <a href="mailto:ben.woolnough@eastsoffolk.gov.uk">ben.woolnough@eastsoffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:katherine.scott@eastsoffolk.gov.uk">katherine.scott@eastsoffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

**Purpose of Report:**

To provide information on the performance of the enforcement section of the Development Management Team.

**Options:**

Not applicable.

**Recommendation/s:**

That the content of the report be noted

## Corporate Impact Assessment

**Governance:**

Not applicable

**ESC policies and strategies that directly apply to the proposal:**

East Suffolk Council Enforcement Policy

**Environmental:**

Not applicable

**Equalities and Diversity:**

Not applicable

**Financial:**

Not applicable

**Human Resources:**

Not applicable

**ICT:**

Not applicable

**Legal:**

Not applicable

**Risk:**

Not applicable

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b> To provide information on the performance of the enforcement section			



## Background and Justification for Recommendation

1 Background facts	
1.1	Following the adoption of the new Local Enforcement Plan in March 2019 and the formation of the new East Suffolk Council section it was decided that a report be presented on a quarterly basis from August 2019.
1.2	Between January and March, two Enforcement Notices, one S215 Untidy Site Notice and one Listed Building Enforcement Notice was served.

2 Current position				
2.1	<b><u>Cases Received and Closed April to June 2022</u></b>			
	<b><u>Month</u></b>	<b><u>Cases Received</u></b>	<b><u>Cases Closed</u></b>	
	<b>April</b>	43	116	
	<b>May</b>	31	54	
	<b>June</b>	45	37	
	*Please note all new complaints are logged, site visited and then triaged in accord with the appropriate risk assessment.			
2.2	<b><u>Reasons for Closure</u></b>			
	<b><u>Reason</u></b>	<b><u>April</u></b>	<b><u>May</u></b>	<b><u>June</u></b>
	<b>No Breach</b>	73	23	17
	<b>Compliance/use ceased</b>	11	13	6
	<b>Planning Permission Granted</b>	27	7	8
	<b>Permitted Development</b>	1	4	0
	<b>Other Department</b>	1	1	0
	<b>Withdrawn</b>	1	0	2
	<b>De Minimus</b>	2	6	4

2.3

**Time taken to close cases**

<b><u>Time taken to close cases</u></b>	<b><u>Cases Closed in April</u></b>	<b><u>Cases Closed in May</u></b>	<b><u>Cases Closed in June</u></b>
<b><u>1-10 days</u></b>	2	2	2
<b><u>11-20 days</u></b>	6	9	4
<b><u>21-30 days</u></b>	2	7	2
<b><u>31-40 days</u></b>	0	0	3
<b><u>41 + Days</u></b>	106	36	26
<b><u>Total</u></b>	<b>116</b>	<b>54</b>	<b>37</b>

2.4

**Enforcement Notices Served April to June 2022**

<b><u>Type of Notice</u></b>	<b><u>Address</u></b>	<b><u>Breach</u></b>	<b><u>Compliance period</u></b>
Enforcement Notice	26 Highland Drive, Worlingham	Erection of a fence over 1m adjacent to a highway	3 months
Breach of Condition Notice	Land at Dairy Farm Cottage	Breach of condition	3 months
Enforcement Notice Operational Development and Material Change of Use	Paddock 2, The Street, Lound	Erection of structures and change of use of land for stationing of residential mobile home	4 months
Enforcement Notice	40 Victoria Street, Southwold	Installation of rooflight	3 months
Enforcement Notice	18 The Esplanade, Lowestoft	Change of use for stationing of mobile homes	4 months

<b>3</b>	<b>How to address current situation</b>
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3.1	Quarterly monitoring
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<b>4</b>	<b>Reason/s for recommendation</b>
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4.1	That the report concerning Enforcement Team statistics be received
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## Appendices

<b>Appendices:</b>
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None
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<b>Background reference papers:</b>
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None
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**STRATEGIC PLANNING COMMITTEE**

**Monday, 10 October 2022**

<b>Subject</b>	Appeals Performance Report – 20 May to 19 September 2022
<b>Report by</b>	Councillor David Ritchie  Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 <a href="mailto:Ben.woolnough@eastsuffolk.gov.uk">Ben.woolnough@eastsuffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:Katherine.scott@eastsuffolk.gov.uk">Katherine.scott@eastsuffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

**Purpose of Report:**

This report provides an update on the planning performance of the Development Management Team in terms of the quality and quantity of appeal decisions received from the Planning Inspectorate following refusal of planning permission by East Suffolk Council.

**Options:**

None.

**Recommendation/s:**

That the content of the report be noted

## Corporate Impact Assessment

**Governance:**

Not applicable.

**ESC policies and strategies that directly apply to the proposal:**

Not applicable.

**Environmental:**

Not applicable.

**Equalities and Diversity:**

Not applicable.

**Financial:**

Not applicable.

**Human Resources:**

Not applicable.

**ICT:**

Not applicable.

**Legal:**

Not applicable.

**Risk:**

Not applicable.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
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P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
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<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
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<b>T05</b>	<b>Caring for our Environment</b>		
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P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b> To provide information on the performance of the enforcement section			

## Background and Justification for Recommendation

1 Background facts	
1.1	The report is presented to Members as rolling reporting mechanism on how the Council is performing on both the quality and quantity of appeal decisions received from the Planning Inspectorate.
2 Current position	
2.1	A total of 12 planning appeal decisions (with one associated costs appeal) and one enforcement appeal have been received from the Planning Inspectorate since the 20 May 2022 following a refusal of planning permission from East Suffolk Council. In addition to these appeals, a decision was also received in relation to an application for Judicial Review of a previous appeal decision.
2.2	A summary of all the appeal decisions received is appended to this report (Appendix A).
2.3	The Planning Inspectorate monitor appeal success rates at Local Authorities and therefore it is important to ensure that the Council is robust on appeals, rigorously defending reasons for refusal. Appeal decisions also provide a clear benchmark for how policy is to be interpreted and applications considered.
2.4	Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% appellant success rate for major applications, 27% success rate for minor applications and 39% success rate for householder applications.
2.5	11 of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management, with the remaining one being determined at South Planning Committee.
2.6	Of the planning appeals, eight of the decisions were dismissed (66.6%) and four of the decisions were allowed (33.3%) by the Planning Inspectorate.
2.7	Nine of the appeals were for minor applications with four allowed (44%) and five dismissed (56%).
2.8	Two of the appeals were for householder applications and both were dismissed (100%).
2.9	The other appeal decision related to a certificate of lawfulness application. It was dismissed.
2.10	There are no significant issues arising with the planning appeals which have been allowed, although the appendix provides a summary of learning points of all appeals.

2.11	An application for Judicial Review against the decision of the Planning Inspector to dismiss an appeal against the refusal of a Prior Notification application for the conversion of a building to a dwelling under Class Q, and the associated refusal of an application for costs was also refused. A summary of this decision is included within Appendix A.
2.12	Members will note that one claim of costs against the Council has been received, with the decision refused on the grounds that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated, and therefore costs were not awarded to the appellant.

### 3 How to address current situation

3.1	Quarterly monitoring
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### 4 Reason/s for recommendation

4.1	That the report concerning the appeals decisions received is noted
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## Appendices

### Appendices:

<b>Appendix A</b>	Summary of all appeal decisions received
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### Background reference papers:

None.
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**Appendix A**

The following appeal decisions have been received. The full reports are available on the Council's website using the unique application reference.

Planning Appeals relating to 'Majors'

There were no appeal decisions relating to 'Major' applications during this quarter.

Planning Appeals relating to 'Minors'

<b>Application number</b>	DC/21/0506/FUL
<b>Appeal number</b>	APP/X3540/W/21/3284215
<b>Site</b>	Former garden to rear of Fauconberg House, Ballygate, Beccles, NR34 9ND
<b>Description of development</b>	The construction of a three storey dwelling and garage with new vehicular access.
<b>Committee delegated</b>	Delegated
<b>Appeal decision date</b>	13 <sup>th</sup> June 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	<ul style="list-style-type: none"> <li>• The effect on the character and appearance of the conservation area and on the streetscene.</li> <li>• the effect on the living conditions of the neighbouring occupier; and</li> <li>• the adequacy of the vehicular access and parking provision.</li> </ul>
<b>Summary of decision</b>	<p>The inspector noted the prominence of the site within the Beccles Conservation Area. It was considered that the proposal would appear dominant in the streetscene and have a harmful effect on the character and appearance of the conservation area and on the streetscene. The design was considered to be neither modern nor reflective of the quality of the buildings that are typical of the conservation area. The loss of the open site would also be harmful given that that such open spaces are a feature of the area. However, it was noted that this may be justified by a building of truly high-quality design.</p> <p>The inspector did not consider that the proposal would have a detrimental impact on the amenity of the properties within the vicinity and therefore considered that the proposal would protect neighbour amenity.</p> <p>The inspector highlighted that the safety of road users, including pedestrians, was of great importance and was not convinced that a safe arrangement for the ingress/egress for motor vehicles generated by a 4-bedroom dwelling could be achieved.</p>

<b>Learning point / actions</b>	<p>The importance of high-quality design and the weight given to this by inspectors.</p> <p>Impact on amenity is a matter of judgement and not always easy to demonstrate harm.</p>
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<b>Application number</b>	DC/21/3964/OUT
<b>Appeal number</b>	APP/X3540/W/21/3286490
<b>Site</b>	White Willow Barn, The Street, St James, South Earlham, IP19 0HN
<b>Description of development</b>	Demolition of a redundant building and erection of a sustainable four-bedroom single story dwelling
<b>Committee delegated</b>	Delegated
<b>Appeal decision date</b>	27 <sup>th</sup> June 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The suitability of the site's location for residential development.
<b>Summary of decision</b>	<p>The Inspector noted that St James is a small settlement that has no defined settlement boundary.</p> <p>The Inspector agreed that the proposal did not meet any of the three criteria of Policy WLP8.7 - "Small Scale residential Development in the Countryside".</p> <p>The site was not considered to be within an identifiable gap within the built-up area of a settlement, since the site is at the end of a long track which emerges at the road within a small gap that could not accommodate a dwelling. Although there are existing residences on each side of the access track, there are not houses on each side of the site which is well back from the road and surrounded by open countryside. The development would also extend further into the undeveloped countryside than the existing extent of the built-up area.</p> <p>It was also agreed that the two nearby small settlements, found in opposite directions only offered very limited facilities and the towns of Halesworth, Bungay and Harleston were too far to be considered as accessible by cycle to any realistic extent, so that the private car would be the most likely mode of transport for everyday living. Therefore, the development could not be regarded as sustainable.</p>
<b>Learning point / actions</b>	A very clear-cut case so no particular learning points.

<b>Application number</b>	DC/21/0731/FUL
<b>Appeal number</b>	APP/X3540/W/21/3275958
<b>Site</b>	19 Manning Road, Felixstowe IP11 2AY
<b>Description of development</b>	Demolition of workshop and replacement with 1no detached dwelling, alterations and extension to existing building to retain shop/office and provide 2no one bedroom first floor flats and 1no two-bedroom dwelling.
<b>Committee delegated</b> /	Delegated
<b>Appeal decision date</b>	25 July 2022
<b>Appeal decision</b>	Allowed with conditions
<b>Main issues</b>	Whether the proposed development makes suitable provision for parking and any associated effects on highway safety and the effect of the proposal on the integrity of the features of European nature conservation sites situated along the Suffolk coast.
<b>Summary of decision</b>	<p>The Inspector noted that although the proposal would result in additional on-street parking, they were mindful that the existing flat only has one space, in the garage accessed from Holland Road. Under the Guidance, as a new development, this would require three spaces. Were the commercial use of the whole of the ground floor to be reinstated it would also be likely to generate some on-street parking demand throughout the day for staff, clients, and customers.</p> <p>The Inspector considered that the concerns regarding the availability of on-street parking near to the site identified by the Council, Highway Authority and a resident were not supported by any substantive evidence, such as a thorough a parking survey to address parking demand during the day and throughout the week. If there are parking pressures within the locality, these are unlikely to recede with the in situ uses and the extent of the demand for parking associated with the proposal is likely to be only marginally greater than for those uses. The occupants / users of the proposed development would therefore be no more likely than those of in situ uses or residents of other properties to park indiscriminately within neighbouring streets, including in areas that remain marked with double yellow lines. The Inspector concluded that the proposed development would make suitable provision for parking and would not have a harmful effect on highway safety.</p> <p>Matters relating to the lack of RAMS contribution during the application were satisfied by receipt of payment during the</p>

	appeal. The second reason for refusal was not upheld by the Council and the Inspector agreed that the development would not result in the likelihood of any adverse effects upon the integrity of European sites protected under the Habitats Regulations.
<b>Learning point / actions</b>	Whilst additional evidence was sought from the Highways Authority during the application, evidence to the extent sought by the Inspector was not available. This appeal decision has been passed to the Highways Authority to highlight the level of information required to support a refusal, who are seeking to review how they record on street parking concerns (via parking surveys, etc).

<b>Application number</b>	DC/21/4383/FUL
<b>Appeal number</b>	APP/X3540/W/22/3290798
<b>Site</b>	Deben Cottage, High Road, Swilland, IP6 9LR
<b>Description of development</b>	Demolition of existing garage, severance of part of side garden, creation of new double access and crossover, and erection of new single storey private dwelling
<b>Committee delegated /</b>	Delegated
<b>Appeal decision date</b>	30 June 2022
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The impact of the design of the new dwelling upon the character and appearance of the surrounding area; and a RAMS financial contribution had not been made at the when the decision was issued.
<b>Summary of decision</b>	<p>The Inspector concluded that the introduction of a more contemporary style of dwelling of the form proposed would not be overly prominent or incongruous in the location. It would suitably add to the existing variety of properties within the area.</p> <p>A RAMS payment has been made and therefore the financial contribution would count as mitigation toward maintaining the integrity of the Deben Estuary and the Stour and Orwell Estuaries as SPA/RAMSAR sites.</p>
<b>Learning point / actions</b>	The design and layout of the new dwelling, although not of a traditional appearance like many of the surrounding properties, did not cause harm to the character of the surrounding area and therefore was not seen to be contrary to design policies.

<b>Application number</b>	DC/20/4151/OUT
<b>Appeal number</b>	APP/X3540/W/21/3277322
<b>Site</b>	Land Between The Entrance To The Sandlings Caravan Park And Rondebosch
<b>Description of development</b>	Outline Application (All Matters Reserved) - Construction of up to three dwellings with all matters reserved
<b>Committee delegated</b>	Delegated
<b>Appeal decision date</b>	17 June 2022
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	<p>Whether the proposal is consistent with policies relating to housing in rural areas, with regard to its location, accessibility to services and facilities, and effect on the character and appearance of the site and its surroundings, including the landscape and scenic beauty of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.</p> <p>The effect of the proposal on the integrity of the features of European nature conservation sites situated along the Suffolk coast.</p> <p>The effect of the proposal on protected species within the site and its surroundings.</p>
<b>Summary of decision</b>	<p>The inspector considered that there was development on two sides of the site even though the site to the north had a large curtilage which created a gap between the proposed site and the neighbouring dwelling. The inspector considered the proposed site to comply with the criteria of what constituted being within a cluster and due to the vegetation around the boundary of the site, did not feel that it would extend the built-up area into the surrounding countryside.</p> <p>A RAMS payment has been made and therefore the financial contribution would count as mitigation toward maintaining the integrity of the Deben Estuary and the Stour and Orwell Estuaries as SPA/RAMSAR sites.</p> <p>An updated ecological survey was provided to the inspector which was found to be satisfactory in order to negate any concern over the potential impact to protected species.</p>
<b>Learning point / actions</b>	The inspector considered the gap the site was located in and the large curtilages of the neighbours to form a cluster, even though one site was orientated diagonally, on the opposite side of the road to where the LPA considered the cluster to be.

	<p>The inspector also didn't consider that the development would extend into the countryside as there was further development a short distance away in all directions even if they were separated by open land such as a small paddock or area of grassland.</p> <p>This decision pre-dates the future adoption of the emerging Supplementary Planning Guidance Document on the Cluster Policy, which will influence the way such sites are considered in the future and therefore this decision should necessarily be seen as setting a precedent for sites elsewhere.</p>
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<b>Application number</b>	DC/21/3336/OUT
<b>Appeal number</b>	APP/X3540/W/21/3287950
<b>Site</b>	Land North East of The Mount, Church Lane, Westerfield.
<b>Description of development</b>	The erection of 1 no. Detached dwelling with detached garage.
<b>Committee delegated</b>	Delegated
<b>Appeal decision date</b>	14 June 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Whether the site represents an appropriate location for the proposed dwelling, having regard to the housing strategy for the plan area.
<b>Summary of decision</b>	<p>The proposal would be adjacent to, but outside of, the settlement boundary of Westerfield as defined by the Local Plan. This means that the site is treated as countryside for the purposes of applying relevant development plan policy.</p> <p>The proposal would not accord with any of the specific criteria in Policy SCLP5.3 where outside of the defined settlement boundaries new residential development is permitted in the countryside. Nor would it accord with Policies SCLP5.2, SCLP5.4 or SCLP5.7 which establish other examples where housing is permitted in the LP area.</p> <p>There is no substantive evidence of a specific housing need in the village that would be served by the proposal and there is no dispute whether the Council can currently demonstrate a 5-year supply of housing.</p> <p>The proposal would not accord with the plan led strategy for housing and growth of the LP and there are no identified policies that would expressly permit housing in this location.</p>

<b>Learning point / actions</b>	To allow development contrary to the provision of relevant policy would undermine and dilute the plan-led system and the future pattern of development in East Suffolk Council.
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<b>Application number</b>	DC/21/1549/FUL
<b>Appeal number</b>	APP/X3540/W/22/3290649
<b>Site</b>	7 Sea Road, Felixstowe
<b>Description of development</b>	Conversion of ground floor commercial unit to provide new homes, including minor ground floor infill.
<b>Committee delegated /</b>	Committee
<b>Appeal decision date</b>	28 July 2022
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The effect of the proposal on the availability of commercial floorspace in this location.
<b>Summary of decision</b>	<p>The appeal property is a four-storey building with additional accommodation in the roof space and includes a vacant commercial ground floor unit together with residential accommodation comprising 22 flats. It is located on a corner plot next to the junction of Sea Road and Granville Road within the Felixstowe (South) Conservation Area. The site is also located in the Spa Pavilion to Manor End policy area, which includes a mix of uses along the sea front providing attractions for residents and visitors.</p> <p>The Council's principal concern relates to the property's marketing in that it took place during a period of unusual economic circumstances, particularly related to the Covid-19 pandemic, and that an additional period of at least 12 months marketing should be undertaken because there is insufficient certainty that a commercial use of the ground floor unit is not viable.</p> <p>The marketing exercise had been undertaken between October 2019 to June 2022, a period of some 32 months. This means that marketing took place for some 16 months outside the Covid-19 lockdown period. Furthermore, 7 months of marketing has taken place since the Council's committee meeting on the planning application, with no end operator coming forward.</p> <p>Therefore, while the economic context of both the pandemic and the UK's departure from the European Union is noted, the appellant has undertaken a comprehensive marketing exercise for considerably longer than the minimum 12 months required by policy. This includes a substantial period beyond the Council's</p>

	<p>decision, which goes some way to addressing the concerns expressed for a further marketing period. It would therefore be unreasonable to conclude that in the particular circumstances of this case the appellant has not met the marketing requirements included in Policy SCLP4.4.</p> <p>The proposed residential use, with design and materials to match the floors above, would be beneficial in improving the appearance of the building and street scene, and would enhance the appearance of the Felixstowe (South) Conservation Area.</p> <p>Policy SCLP12.14 provides for some flexibility where resort related uses are not possible or unviable. The policy indicates that residential units may be provided in such circumstances on upper floors or at the rear of sites. However, in this particular case, the inspector has concluded that the proposal does not conflict with Policy SCLP4.4 and the specific benefits outlined, following extensive marketing, can only be achieved through the re-use of the ground floor as a whole. Therefore, the fact that the residential use would not be on an upper floor or at the rear should not weigh against the proposal.</p> <p>While the Council does not have a shortfall in housing land supply, this should not prevent the provision of the four units where no material harm would otherwise arise as a result of the proposal.</p> <p>Accordingly, for all the above reasons, it is concluded that in the specific circumstances of this case, as there is no direct conflict with Policies SCLP4.4 and SCLP12.14 of the Suffolk Coastal Local Plan as the proposal would not have a harmful effect on the availability of commercial floorspace in this location.</p>
<b>Learning point / actions</b>	<p>Despite unusual economic circumstances, the Inspector felt that the amount of marketing undertaken (both inside and outside the pandemic) it would be unreasonable to conclude that the marketing requirements of Policy SCLP4.4 had not been satisfied.</p> <p>Further, it was concluded that, despite the fact that the residential use would not be on an upper floor or at the rear, this should not weigh against the proposal as it would not have a harmful effect on the availability of commercial floorspace in this location given the evidence provided.</p>



<b>Application number</b>	DC/21/3057/OUT
<b>Appeal number</b>	APP/X3540/W/21/3285956
<b>Site</b>	Land Rear of 108 -114 High Road West, Felixstowe IP11 9AL
<b>Description of development</b>	Erection of a Bungalow
<b>Committee delegated</b>	Delegated
<b>Appeal decision date</b>	14 June 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The effect of the proposal on the character and appearance of the surrounding area.
<b>Summary of decision</b>	<p>The appeal site sits within an area of land between High Road West, Exeter Road and Candlelit Grove. The distance to the surrounding dwellings from the appeal site results in a distinctly spacious quality. The proposal would have introduced a single dwelling in this open area, away from the road. In this regard, it would fail to harmonise with the established surrounding pattern of housing.</p> <p>Accessed by a narrow driveway passing very near building sat Nos 112and 114 and behind gardens, it would appear as a contrived ad-hoc development.</p> <p>The Inspector concludes that the proposal would have a harmful effect on the character and appearance of the surrounding area, which conflict with the requirements of Policy SCLP11.1 of the Council's Suffolk Coastal Local Plan (2020) and paragraphs 130 and 134 of the National Planning Policy Framework( 2021). These stipulate, amongst other things, that the layout should fit in well with the existing neighbourhood layout and respond to the ways people and vehicles move around both internal and external to existing and proposed buildings.</p>
<b>Learning point / actions</b>	This confirms our approach to the consideration of impact upon the character of an area, arising from single plots of a backland nature.

<b>Application number</b>	DC/20/4968/OUT
<b>Appeal number</b>	APP/X3540/W/21/3283024
<b>Site</b>	Camelot, Mill Road, Wissett, Halesworth, Suffolk IP19 0RA
<b>Description of development</b>	Outline application (some matters reserved) for residential development of up to 4 No. dwellings with new access and associated parking following demolition of the existing dwelling Camelot.
<b>Committee delegated</b>	/ Delegated
<b>Appeal decision date</b>	9 August 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	<p>The main issues identified by the Inspector were:</p> <ul style="list-style-type: none"> <li>• future occupiers of the proposal would have reasonable access to regularly required services and facilities;</li> <li>• the proposal would be appropriate with regard to the loss of the existing dwelling and to its effect on the setting of grade II listed Grove Farmhouse;</li> <li>• any effects of the proposal on European designated nature conservation sites in the wider area would be mitigated.</li> </ul>
<b>Summary of decision</b>	<p>The Inspector agreed with the LPA that the site is poorly connected to local services and facilities, explaining that whilst Public Rights of Way may provide some attractive rural walking routes, it would be less likely they would be used to access services and facilities on a day-to-day basis, and opportunities to use sustainable transport would be limited in this location, so travel to and from the site would be heavily reliant upon private motor vehicles, and the scheme is contrary to Policy WLP8.21, and paragraphs 105 and 124 of the NPPF.</p> <p>The Inspector also agreed that whilst there is a gap between 'Camelot' and the group of dwellings at Grove Farmhouse, the site did not constitute a clearly identifiable gap within a built-up area of settlement within the countryside, particularly as there are not dwellings on two sides, and in whatever way the dwellings were to be arranged, they would extend further into the undeveloped countryside. The scheme was therefore contrary to Policies WLP8.7, WLP1.1, WLP1.2 and WLP7.1.</p> <p>It is agreed that the existing dwelling is a Non-designated Heritage Asset (NDHA). The Inspector agreed that the proposal provides no firm evidence that the building is beyond viable repair or could not be sustained as part of an alternative scheme. Its demolition would therefore conflict with Policy WLP8.38.</p>

	<p>The adjacent dwelling (Grove Farmhouse) is a Grade II Listed building, and therefore the requirements of the Listed Buildings and Conservation Areas Act 1990, require special regard to its setting. The Inspector concluded there would be harm to its setting through the construction of four dwellings, no matter their design or layout, by virtue of the historically isolated setting of the listed building and how this is appreciated.</p> <p>The Inspector concluded as the RAMS payment had not been provided, they were unable to reach a conclusion of there being no adverse effects on the integrity of European Sites, and therefore the scheme fails to satisfy the requirements of the Habitats Regulations and Policy WLP8.34.</p> <p>The inspector also considered the potential benefits of a net increase of 3 dwellings, the demand for self-build dwellings in the locality, and potential economic benefits, concluding that whilst they may be of some benefit, these did not outweigh the harm.</p>
<b>Learning point / actions</b>	<p>This confirms our approach to the application of Policy WLP8.7 in relation to dwellings in the countryside, and our approach in relation to the consideration of the loss of NDHAs and the setting of Listed Buildings.</p> <p>It also confirms the need for RAMS payments for such proposals.</p>

Planning Appeals relating to 'Others' (including householders)

<b>Application number</b>	DC/21/4699/FUL
<b>Appeal number</b>	APP/X3540/D/22/3291450
<b>Site</b>	14 Yewdale, Carlton Colville, Lowestoft, NR33 8WF
<b>Description of development</b>	Construction of a balcony to porch roof.
<b>Committee delegated</b>	Delegated
<b>Appeal decision date</b>	21 June 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The effect of the proposal on the character and appearance of the streetscene, and on the living conditions of neighbouring occupiers.
<b>Summary of decision</b>	The inspector concluded that the balcony would be visible from the adjacent public footpath, and that the balcony in particular

	<p>the obscured glazed side panels would be jar with the generally restrained architecture of this group of properties and the estate generally.</p> <p>In addition, they concluded that normal consideration for neighbours would effectively avoid any loss of privacy. However, they considered that the use of the balcony could result in unintended noise and disturbance to the neighbour. This would be different to activity that occurs in a next door garden behind a substantial fence, because of the height at which it would take place. Therefore, they deemed the proposal would be harmful to both the character and appearance of the 'streetscene' and to the living conditions of neighbouring occupiers.</p>
<b>Learning point / actions</b>	The key matters for consideration were matters of judgement by those determining the application/appeal, but the decision suggests normal considered use of a balcony should be taken into account when assessing overlooking.

<b>Application number</b>	DC/20/2751/FUL
<b>Appeal number</b>	APP/X3540/D/225/3291289
<b>Site</b>	9 The Street, Cratfield, IP19 0BS
<b>Description of development</b>	The erection of a detached garage building.
<b>Committee delegated /</b>	Delegated
<b>Appeal decision date</b>	27 June 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The effect of the proposal on the streetscene.
<b>Summary of decision</b>	The inspector concluded that the proposed garage would cause adverse visual impact and therefore, be harmful to the streetscene to an unacceptable extent. The harm arising as a result of this application would be considered to outweigh the private benefit gain that the garage would bring to the appellants.
<b>Learning point / actions</b>	Good decision indicating that detached outbuildings/garages ahead of the principal elevation cause adverse impact upon the streetscene and should be resisted where there is no given precedent.

<b>Application number</b>	DC/20/4426/CLP
<b>Appeal number</b>	APP/X3540/X/21/3277801
<b>Site</b>	Glebe Farm Church Road, Ellough, BECCLES, NR34 7TR
<b>Description of development</b>	The development for which a certificate of lawful use or development is sought is confirmation that following the completion of development under planning permission DC/14/1917/FUL as amended by planning permission DC/18/4872/VOC condition 1 of planning permission reference DC/18/4872/VOC no longer applies to the site and additional units can be placed on the site without being constrained by the approved layout subject to the site remaining in a mixed use of caravan and equestrian uses
<b>Committee delegated</b>	/ Delegated
<b>Appeal decision date</b>	18 July 2022
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Whether the decision to refuse to grant the certificate of lawful development was well-founded.
<b>Summary of decision</b>	<p>The inspector sets out the relevant planning history including DC/18/4872/VOC, and explains it is for the appellant to prove all elements of their case on a balance of probabilities, and they must prove that:</p> <ul style="list-style-type: none"> <li>a) The Permission is extant;</li> <li>b) That if Condition 1 on the Permission had been fully complied with it would not have a continuing effect to restrict the layout; and</li> <li>c) That additional units could therefore be placed on the site without being constrained by the layout plan subject to the site remaining in a mixed caravan and equestrian use.</li> </ul> <p>The Inspector states that the parties accept that this consent is extant and that condition 1 prevents the use of the development until it has been completed in accordance with the approved plans.</p> <p>At no point during the application or appeal has the appellant provided a specific number of additional units to be considered, and this leads to imprecision in the description of the proposed development.</p> <p>The Inspector states in paragraph 14 of the decision:  <i>"It is not possible from the appellant's description of proposed development to know whether the stationing of additional units would lead to a material change of use, irrespective of whether it would remain in the same mixed use. The description is simply too vague and as it is not possible to ascertain whether there</i></p>

	<p><i>would be a material change of use, it is therefore also not possible to say whether the proposed development would be lawful.”</i></p> <p>The inspector also explains in paragraph 17 of the decision that: <i>“While there may be no conditions limiting the number of units that can be stationed on the site, an increase in the number of units could lead to a material change of use which would require express permission as set out above.”</i></p>
<b>Learning point / actions</b>	The descriptions on Lawful Development Certificates need to be precise and avoid being too wider as to preclude future enforcement action if intensification occurs, that results in a material change of use.

#### Appeals relating to Part 3 Prior Notifications

There were no appeal decisions relating to Prior Notifications under Part 3 of the General Permitted Development Order, during this quarter.

#### Enforcement Decisions

There were no appeal decisions relating to Enforcement Notices, during this quarter.

#### Costs Decisions

<b>Application number</b>	DC/21/1549/FUL
<b>Appeal number</b>	APP/X3540/W/22/3290649
<b>Site</b>	7 Sea Road, Felixstowe
<b>Description of development</b>	Conversion of ground floor commercial unit to provide new homes, including minor ground floor infill.
<b>Committee delegated /</b>	Committee
<b>Appeal decision date</b>	28 July 2022
<b>Appeal decision</b>	Application for costs Refused
<b>Main issues</b>	The applicant’s basis for claiming full costs relates to the Council’s alleged incorrect interpretation and implementation of its own development plan policy SCLP4.4.
<b>Summary of decision</b>	<p>The Council’s concern is that the property was marketed during a period of unusual economic circumstances, particularly related to the Covid-19 pandemic and that an additional period of at least 12 months marketing should be undertaken.</p> <p>It is generally accepted that the circumstances resulting from the pandemic were highly exceptional, including periods of significant economic inactivity and uncertainty. Given these highly exceptional circumstances, it was not found unreasonable</p>

	<p>for the Council to have regard to them as material to its interpretation of Policy SCLP4.4.</p> <p>Moreover, had the Council accepted that the marketing met the requirements of the policy it is not possible to infer that it would have reached a different decision given that the application was also found contrary to SCLP12.14, specifically that the loss of the commercial space would not support resort related uses on the Sea Road frontage.</p> <p>Taking these findings as a whole, it was found that there is no basis upon which to conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, had been demonstrated and an award of costs is therefore not justified.</p>
<b>Learning point / actions</b>	The Council's approach with regard to this proposal did not amount to unreasonable behaviour on its part.

#### Judicial Review Applications of previous Planning Appeals

<b>Application number</b>	DC/20/4032/PN3
<b>Appeal number</b>	APP/X3540/W/21/3274988
<b>Site</b>	Barn A, Land adjacent Former Woodbarn Cottages, Seckford Hall Road, Great Bealings, Suffolk, IP13 6NX
<b>Description of development</b>	Prior Notification - Conversion of an agricultural building to a dwelling house pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning
<b>Committee / delegated</b>	Delegated
<b>Application for Judicial Review decision date</b>	27 July 2022
<b>Application for Judicial Review decision</b>	<p>The application for Judicial Review was refused, and the costs of the process were to be paid by the claimant (i.e. the applicant) to the defendant (the planning inspectorate).</p> <p>Summaries of the appeal decision (dismissed) and the associated application for costs was also made by the appellant (refused) (appeal reference APP/X3540/W/21/3274988) can be found in Appendix A of the report to <a href="#">Strategic Planning Committee in June 2022</a>.</p>
<b>Main issues</b>	The application for Judicial Review was submitted on the basis of the two grounds on which the appeal was dismissed and the claimant (i.e. the applicant) sought permission to challenge the

	decision of the Planning Inspector to dismiss the appeal 3 March 2022.
<b>Summary of decision</b>	<p>There have been five refused applications on this particular building since 2012, two planning applications and three Prior Notifications, the third of which was the subject of this appeal. The two previous appeals relating to Prior Notification for the change of use of this building and associated works were also dismissed (references DC/14/1941/PN3, APP/J3530/A/14/2229019 and DC/16/3427/PN3, APP/J3530/W/17/3166437)).</p> <p>The Inspector dismissed the appeal against the refusal of the application for Prior Notification Approval for the conversion of a building to a dwelling under Class Q. The decision was made on two key grounds, the first of which related to the extent of the agricultural unit and whether the application complied with the relevant parts of Class Q Permitted Development Rights. The Inspector concluded that there was insufficient evidence to confirm the extent of the agricultural unit in 2013 (which was not restricted to the 12-acre tenancy) and whether any relevant development had taken place.</p> <p>The application for Judicial Review decision states that the Inspector considered this appeal on its merits, and it is not arguable that she misdirected herself to any material degree. It also states that these were straightforward factual issues, and it was plainly rational and lawful for the Inspector to determine, on the submitted evidence that insufficient information had been provided to enable her to establish whether the proposal complied with the limitations concerning previous permitted development across the relevant agricultural unit. This ground is unarguable.</p> <p>The second ground for appeal and the second ground which was subject of the application for Judicial Review related to the extent of the proposed works. The decision states <i>"The Inspector concluded that, based on the evidence before her, it had not been demonstrated that the required works would be limited to building operations reasonably necessary to convert the building, so as to be permitted development. As she correctly observed it was a matter of planning judgment whether the works were of such a magnitude that in practical terms what was being undertaken was a rebuild..."</i></p> <p>The decision also explains that <i>"The Inspector was plainly entitled to arrive at the view that very little of the existing building would</i></p>



	<p><i>be utilised and that as a result the works went beyond a conversion and what could be considered reasonably necessary for the building to function as a dwelling house.”</i></p> <p>The decision also makes reference to the application for costs which was made alongside the planning appeal. The application for Judicial Review decision makes it clear that the costs decision reached by the Inspector to dismiss the application for the award of costs against the councils was correct in that “...<i>whilst there were areas of agreement and disagreement with the interested party there had been no unreasonable behaviour resulting in unnecessary or wasted expense. This decision is unimpeachable and the contrary is unarguable.</i>”</p>
<b>Learning point / actions</b>	<p>This decision confirms that the Appeal Decision reached by the Inspector to dismiss the planning appeal was sound, and that the Inspector also acted appropriately in dismissing the application for costs.</p> <p>This is further confirmation of the correct decision process by the Local Planning Authority in refusing the Prior Notification Application for the conversion of the building under Class Q.</p> <p>This decision confirms the importance of research into the history of the site and understanding the extent of the agricultural unit, so its planning history and any implications in terms of Permitted Development Rights can be fully understood.</p> <p>Whilst each site and scheme must be judged individually, this appeal decision is clear that when only the steel frame of the building is to be retained and panels providing structural and insulation properties are to be installed, the works are beyond those which are considered reasonably necessary and such a scheme does not constitute a conversion under Class Q.</p>

**STRATEGIC PLANNING COMMITTEE**

**Monday, 10 October 2022**

<b>Subject</b>	Planning Policy and Delivery Update
<b>Report by</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Andrea McMillan Planning Manager (Policy, Delivery & Specialist Services) <a href="mailto:Andrea.McMillan@eastsuffolk.gov.uk">Andrea.McMillan@eastsuffolk.gov.uk</a> 01394 444567

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

### Purpose of Report:

This report provides an update on key elements of the current work programme, including the preparation of Supplementary Planning Documents, Neighbourhood Plans and strategies on specific topics such as cycling and walking, and on housing delivery. Updates, as appropriate, are also included for specialist services (Design and Conservation, Arboriculture and Landscape (including Rights of Way) and Ecology) that form part of the Planning Policy and Delivery Team. An update is also provided on the delivery of infrastructure to support growth through the Community Infrastructure Levy (CIL).

### Options:

This report is for information only.

**Recommendation/s:**

That the content of the report be noted.

## Corporate Impact Assessment

**Governance:**

The Local Plan Working Group oversee the preparation of many of the documents referred to in this report.

**ESC policies and strategies that directly apply to the proposal:**

A range of Local Plan policies for East Suffolk.

**Environmental:**

No impact.

**Equalities and Diversity:**

This report is for information only, so no equality impact assessment is required. However, undertaking an assessment is an integral element for most of the projects in the work programme.

**Financial:**

The work of the Team is undertaken within existing budgets, with grant income generated through support provided on Neighbourhood Planning.

**Human Resources:**

No impact.

**ICT:**

No impact.

**Legal:**

No impact.

**Risk:**

The work programme of the team is significant and crucial to the delivery of many aspects of the East Suffolk Strategic Plan. Staff capacity in specialist services has previously been highlighted as a risk. Recruitment has taken place over recent months to provide additional resources within the team, with the new Design Champion and Specialist Services Manager most recently in place, providing a strong in-house team of landscape, heritage, design and ecology experts.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>How does this proposal support the priorities selected?</b></p> <p>The Planning Policy and Delivery work programme makes a significant contribution to the delivery of the Strategic Plan, cutting across all 5 themes. The primary priority and 11 secondary priorities identified above reflect the wide range of projects in the work programme.</p> <p>The primary priority of building the right environment for East Suffolk (P01) is underpinned by having up to date Local Plan coverage for the whole District, with the secondary priorities reflecting the delivery of the Local Plans through the current work programme.</p> <p>Recent progress and achievements include the preparation of and consultation on the Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document (P01) and progress made with the review of the</p>			

Conservation Area Appraisals and Management Plans (P03). The draft East Suffolk Community Infrastructure Levy (CIL) Charging Schedule has been submitted for Examination, supporting the priority of supporting and delivering infrastructure (P05).

The ongoing support being provided for Neighbourhood Planning, the preparation of the Cycling and Walking Strategy and the preparation of the Healthy Environments Supplementary Planning Document provide an important contribution to the Enabling Communities theme, in particular priorities P07, P08 and P09.

The work programme also provides a significant contribution to the Caring for our Environment theme. The work of the Specialist Services team ensures the appropriate protection and enhancement of East Suffolk's important environmental assets (P23). The preparation of the Cycling and Walking Strategy also plays an important role in protecting our natural environment through enhancing opportunities for non-car travel (P23).

## Background and Justification for Recommendation

1 Background facts	
1.1	This report provides an update on the current Planning Policy and Delivery work programme. The Council's two Local Plans (Suffolk Coastal Local Plan, September 2020 and Waveney Local Plan, 2019) provide up to date Local Plan coverage for the district, and the work of the Planning Policy and Delivery Team continues to focus on the delivery of these Plans.
1.2	The current Planning Policy and Delivery work programme contains a number of projects to support the delivery of the Local Plans and the East Suffolk Strategic Plan. These include providing guidance to support the implementation of planning policies through the preparation of Supplementary Planning Documents (SPDs), the preparation of strategies on specific topics such as cycling and walking and the preparation of the East Suffolk Community Infrastructure Levy Charging Schedule. The Design and Conservation service has a programme of projects including Conservation Area Appraisal and Management Plan reviews. The team also support the work of the development management service as well as a wide range of corporate and external projects across the District that are not reported to this committee. This includes much of the work of the recently created Specialist Services team, which has brought together the Design and Conservation, Ecology, and Landscape and Arboriculture (including Public Rights of Way) services, and is providing ongoing expert input across the planning service including in respect of development management, Nationally Significant Infrastructure Projects and planning policy, as well as on wider Council projects.
1.3	The updates in this report include the progress being made on the preparation of Supplementary Planning Documents, Neighbourhood Plans and Conservation Area Appraisal and Management Plan reviews and the preparation of the East Suffolk Community Infrastructure Levy Charging Schedule. An update is also provided on housing delivery. An update on the work of the Infrastructure Team relating to the collection and spend of the Community Infrastructure Levy and Section 106 monies is also provided in this report.

2	Current position
2.1	<b>Since the last report to the Strategic Planning Committee on 6<sup>th</sup> June 2022 the following key milestones have been met:</b>
2.2	<p>With respect to <a href="#">Neighbourhood Plans</a>:</p> <ul style="list-style-type: none"> <li>• Lound with Ashby, Herringfleet and Somerleyton neighbourhood plan - 'made' on 27<sup>th</sup> July 2022.</li> <li>• Bungay, Worlingham and Rushmere St Andrew neighbourhood plans – Examiners' reports have been received</li> <li>• Oulton neighbourhood plan - Regulation 16 publication began on 13<sup>th</sup> May and ended on 24<sup>th</sup> June. The examination took place over July and August.</li> <li>• Halesworth neighbourhood plan - Regulation 16 publication held from 22<sup>nd</sup> June until 3<sup>rd</sup> August. Examination began on 7<sup>th</sup> September.</li> <li>• Saxmundham Neighbourhood Plan – Regulation 16 consultation held from 8<sup>th</sup> July to 2<sup>nd</sup> September</li> <li>• Shadingfield, Sotterley, Willingham and Ellough - Regulation 16 consultation held from 13<sup>th</sup> July to 7<sup>th</sup> September</li> </ul>
2.3	<p>Good progress has been made on preparing the <a href="#">Housing in Clusters and Small-Scale Residential Development in the Countryside Supplementary Planning Document (SPD)</a>. The SPD will provide guidance to support the implementation of Suffolk Coastal Local Plan policy SCLP5.4 Housing in Clusters in the Countryside and Waveney Local Plan policy WLP8.7 Small Scale Residential Development in the Countryside. Public consultation took place on the Draft SPD for seven weeks between 17<sup>th</sup> June and 5<sup>th</sup> August 2022, and the comments received have been considered in finalising the SPD.</p>
2.4	<p>Good progress has been made, with other coastal planning authorities, on the preparation of the <b>Coastal Adaptation Supplementary Planning Document</b>.</p>
2.5	<p>Early progress has been made on the preparation of the <b>Healthy Environments SPD</b> with an Initial Consultation commencing Monday 26<sup>th</sup> September, for six weeks, inviting comments on the proposed scope and content of the SPD.</p>
2.6	<p>Following consultation on the <a href="#">draft Cycling and Walking Strategy</a>, which took place between November 2021 and January 2022, all comments have been considered and a final draft of the Strategy produced. The final Strategy is anticipated to be adopted by Cabinet on 4<sup>th</sup> October.</p>
2.7	<p>Following the consideration of representations received on the draft <a href="#">East Suffolk Community Infrastructure Levy Charging Schedule</a>, which was consulted on in November and December 2021, modifications were proposed and the modified draft Charging Schedule, along with evidence and the representations received was Submitted for Examination on 8<sup>th</sup> July 2022. Requests to be heard by the Examiner in relation to the proposed modifications were invited for four weeks between 8<sup>th</sup> July and 5<sup>th</sup> August 2022. The Examination is currently underway with a Hearing scheduled for 11<sup>th</sup> October.</p>
2.8	<p><b>Design and Conservation:</b></p> <p>Recent progress in relation to the review of Conservation Areas and their Appraisals and Management Plans is set out below:</p> <ul style="list-style-type: none"> <li>• The revised <b>Thorpeness Conservation Area Appraisal and Management Plan</b> was adopted by Cabinet on 7<sup>th</sup> June 2022.</li> <li>• The draft appraisals for a proposed new Conservation Area at <b>Aldeburgh Park</b> and three proposed extensions to the existing <b>Aldeburgh</b> Conservation Area are nearing completion, in preparation for public consultation.</li> </ul>

	<ul style="list-style-type: none"> <li>The draft <b>Southwold and Southwold Harbour and Walberswick Quay Conservation Area Appraisal and Management Plan</b> has been received from consultants and work is underway to finalise the documents and prepare for public consultation.</li> <li>The review of the <b>Halesworth Conservation Area Appraisal and Management Plan</b> is underway.</li> <li>Consultants are undertaking fieldwork in support of a pilot review of the existing <b>Article 4 Directions in place in both Lowestoft Conservation Areas</b>, to take account of changes in the 2021 National Planning Policy Framework guidance (NPPF) on their use.</li> </ul> <p>Progress on other Design and Conservation projects includes:</p> <ul style="list-style-type: none"> <li>Nominations for the 2022 Quality of Place awards closed on Friday 12<sup>th</sup> August. 18 entries were received. Shortlisting followed by site visits will be underway shortly.</li> <li>A review of the listings at Snape Maltings, undertaken for the Council by Historic England, is now complete. This provides updated listings for individual buildings, an assessment of their significance and proper acknowledgement of the international cultural importance of the site. The potential for a Local Listed Building Consent Order is currently being investigated.</li> </ul>
2.9	<p><b>Housing Delivery:</b></p> <p>The housing growth planned for in the Local Plans continues to come forward, with many sites either under construction, consented, subject to planning applications or subject to early discussion with the planning service. The annual housing requirement figure for East Suffolk is 916 dwellings, based on the figures in the two adopted Local Plans for the District. For the year 2021/22, 814 dwellings were delivered, 225 of which were for affordable housing. In the first quarter of 2022/23 (up to 30<sup>th</sup> June), 138 dwellings have been recorded as being completed of which 15 are affordable. A comparison of dwellings under construction shows that as at the end of quarter 1 this year 1,194 dwellings were under construction compared to 998 at the same point in the previous year, providing a positive outlook.</p> <p>Good progress is being made on reviewing and updating the Housing Action Plan. As East Suffolk ‘passed’ the most recent Housing Delivery Test (results published January 2022), there is no requirement to prepare or update the Plan however it is considered good practice to review and update the Plan annually. The preparation of this year’s Housing Land Supply Statement is also well underway.</p>
2.10	<p><b>CIL Collection and Spend:</b></p> <ul style="list-style-type: none"> <li>The <a href="#">Infrastructure Funding Statement</a> for 2021/22 was agreed by Cabinet on 6<sup>th</sup> September 2022 and has now been published. CIL receipts for the financial year 2021-22 were just under £6.25m.</li> <li>CIL spending related to 4 CIL bids were also approved at Cabinet, totalling just over £1.9m. These are for Lowestoft Waste Transfer Station and Recycling Centre Improvements; Leiston FC and Sports Association – 3G Pitch with Lighting; Holton St Peter Primary School – new Early Years provision; and Dennington – New bespoke Early Years Playschool Setting. The funding period for Jetty Lane, Woodbridge (community centre) was also approved to be extended to 2025 subject to a planning application being received by 1.4.2023.</li> <li>Cabinet also approved changes to the CIL Spending Strategy to allow for 3% of the annual District CIL value to be allocated to a Local Projects Fund and for a forward funding process for Neighbourhood CIL to be applied for, starting in April 2023.</li> </ul>



	<ul style="list-style-type: none"> <li>• So far during the 2022/23 financial year (up to 9<sup>th</sup> September), over £4.1m has been received, CIL Demand Notices have been issued to the value of over £6.1m and CIL Liability Notices issued to the value of over £7m.</li> </ul>
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3 How to address current situation	
3.1	<b>During the next 3 to 4 months, some of the key project milestones will include:</b>
3.2	<p>With respect to <b>Neighbourhood Plans</b>:</p> <ul style="list-style-type: none"> <li>• Referendums for the Bungay, Worlingham and Rushmere St Andrew plans to take place.</li> <li>• The Examiners' reports into the Oulton and Halesworth neighbourhood plans will be received with referendums to subsequently take place.</li> <li>• The Examinations of the Saxmundham and the Shadingfield, Sotterley, Willingham and Ellough neighbourhood plans will take place in the autumn.</li> <li>• Wickham Market neighbourhood plan - Regulation 16 consultation expected to take place.</li> <li>• Guidance for neighbourhood plan groups on delivering new housing through their plans will be progressed and will be published in 2023.</li> </ul>
3.3	The <b>Housing in Clusters and Small scale Residential Development in the Countryside Supplementary Planning Document</b> is anticipated to be adopted by Cabinet in November.
3.4	The drafting of the <b>Coastal Adaptation Supplementary Planning Document</b> will be complete with consultation expected to take place early in the winter.
3.5	The initial consultation for the <b>Healthy Environments Supplementary Planning Document</b> , informing the scope and content, will have taken place and work will be underway on the preparation of the draft SPD, with public consultation planned for spring/summer 2023.
3.6	The final version of the <b>Cycling and Walking Strategy</b> is anticipated to be adopted by Cabinet in October 2022.
3.7	The <b>Community Infrastructure Levy Charging Schedule</b> Examination will have taken place. Hearings will have been held on 11 <sup>th</sup> October and it is anticipated that the Examiner's report will be received before the end of the year and that adoption will take place by Full Council during the early part of 2023, prior to its subsequent implementation.
3.8	<p><b>Design and Conservation:</b></p> <ul style="list-style-type: none"> <li>• Consultation will commence on the proposed new Conservation Area at <b>Aldeburgh Park</b> and three proposed extensions to the existing <b>Aldeburgh</b> Conservation Area.</li> <li>• Preparation will be underway for the consultation in the new year on the <b>Southwold and Southwold Harbour/Walberswick Quay Conservation Area</b> draft appraisal and boundary review .</li> <li>• Work by consultants on the <b>Halesworth Conservation Area</b> draft appraisal and boundary review will be further progressed. Consultation is anticipated for later in 2023.</li> <li>• The consultants' pilot review of the existing <b>Article 4 Directions</b> in the Lowestoft Conservation Areas will have been received</li> <li>• The Quality of Place Awards presentation in person will be held before the end of the year.</li> </ul>
3.9	<p><b>Housing Delivery:</b></p> <p>The outlook for housing delivery is optimistic and it is anticipated that delivery will increase over the year. As stated in paragraph 2.9 above, there were 1,194</p>



	<p>dwellings under construction at the end of quarter 1 this year (end of June 2022), almost 200 more than at the same time in the previous year. Over the coming months, the planning service will continue to support future housing delivery, including through the determination of planning applications. The Major Sites team will continue to support progress on strategic sites across the district, including supporting master-planning work, including North of Lowestoft Garden Village, Beccles and Worlingham Garden Neighbourhood, South Saxmundham Garden Neighbourhood and North Felixstowe Garden Neighbourhood.</p> <p>The Housing Action Plan and the Housing Land Supply Statement will have been reviewed and published by the end of October.</p>
3.10	<p><b>CIL Collection/Spend and Exacom:</b></p> <ul style="list-style-type: none"> <li>• Neighbourhood CIL payments for the period 1 April 2022 to 30 September 2022 will be assessed and the relevant payments will be issued to receiving Parish Councils by 28<sup>th</sup> October 2022.</li> <li>• The Exacom data transparency project (relating to the management of CIL, Section 106 and RAMS payments) continues to make steady progress with almost all S106 agreements now loaded into the system. Phase 2 project work has started to record S106 financial receipts, allocations and expenditure projects in the steps towards reconciling the S106 financial position with the Finance System.</li> <li>• CIL Training sessions for Town and Parish Councils are being set up for towards the end of the calendar year and FAQs for CIL Collection and Spending will be developed, published and promoted towards the end of the calendar year.</li> </ul>
3.11	<p><b>Planning White Paper update</b> – As referenced in previous reports to the Strategic Planning Committee, the <a href="#">Planning White Paper</a>, that set out some potential fundamental changes to the planning system, was published for consultation in August 2020. The Levelling Up white Paper was subsequently published earlier in 2022. The report to the last Strategic Planning Committee (6<sup>th</sup> June 2022) reported on the publication of the Levelling Up and Regeneration Bill on the 11<sup>th</sup> May 2022. The Bill takes forward some of the ambitions from both the Levelling Up White Paper and the Planning White Paper. A summary of the proposed provisions of the Bill, insofar as these relate to the planning system, was provided to Members in the report for the June Strategic Planning Committee. These, as published in May, can also be viewed in the Government's '<a href="#">Policy paper – Levelling Up and Regeneration: further information</a>'. The paper anticipated that changes will begin to take place from 2024. A number of future consultations were also proposed as part of the changes such as a review of the National Planning Policy Framework and on proposals such as the Infrastructure Levy and Environmental Outcomes Reports.</p> <p>The Bill is currently progressing through Parliament, although it is as yet unclear how or whether recent changes in the Government may affect the proposals.</p>

## 4 Reason/s for recommendation

4.1	This report is for information only.
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## Appendices

<b>Appendices:</b>
None.

<b>Background reference papers:</b>
None.