

Guidance is given in square brackets under each of the headings below. Headings which are discretionary are also in square brackets. Please delete as you go along and remove heading and sections not needed.

## **Division Affected – All**

### **PLANNING AND REGULATION COMMITTEE**

**18 July 2022**

### **PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT**

**Report by Director of Planning, Environment and Climate Change**

**Contact Officer:** Neal Richmond **Tel:** 0771 865 6922

The report recommends that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 be noted.

#### **Executive Summary**

1. The report provides a summary of the work undertaken by the County's planning monitoring and enforcement team. It gives an update by way of a schedule of compliance monitoring visits for the period 1 April 2021 to 31 March 2022 (Annex 1). An update on the progress of planning enforcement actions is also provided (Annex 2).

#### **Introduction**

2. This report updates members on the regular monitoring of minerals and waste planning permissions for the financial year 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and on the progress of enforcement cases.

#### **Compliance Monitoring Visits**

3. County Council officers endeavour to pursue and foster good working relationships with operators following the grant of planning permission. The effective monitoring of sites can avoid problems developing and by acting in a proactive manner we can be a positive educator of good practice. This approach can avoid the necessity to act in a reactive way after problems emerge and can avoid the need for enforcement action. Through our efforts we seek to:
  - I. identify potential problems early and avoid them developing;
  - II. minimise the need to resort to enforcement or other action;
  - III. encourage good practice in the first instance thus reducing the need to apply sanctions against bad practice;

- IV. review planning decisions and agreements made with the County Council;
  - V. facilitate regular liaison and dialogue between operators, the public/local community representatives and the council officers.
4. All sites with an active planning permission are scheduled to be visited on a formal basis. A written report is produced following any substantive site visit and shared with the site occupant. Where elements of non-compliance with a consent are identified this can result in subsequent compliance with matters that are outstanding or in a planning application being made to regularise unauthorised development on site. On occasion, should regularisation not occur, (and where it considered expedient to do so), formal enforcement action may be pursued.
  5. Annex 1 provides a schedule of all the consented sites we monitor. It includes two columns, one which sets out the target visits for the fiscal year 1 April 2021 to 31 March 2022, and the second which sets out the number of compliance monitoring visits that were carried out during that period. **75%** of the total targeted number of visits were carried out with the majority of active sites in the county receiving at least one visit. The number of visits is not necessarily reflective of workload as site visits vary in their complexity, both in terms of responding to their planning history and in the action required. The number of site visits undertaken also varies according to the level of activity on site and the engagement of other stakeholders (such as the Environment Agency) with whom we work closely. Whilst there are some instances where target number of visits were not met; this is due to both the prioritisation of visits to more demanding sites (where new/unforeseen issues had been identified or complaints received) and also the backdrop of non-emergency site visits being curtailed in line with the Covid 19 restrictions. During the monitoring year where Covid 19 adversely impacted upon physical visits undertaken, emergency/urgent enforcement visits were still undertaken, alongside 'desktop' planning audits conducted throughout the periods of lockdown. The inability to enter onto the land (and thus what could constitute a chargeable visit) impacted the level of income from monitoring fees to those landfill and mineral sites where legislation provides for a charge to be levied.
  6. In order to try to achieve and maintain good environmental standards countywide, officers have committed to monitoring planning permissions across all of the mineral and waste related sites in Oxfordshire. However, you will see that some sites have a zero target, these are low risk, small scale or dormant sites (such as sewage treatment works) which we record but will typically only be visited every other year.
  7. Out of a total of 110 sites, 45 are within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the planning permissions for the winning and working of mineral or directly to landfilling permissions.

8. The remaining non-chargeable sites include such facilities as scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
9. The current charges are respectively £397 for an active site and aftercare visit, and £132 for a dormant site where activity is not taking place. (These charges are legislated and set by central government through 'The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012' as amended.
10. Officers determine the target number of visits for each site on a "risk assessment" basis for each site drawing on the following points:
  - I. sensitivity of location
  - II. size and type of development
  - III. number and complexity of planning conditions
  - IV. number of issues requiring monitoring input
  - V. the stage and pace of development
  - VI. breaches of planning control that are or have been observed
  - VII. complaints received for the site.
11. There is an opportunity for operators to enter into discussions on how the Council has reached its decision for the number of visits scheduled per year. Having set a target for the number of visits per annum, officers keep the frequency of actual visits under review and adjust the frequency particularly taking account of IV, VI, and VII and above.

## **Enforcement**

12. Annex 2 of this report summarises active cases subject to ongoing investigation and formal enforcement action. It sets out alleged breaches of planning control and the progress toward remedying those substantive breaches of planning control.
13. All operators are made aware of an allegation of a breach in planning control that has been made against them.
14. When a case is closed it will appear on the progress report as 'Case Closed' with a summary of the outcome.

15. A glossary of terms used in Annex 3 is attached. The Senior Enforcement Officer can be contacted for further information in respect of any of these cases if necessary.

### **Monitoring and Enforcement Service**

16. The adopted policy of Oxfordshire County Council Local Monitoring and Enforcement Plan commits to maintaining resources to effectively carry out the objectives and meet its aims. The routine monitoring programme continues to foster greater compliance with planning conditions, and promotes identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions.
17. The service is generally well received by householders, liaison committees, parish and town councils with access to compliance reports providing a basis for discussions with operators on the progress on sites in their locality. It seeks to provide a timely response to local people's concerns and serves to pre-empt issues which are likely to affect the amenities of an area.
18. Officers in the team also provide key support in ensuring that details pursuant to permissions are submitted where these are required by planning conditions before a development starts. They often co-ordinate action between Development Management planners, Highways, Ecology and other County services and the operator. The aim is to ensure pre commencement works are completed in a timely manner and before the main development is started. Ultimately, the work of the county planning monitoring and enforcement team is fundamental to maintaining confidence in the planning system and protecting and enhancing the environment for all residents and businesses within Oxfordshire.

### **Financial Implications**

19. Not applicable as the financial interests of the County Council are not relevant to the enforcement of planning control.

### **Legal Implications**

20. There are not considered to be any legal implications arising from this report.

### **Equality & Inclusion Implications**

21. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of

opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

## **RECOMMENDATION**

**It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 be noted.**

### **Rachel Wileman**

Report by Director of Planning, Environment and Climate Change

Annexes:	Annex 1:	Schedule of Compliance Monitoring Visits
	Annex 2:	Schedule of Enforcement Cases
	Annex 3:	Glossary of Terms
Background papers:	None	
Other Documents:	Oxfordshire County Council Local Monitoring and Enforcement Plan	