

EDC Planning Committee 6.1.2022

Chair: William Patterson. Present: Councillors: Ali Riss, Ian Chambers, Elaine Martin, Henry Sawrey-Cookson, Debra Wicks, Graham Simkins, Peter Baker, Michael Hanley
Officers: Fergus McMorrow Planning Officer, Richard Fox (recently appointed Head of Planning), Rebecca Harrison(EDC solicitor).

Report by Michael Hanley.

1. Questions from Members

David Ryland (EDC councillor): I am referring to Gillian's Well. Its a historical monument. Several residents raised concerns about the state of the well. The water is polluted and the wall is buckled because of the nearby excavation. What redress do I have for the residents of Calthwaite?

William Patterson (WP): We need to look into the matter and will get back to you.

DR: There was a large backlog of 200 cases for enforcement. In the report it says there will be extra funding of £150k. What will be the time frame for this funding be?

Fergus Mc Morrow (FM): Its a broad budget and we hope to be able to appoint additional officers.

2. Development Management Review (of EDC Planning Department).

This is a report carried out by the Planning Advisory Service which is part of the Local Government Association. The purpose is to make sure that the department is up to date and is implementing best practice.

Current performance: This was judged to be very good, it is significantly above minimum standards. Also performance has significantly improved since 2018 when the department was not meeting the minimum standard of no more than 10% of refusals (of planning) being overturned. This has improved: only one decision being overturned at appeal between October 2019 and September 2021. Planning enforcement officers were praised for negotiating solutions (where planning permission is refused) and more than one agent (for the applicant) stated that Eden has the best planning enforcement service in Cumbria due to their communication and negotiation skills.

Main Findings:

1. Need to appoint more planning officers.
2. Increase training of councillor members so that they are more knowledgeable about the planning process.
3. It was perceived that there was tension at times (at Planning Committee meetings) between the members (councillors) and the planning officers. It was suggested that more effort be made to improve communication. « Meet the staff » sessions and each case to be presented by the officer who worked on the case (currently all cases before the committee are usually presented by one senior officer).
4. Enforcement officers find it difficult to properly research some planning histories because of the inadequate IT system.
5. Biodiversity Net Gain (BNG) policies are not robust enough.
6. S106 obligations are not being monitored. Section 106 obligations are usually monetary contributions to improve local services donated by the building firm when a large housing estate is built. There is a concern that monies are either not being collected or are being paid back to

the applicant. It is important that there is a process in place within the council for the collection of S106 monies.

Discussion:

Debra Wicks (DW): Can this department communicate with applicants to say how long it will take for a decision to be made? What are costs for the proposed changes.

FM: The total figure for changes is £280k.

DW: I was shocked that there was no system to make sure the S106 payments were collected.

Ali Ross: There was a lot of reference to the Local Government Association review in July but I didn't think that we have seen this report. That leaves us a little in the dark.

DW: Referred to the reference to BNG and the little power this council has to force this through. We are hamstrung by policies.

Richard Fox (RF): The officers are equally frustrated. We have to operate within the existing framework.

Ali Ross: BNG is not a cover-all for everything that is green. It is different from sustainability. Even with the current local plan, which does need updating. We can use this to improve sustainability.

FM: One of the new jobs will be an ecology advisor who will look at the local plan and suggest improvements.

Elaine Martin (EM): We are getting no feedback about enforcement.

William Patterson (WP): We would like parish councils to report any discrepancies.

RF: When the parish council has been involved, I appreciate the silence is frustrating (lack of response from the planning department). I will take this away and see what I can do.

DW: I have not seen a section on enforcement at any of these meetings. I would like to see this as suggested in the report.

EM: Has the portfolio holder (for planning on the executive/cabinet) seen the report and was she invited to this meeting?

FM: She has seen it and was not invited to this meeting.

DW: I was concerned about the state of records and poor IT system. Are we updating the IT system?

FM: Yes we are updating the IT system.

DW: Can we highlight the S106 system. A large developer is allowed to build a large housing estate and then they don't provide money for local services such as a school. We need to monitor whether

these large building companies fulfill their obligations.

WP: I hope that when we become part of the larger authority that this will be policed better. This happened in Kirkby Stephen when the money comes it goes into the big money pot and would be spent in west Cumbria, but not to provide an extra classroom in the local school.

AR: There should be an annual report about S106 contributions.

EM: On the (internet) portal, could there be a form the public can fill in to do with enforcement? (to report non compliance).

Graham Simkins: Asked about the IT system.

FM: The process is starting but it will be a year before its complete.

WP: There will still be a local planning department after the move to a larger authority. How could a department in Barrow make a decision about an application from Appleby or Alston.

DW: We need the IT to be resolved quicker than a year.

Rebecca Harrison: Its a huge project.

DW: We have 170 applications which are out of time and we need a resolution.

AD: Which are the two posts starting right away. There will be an ecologist.

FM: There are two new planning officers starting on Monday and on the 24th of January another two posts, one is a planning officer and arboriculturist, the other is an enforcement officer.

WP: There is a very large staff turnover in local government posts.

The committee voted unanimously to approve the report.