



PLANNING ENFORCEMENT

TOWN COUNCIL MEETING

REPORT 110/15

14 DECEMBER 2015

The purpose of this paper is to consider the proposal from the Isle of Wight Association of Local Councils (IWALC) to fund an additional Planning Enforcement Officer by Town and Parish Councils.

No. DETAIL

1) BACKGROUND

- a) The Isle of Wight Association of Local Councils' Executive Meeting of 19 November agreed to circulate to all member Town and Parish Councils a proposal to strengthen the Isle of Wight Council Planning Enforcement function by an agreement by those members to fund an additional post at an estimated total cost of £40,000 a year.
 - b) The proposal is attached to this Report for Members' information.
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2) PROPOSAL

- a) The proposal reflects some IWALC Members' concerns that Planning Enforcement is a non-statutory service and that recent staffing cuts have resulted in the Isle of Wight Council's planning staff being insufficiently resourced to ensure the function is carried out effectively.
 - b) The estimated cost of funding an additional staff Member is put at £40,000 with the funding of that to be divided among IWALC's Member Town and Parish Councils on a population basis.
 - c) If all IWALC members agreed to contribute on this basis the charge to Ventnor Town Council would be £1,729 a year.
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3) RECOMMENDATION

- a) The proposal has been considered in detail by the Town Council's Planning Committee including at its meeting of 7 December 2015.
 - b) The Planning Committee's recommendation is that the Town Council should not support the proposal.
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DISCRETIONARY SERVICE SUPPORT PROPOSAL

ISLE OF WIGHT COUNCIL PLANNING ENFORCEMENT

This paper has recently been the subject of considerable discussion between the representatives of the IWALC Member Town and Parish Councils.

The Executive Committee of IWALC agreed, at their meeting on the 19th November, for these papers to go forward to Member Town and Parish Councils to enable Member councils to determine their individual commitment to these proposals. Should sufficient Member Town and Parish Councils commit to this proposal the Executive will then progress the terms of reference and a service level agreement under which the proposed partnership with Isle of Wight Council Planning Department could take place.

It is quite clear that the Isle of Wight Planning Department has been severely cut as a consequence of the prevailing government austerity measures. Planning Enforcement, as a non-statutory service, has been especially hard hit and the potential impact on our communities could be extremely harmful. An annual contribution by the Town and Parish Councils will not purchase a gold standard service but it will, at the very least, ensure that planning enforcement will continue to encourage and secure the compliance of developers on building conditions and, when necessary, invoke Section 215 of the 1990 Town and Country Planning Act which provides planning authorities with the power to require land owners to clean up their land where and when it adversely impacts upon the amenity of the area.

We all stand to benefit from joining together to help protect the environment and the communities we serve. I very much hope your council will agree to contribute to this scheme without which, I fear, we shall find the quality of the built environment on our Island a lot poorer over the coming years.

I commend this proposal for your consideration.

Cllr Tim Wakeley

Planning Enforcement

Notes from a meeting between Wendy Perera, Tim Wakeley and Peter Griffiths

The meeting sought to explore the potential for a partnership arrangement between IWALC and the IOW Council for the funding support of the discretionary 'Planning Enforcement' service across the Island.

These notes should be read in conjunction with the previously prepared papers that outlined a possible formula for the distribution of costs among Town and Parish Councils based on a total contribution of £40k pa and a Flow Chart which also outlined some of the key features of Isle of Wight planning enforcement policy.

Should a partnership arrangement between the Island's Town and Parish Council and the IW Planning Department's be established it would require all planning enforcement activities to be available to all areas of the Island irrespective of whether or not any particular Town or Parish Council had contributed to the scheme, or not.

The partnership arrangement would be between IWALC and the Isle of Wight Council and proper terms of agreement would need to be drawn up.

Such an investment, by Town and Parish Councils, would be available to the Isle of Wight Planning Department to use, as they see most appropriate, in support of Planning Enforcement. The Isle of Wight Council would report on their enforcement activities at least twice each year to enable proper monitoring by IWALC and to ensure that Town and Parish Councils can understand the return on their investment.

It was felt to be most helpful for Town and Parish Council Members and Clerks to participate in at least twice yearly training and monitoring meetings to ensure a clarity of understanding of the appropriate protocols, policies and processes that govern enforcement activities. These sessions to be delivered through external providers but would also involve Isle of Wight Council planning officers.

The suggested £40k investment from Town and Parish Councils would be employed to support both the legal and investigative elements of planning enforcement across the whole Island.

On this basis it was felt by all parties to the meeting that it would be helpful for Town and Parish Councils to indicate to IWALC their willingness to participate in such an arrangement in order that we can be confident that there is sufficient support for this initiative for it to be sustainable and to allow the further work required to develop the terms of agreement with the Isle of Wight Council.

This report has been agreed by all the parties who took part in the meeting

Notional Costs to each Town and Parish Council
(Based on an annual contribution through IWALC of £40k)

2011 Census table QS102EW			
Parish	Population	%	40000
Ryde	23999	0.17437839	6975
Nettlestone	2549	0.01852121	741
Bembridge	3688	0.02679726	1072
Sandown	7185	0.05220671	2088
Lake	5117	0.03718047	1487
Shanklin	9072	0.06591778	2637
Arreton	988	0.00717888	287
Newport	25496	0.18525569	7410
Cowes	10405	0.07560345	3024
East Cowes	7314	0.05314403	2126
Whippingham	787	0.0057184	229
Wootton	3477	0.02526412	1011
Fishbourne	754	0.00547862	219
Brading	2034	0.01477918	591
Godshill	1459	0.01060119	424
Rookley	638	0.00463575	185
Ventnor	5976	0.04342203	1737
Yarmouth	865	0.00628515	251
Freshwater	5369	0.03901152	1560
Totland	2927	0.02126778	851
Gurnard	1682	0.01222153	489
Northwood	2311	0.01679189	672
Shalfleet	1546	0.01123334	449
Shorwell	670	0.00486827	195
Brighstone	1603	0.01164751	466
Calbourne	886	0.00643774	258
Gatcombe	422	0.00306628	123
St.Helens	1213	0.00881374	353
Newchurch	2622	0.01905163	762
Wroxall	1753	0.01273742	509
Niton	2082	0.01512796	605
Havenstreet	737	0.00535509	214
	137626		40000

IWALC PLANNING ENFORCEMENT FLOW CHART

This paper is designed to be read in conjunction with the Isle of Wight Council Planning Enforcement Policy.

To ensure that matters are formally recorded and action taken in accordance with the Isle of Wight Council's Planning Enforcement Policy all Town and Parish Council's recognise the need to complete an enforcement complaints form which can be found at <https://www.iwight.com/iwforms/form.aspx?k=pecf>

The Town and Parish Councils recognise that the Isle of Wight Council does not have the capacity to proactively monitor approved development for compliance or development of a temporary nature not causing harm. Therefore the onus will be placed on Town and Parish Councils to report matters that are considered to be important locally. In formalising this approach it is expected that the Isle of Wight Council will respond in accordance with its published policy.

Town and Parish Councils recognise that the Isle of Wight Council has a published set of priorities and will deal with complaints in accordance with these standards.

Town and Parish Councils recognise that the principles of good enforcement require the Isle of Wight Council to adopt an 'Encourage, Persuade, Enforce' approach and that subject to the circumstances and the harm caused it will normally be appropriate to first deal with matters in an informal manner.

There are three enforcement priority categories that can be summarised as follows:

Priority One:

Cases which either pose a significant ongoing threat to public safety or which cause significant irreversible damage to areas of acknowledged importance.

Priority Two:

Cases which impact upon residential privacy or amenity, cases which impact on the economic and tourism function of the island or harm the landscape of the countryside or designated area.

Priority Three:

Cases which do not cause material harm to any acknowledged interest and/or are unlikely to need planning permission, cases which are likely to be granted planning permission or cases which are deficient in detail as to the nature of the alleged breach of planning control.

Timescales

The Isle of Wight Council aims to **inspect** cases within:

Priority One:	5 working days from receipt of complaint
Priority Two:	20 working days from receipt of complaint
Priority Three:	40 working days from receipt of complaint

**Concern Raised and Enforcement
Complaints form Completed**

