

**For: PLANNING & REGULATION COMMITTEE – 1 June 2020**

**By: Director for Planning and Place**

<b>PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT</b>
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**Division Affected:** All

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**Recommendation**

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

**Introduction**

1. This report updates members on the regular monitoring of minerals and waste planning permissions for the period 1 April 2019 to 31 March 2020 and on the progress of planning enforcement cases.

**Compliance Monitoring Visits**

2. 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.
3. All sites with an active planning permission are regularly visited on a formal basis. A written report is produced following a 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 activities on site.
  4. Annex 1 provides a schedule of all the sites we monitor. It includes two columns, one which sets out the target visits for the fiscal year 1 April 2019 to 31 March 2020, the second column sets out the number of compliance monitoring visits that have been carried out during that period. **91% of the total targeted visits were carried out**, with virtually all active sites in the county inspected. There are a few instances where visit targets were not met; this is primarily due to the prioritisation of visits to other sites deemed to be in greater need of monitoring or where additional visits (above those targeted) were prioritised to sites where new issues had been identified. The number of visits is not necessarily reflective of workload as site monitoring visits vary in their complexity, both in terms of responding to their planning history and in the action required. Other site visits have been prioritised following complaints from the public or new issues arising that have come to the attention of officers; also, the number of sites visits undertaken varies according to the level of activity on site and the engagement of other stakeholders with whom we work closely, such as the Environment Agency. There were no site monitoring visits during the coronavirus lockdown restrictions which meant that no site monitoring visits could be carried out during the second half of March.
  5. To try and achieve good environmental standards countywide, officers have committed to monitoring planning permissions across all the mineral and waste related sites in Oxfordshire. However, you will see that some sites have a zero target, these are minimal risk, small scale or dormant sites (such as sewage treatment works) which we record but will only visit every other year.
  6. Of all the 109 sites, 46 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 winning and working of mineral permissions or directly to landfilling permissions.

7. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
8. The current charges are £397 for an active site and aftercare visits. £132 is chargeable for a dormant site where no activity is taking place.
9. 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.
10. There is an opportunity for operators to enter 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 above.

### **Enforcement**

11. Annex 2 to this report sets out alleged breaches of planning control and the progress toward remedying those breaches of substance.
12. All operators are made aware of an allegation of a breach in planning control that has been made against them.
13. Annex 2 includes all cases which are currently being investigated. When a case is closed it will appear on the progress report as ‘Case Closed’ with a summary of the outcome.
14. A glossary of terms used in Annexe 3 is attached. The Monitoring and Enforcement team can be contacted for further information in respect of any of these cases if necessary.

## **Monitoring and Enforcement Service**

15. The routine monitoring programme continues to pay dividends by increasing compliance with planning conditions, and in identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions.
16. 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.
17. 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.

## **RECOMMENDATION**

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

**SUE HALLIWELL**

Director for Planning & Place

May 2020