AGENDA ITEM NO: 3

PLANNING COMMITTEE: MINUTES

Date: Thursday 19th January 2017

Time: 10.00am – 10.40am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor (Chairman), L Harford, B Hunt, K Reynolds (substituting for Councillor Loynes) and J Scutt

219. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Loynes (Councillor Reynolds substituting), Kindersley, Mason and Smith.

There were no declarations of interest.

220. MINUTES – 15TH DECEMBER 2016

The minutes of the Planning Committee meeting held on 15th December 2016 were agreed as a correct record and signed by the Chairman.

221. ENFORCEMENT PLAN REVIEW

The Committee consider a review of the Enforcement Plan for the County Planning, Minerals and Waste service. Members noted that this was the first update since the Plan was published in 2014. The purpose of the Enforcement Plan was to explain the County Council's approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also set out what action could be taken and how decisions would be made in respect of pursuing formal action.

The most significant change was a reduction in the length of the plan, as the previous version contained a large amount of procedural information which was not relevant to the decision making process. This information would be retained within an internal procedures document. The other key change was the reduction in the number of complaint categories, from four to three. This would not alter the priority given to serious allegations or the target response times.

Arising from the report:

- a Member asked whether the internal procedures document would be publically available. Officers explained that the document was very detailed, and was intended primarily as a guide for the staff undertaking the job. Another document, "Basic Principles of Planning Enforcement", would be more useful to the public, and it was suggested that the final version of that document could come back to Committee and then be made available to the public. The Member welcomed this, saying that it was best to make such documents available where possible, to ensure transparency;

- Members expressed disappointment regarding the number of consultation responses received. It was noted that all Parish, Town and District Councils had been included in the consultation, but only nine responses had been received;

- the Committee noted that the fees charged for undertaking site monitoring visits did not cover costs;

- officers advised that complaints would be recorded and acknowledged within five working days of being received, but if a complaint fell in to the high risk category, it was dealt with more quickly;

- Members asked what happened when the remedy was to submit retrospective planning applications. Officers explained that this would be proposed only when it was likely to be approved. If a retrospective planning application was invited, and was not received within the timescale, the appropriate enforcement action would be progressed. With regard to the statement *"…enforcement action may be taken, prior to the application being determined"*, it was clarified that an enforcement notice could be served when the local authority officers *believed* that there may have been a breach. However, it was acknowledged that it was not common practice to take enforcement action while an application was being considered.

It was unanimously resolved:

To approve the updated Enforcement Plan.

222. ENFORCEMENT UPDATE REPORT

The Committee received the Enforcement update report that set out the planning enforcement and monitoring work undertaken by the County Planning, Minerals and Waste team for the period 1st August to 31st December 2016.

During discussion:

- officers updated Members on a complaint regarding the importation of waste onto garden land at the Old Dairy Yard in Manea. This case resulted in a Planning Contravention Notice being served on the owner. The waste had since been removed, and further importation had ceased;

- with regard to the Wilbraham Landfill site, officers confirmed that if the Council's £23,969 costs had not been paid by the site operators by the specified date, they would take immediate action. Officers confirmed that they were due to visit this site shortly and would ensure that Members concerns in relation to this matter were relayed. The complexities of this case, and officers' work with the Environment Agency on this case, were outlined. Officers outlined other legal measures available to them, including the Proceeds of Crime Act;

- a number of Members expressed concern about Enforcement Officers' safety, especially when visiting difficult sites, and urged them to visit any site where there may be risks in pairs. Officers confirmed that teams of two officers always visited known hostile sites;

- in response to a Member question, officers explained that no further action was proposed at the First Drove, Little Downham site, but action was still ongoing in relation to the adjacent site known as 'Asgard'/Field 6184 in Little Downham. A Member stressed the importance of enforcement at these sites, as the Council's approach was closely observed in the area, and enforcement actions acted as a deterrent to similar activities locally. Officers acknowledged this point and outlined actions being taken. The Member asked if the Committee could be updated regularly on progress at this site, and that this did not have to be through the Committee meeting. **Action required.**

- a Member asked if in cases where a site operator also owned land, it was possible to apply legal charges to the land, so that that charge still held if the land was sold on. Officers advised that previously there had been a County case where there was a ruling whereby a legal charge had been put on the land, to safeguard it in the event of it being sold on. The Legal Officer confirmed that charges could be registered on land, but only once the deadline for payment had expired, and certain procedures had to be followed in order to put a charge on land through the Land Registry;

- officers confirmed that retrospective applications were advertised and dealt with in the same way as other planning applications. The only difference in the way that retrospective applications were dealt with related to the imposition of pre-commencement conditions as development had already commenced;

- officers confirmed that where the offence of failing to comply with an enforcement notice is being investigated, Enforcement Officers conduct interviews under the Police Criminal Evidence Act and so read site operators the caution and ask them to check and sign the full transcript of the interview . If the operator refused to sign the notes, this was also recorded on the notes. Reference to the need to visit these sites in pairs was also noted to be able to take accurate evidence, as well as personal safety.

Members welcomed the report and the enforcement action being undertaken, and thanked the Principal Enforcement and Monitoring Officer, and asked her to pass on their thanks to her team.

It was resolved unanimously to note the content of the report.

223. DATE OF NEXT MEETING: 16TH FEBRUARY 2017

Chairman