

TRANSPORT AND PLACE SCRUTINY PANEL	DATE 3 rd October 2024	ITEM NO 6
Update on Local Plan, Planning Enforcement and Planning Performance	WARD (S) All	
CHIEF OFFICER Director of Regeneration, Enterprise & Skills		
DECISION CLASSIFICATION <i>Scrutiny Report</i>		

I. Recommendations to decision maker:

To consider a report on the Cabinet Member for an update on the local plan, planning enforcement and planning performance and make recommendations to the Executive, if necessary.

To agree that the report and any recommendations be submitted to the Chief Executive.

To note that the report and response to the recommendations of the Overview & Scrutiny Committee will be presented at the next meeting of the Committee.

Links to Our Greenwich missions

- I.1 The Service contributes to the delivery of Our Greenwich (Corporate Plan) 2030 priorities. With the exception of one Mission (strike out for clarity below) all the missions are relevant to Planning. The Services primarily works towards the delivery of the following Our Greenwich Missions, with the relevant Service identified in brackets after the Mission:

People

1. People's health supports them in living their best life (Policy, DM)
2. People will not experience discrimination (Policy, DM)
3. Children and young people can reach their full potential (Policy, DM)
4. Everyone in Greenwich is safer, and feels safer (Policy, DM, Plan Enf)

Place

6. People in Greenwich have access to a safe and secure home that meets their needs (Policy, DM)
7. It is easier, safer and greener to move around the borough and the rest of London (Policy, DM)
8. Development delivers positive change to an area for existing and new communities (Policy, DM, Plan Enf)
9. Neighbourhoods are vibrant, safe and attractive with community services that meet the needs of local residents (Policy, DM)
10. Greenwich plays an active role in tackling the climate crisis and improving environmental sustainability, in line with our commitment of being carbon neutral by 2030 (Policy, DM, BC)

Economy

11. Everyone has the opportunity to secure a good job (Policy, DM)
12. Town centres, high streets and shopping parades are vibrant, prosperous, well-maintained places that meet the needs of local people (Policy, DM)
13. Our economy attracts new high value businesses whilst strengthening its foundations (Policy, DM)
14. The voluntary, community and socially motivated sectors in Greenwich are strengthened and able to provide more support to the most in need (Policy, DM)

Communities

15. Our Council is better at listening to communities, and communities feel they are heard (Policy, DM)
16. We develop networks with communities, key partners and businesses to meet need and address challenges together (Policy)
17. We design our services around the needs of our residents (All)

Organisation

18. Our Council is an adaptive organisation, enabling it to navigate the increasing number of challenges it faces while remaining financially sustainable. (All)
19. Our Council works in the most efficient and effective ways possible. (All)
20. Our Council is a great place to work, with a diverse workforce who have the right skills and are motivated and empowered to deliver. (All)

1.2 All the work of Planning services (Policy, Development Management, Enforcement) contributes to the Corporate Missions as identified above.

1.3 Purpose of Report and Executive Summary

The purpose of the report is to provide an update on Planning Services Performance and the Local Plan. The brief required consideration of the following three main areas:

- Local Plan Update.
- Update on planning enforcement.
- Update on performance.

2. Introduction

2.1 The Report will provide an overview of the local plan process to date, planning enforcement and planning performance. This section of the report will cover the three areas identified in the brief as outlined in Section 1.

2.2 Before we go into the detail of each sector it is useful to set down what planning is and what it does. Planning is about big things - it is about sustainable development – balancing the economic, environmental and social impacts of new development.

2.3 Planning is not just about dealing with planning applications; it's about the long-term vision captured in the Borough's plan, and the decisions then made on applications through this decision-making framework.

2.4 It will impact on such issues as housing, job creation, climate change, infrastructure, and investment and the quality of people's lives in the borough. Planning cuts across all of the 'Our Greenwich' Missions. Planning is also often seen as controversial with opposing arguments as to why development should or shouldn't be allowed. Finding the right balance between different objectives is what makes planning both challenging and exciting.

2.5 The purpose of planning is to help achieve sustainable development and is about positive growth – making economic, environmental and social progress for this and future generations – this is a principle enshrined in the National Planning Policy Framework (Government Guidance).

- 2.6 The planning system is a key contributor to making this happen, setting a long-term vision for a place and managing and balancing these competing interests and delivering change on the ground.
- 2.7 There are 3 aspects to planning in local government – Spatial Policy Planning – formulating and implementing a plan, Development Management which deals with development through planning applications, and finally planning enforcement that deals with any harmful breaches of planning.
- 2.8 As planning manages the right to develop land there is often a conflict between what a developer wants to do (private interests) and what the local community (public interest) would like to see, and these different interests need to be balanced.
- 2.9 So, what is important in the planning system? Planning is a positive driver for place-making, regeneration and good growth. It isn't just about stopping poor quality or destructive development from happening. It is proactive and it is about delivering a local plan for the whole community. It is about focusing and working to encourage investment in the kind of development that will be more likely to deliver the vision that you, your communities and neighbourhoods wish to see for the Borough. This is enshrined in the local plan and then translated through the work of development management and enforced, if breached and harmful through planning enforcement.

2.10 The Local Plan

The Royal Greenwich Local Plan sits alongside the London Plan and any neighbourhood plans in the area to form the Council's Development Plan. The Development Plan is the starting point for decisions on planning applications and the Local Plan sets out the Council's vision and aspirations for new development in the Royal Borough.

- 2.11 The process for updating a Local Plan is lengthy and complex. The Council is bound by regulatory and national planning policy requirements to prepare the Local Plan in a series of stages. These are:
1. Initial "Issues and Options" consultation
 2. Evidence Gathering and plan preparation
 3. Draft Plan consultation
 4. "Soundness" consultation
 5. Examination in Public

- 2.11 The Council undertook its issues and options consultation in Summer 2023. It was based around five “Big Themes” which were: housing and communities; climate change and environment; town centres and high streets; design and heritage, and transport and movement. The consultation received 303 responses. Subsequently officers have held workshops with the Local Plan Members’ Working Group and equivalent officer groups representing teams across the Council to gather further feedback and input on the content of the Local Plan.
- 2.12 Officers are currently in the evidence gathering and plan preparation phase. The following studies are currently being undertaken to shape and inform policy:
- Local Housing Needs Assessment
 - Employment Needs Assessment and Employment Land Review
 - Ecology Study
 - Retail and Leisure Study
 - Playing Pitch Strategy
 - Metropolitan Open Land Review
 - Open Space and Local Nature Infrastructure Study
 - Gypsy and Traveller Accommodation Needs Assessment¹
- 2.13 This evidence is complemented by our existing evidence base:
- Characterisation and Tall Buildings Study
 - Towards Net Zero Carbon Study
- 2.14 The Council will also use other sources of data and evidence, including other Council strategies, in devising its planning policies.
- 2.15 The Council also conducted a “Call for Sites” in Summer 2024 to invite prospective development sites to be put forward for potential allocation in the Local Plan. 130 sites were received through this exercise and officers are now starting to analyse the sites put forward and consider their development potential.
- 2.16 The Local Plan must also be prepared in accordance with the Council’s Local Development Scheme (LDS). This is essentially the timetable for preparing the Local Plan. The latest Local Development Scheme was published in 2022.

¹ London-wide assessment undertaken by the Greater London Authority

2.17 Due to a combination of staffing issues, other commitments and various changes to national planning policy and the planning system, including recently proposed changes under consultation at the time of writing, the timetable in the existing LDS is now out-of-date. A new LDS will need to be prepared to update the timetable and confirm the timeframe for the next stage of consultation.

2.18 **Planning Enforcement**

Planning Enforcement plays an important role in the planning process ensuring that the developments are completed in accordance with appropriate policy and design aspirations of the Borough and where they are not that this is addressed and rectified. Whilst breaches of planning control are not usually a criminal offence there are legislative powers (except in the case of listed buildings, some breaches in conservation areas and works to a tree protected by a tree preservation order etc) that enable the Local Planning Authority to ensure that where necessary and appropriate formal action can be taken to require remedial action

2.19 The Planning Enforcement team is a small team with three full time planning enforcement officers, one principal planning enforcement officer and a planning enforcement and appeals manager covering the whole borough and a wide range of different type of case work. Over the past year the team has been challenged with some capacity issues with two officers leaving and the posts being recruited to. One post is currently still vacant, but recruitment.

2.20 Despite the capacity issues the team have worked to their full ability and it is clear from the monthly figures which are produced, that the team have continued to receive a consistent number of planning enforcement enquiries this year so far and are making significant progress in resolving cases.

2.21 The table below shows the previous year's figures in comparison with the year to date.

Years	Open	Closed	No of Notices
April 24- To date	229	596	50
April 23- March 24	599	636	146

2.22 In addition to the investigation process for all cases, other cases require further legal work leading to appeal and prosecution action. Currently

there are 7 Enforcement Notices that are pending appeal decision with the Planning Inspectorate and 2 cases are pending prosecution.

- 2.23 Within the current year there have been two Planning Enforcement Appeal outcomes, with one appeal dismissed and the Enforcement Notice upheld, and another withdrawn by the applicant leading to the notice coming into effect. These two cases are now pending compliance with the notice requirements they are within time to address these requirements to date.
- 2.24 There has been one case brought to prosecution for non-compliance with an Enforcement Notice where the defendant was found guilty, fined £3446 and ordered to pay costs of £2100 to the Council. This notice is now due to be complied with by December 2024.
- 2.25 The Mast Quay Enforcement Notice, from investigation, report drafting and notice drafting prior to its issue and the public information, distribution of the notice and information and the Inquiry process itself, documentation and process that accompanies it has been an incredibly labour-intensive case. Whilst we await the Inspectorate's decision, we are confident that our best possible case was put forward with everyone involved working together. Once a decision is received it is inevitable that either way it will lead to a further considerable amount of work going forward.
- 2.26 The ongoing and steady receipt of new enquiries and therefore the number of cases each officer is investigating at any one time has been considered as part of a review of the enforcement process and procedures. The Planning Enforcement Strategy is currently under review and will set out the improvements to the process aimed at improving the workflow of enforcement casework and give officers more manageable caseloads that are considerate of the team and officers capacity.
- 2.27 There is an annual report for the Appeals and Enforcement team for 2023-2024 currently being drafted which will be finalised in Autumn.

Planning Performance

- 2.28 This section of the report will provide an overview of planning performance. This section will focus on Development Management as the preceding sectors have focused on Planning Policy and Planning

Enforcement.

- 2.29 Development Management is split into Majors and Non-Major developments. The Service structured into 3 teams. A Majors Teams dealing with proposals of 10 units or more, or 1000sqm + of new floorspace and two area teams – East and West dealing with non-major proposals of less than 10 units, or up to 999sqm of floorspace.
- 2.30 Development Management receives between 4000 to 4500 applications each year. For the six year period 2018/19 to 2023/24 this averages at 4294 applications p.a. This includes everything from major applications, non-majors applications including householder application, change of use, listed building, prior notifications, submission of details and tree applications.
- 2.31 Central Government has criteria for designating authorities in special measures for slow or poor-quality decision making. These are

i) Speed of decision making:

- Major Applications – less than 60% of decisions made within 13 weeks or without extension of time
- Non Majors – less than 70% of decisions made within 8 weeks or without extension of time

ii) Quality of decision making:

For Appeals 10% of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

2.32 Performance

The following table gives an overview of performance over the last 4 years and is broken down categories of applications.

	23/24	22/23	21/22	20/21
Majors (PS2)	100%	100%	100%	100%
Non Majors (PS2)	88.25%	92%	92.67%	95.47%

Others (PS2)	91%	87.75%	93.33%	94.3%
PSI	54.10%	51%	52%	58%

*Note % figures includes extension of time or planning performance agreements.

- Performance on major applications is good with 100% of applications determined within the required timeframe or with a planning performance agreement (agreed extension of time). All major applications are dealt with by planning performance agreements which sets down a reasonable and realistic timeframe for determining major applications outside the normal 13-week period.
- Performance on non-major applications has ranged between 88% - 95% over the reporting period.
- PSI applications includes certificates, prior notifications, submission of details, trees. Performance in this category is impeded solely by submission of details. Certificates, Trees and prior notification are dealt within the 6 or 8 week timeframes depending on application type.

	23/24	22/23	21/22	20/21
Appeal	64.25%	63.5%	57%	51%

- Appeal performance for the year 23/24 and 22/23 is well within the government performance criteria. In 23/24 the Borough dealt with 128 appeals of which 64% of appeals were dismissed, 36% allowed. performance dipped in 21/22 and 20/21. When appeal decisions are received, they are reviewed, and consideration is given as to whether it would result in a change to our approach to decision making going forward.

Backlog

2.33 Many LPA have struggled with determining applications for several years. This frustrates applicants who want a decision, residents who are objecting and want resolution, and officers who carry too large caseloads to keep on top of workloads and bear the brunt of these frustrations. Backlogs have resulted due to many factors, but the primary reason is staffing levels not matching the volume of applications a service receives.

2.34 The following table shows a snapshot of applications over the statutory time period from November 2020 to September 2024. As of April 24,

this has decreased through various internal initiatives to reduce the backlog. The current backlog levels are still considered to be at unacceptable levels and further work needs to be done to reduce these further, especially in the major team.

Teams	Nov 2020	April 2023	April 2024	Sept 2024
East	132	77	43	39
West	153	120	50	61
Majors	386	425	391	340

Footnote: Majors - In July 2023, 323 cases were older than 12 months (83%). By August 2024, 189 cases are over 12 months (53%). The backlog is reducing, and focus has been on the older, more difficult submissions.

- 2.35 The service has undertaken a review is to understand our service problems, understand why a backlog occurred in RBG in the first place, find solutions where possible and focus on what we able to do to ensure we minimise this happening again in the future.
- 2.36 The service has put significant effort into reducing the backlog, whilst this work is not finished, we do not want to see the backlog increasing in the future.

Challenges affecting Performance.

- 2.37 As referenced above in respect of backlogs there are a number of challenges that affect performance, these include:
- staff shortages,
 - no head of development management in the current structure,
 - business support shortages,
 - service failures (errors at validation and consultation),
 - lack of communication with agents,
 - consultation delays,
 - poor quality submission of applications
 - delayed consultee responses.
- 2.38 These challenges have been reviewed within the service and several improvements have been introduced or will be introduced imminently. These include:
- responsive recruitment,
 - re-organisation including the introduction of a Head of DM,
 - strengthening internal specialist input,

- influencing speedy external consultee responses,
- committee changes introduced to speed up non majors application being presented to committee,
- work with agents to improve quality of submissions and prompt decision making.

3. Consultation

No consultation has been undertaken for this report.

4. Next Steps

The Chair will set out closing remarks and make recommendations to the relevant decision maker as required at the meeting. The Relevant decision maker will respond to the recommendations, and both will be recorded for the next meeting of the Committee/Panel.

5. Cross-Cutting Issues and Implications

Issue	Implications	Sign-off
Legal including Human Rights Act	<p>The purpose of this report is to update the Scrutiny Panel on the Council’s local plan, planning performance and planning enforcement in order that the Panel can make recommendations to the Cabinet if desired.</p> <p>As such, there are no legal implications arising directly from the report.</p>	<p>Eleanor Penn, Assistant Head of Legal Services (Planning & Procurement), 23rd September 2024</p>
Finance and other resources	<p>This report provides an update on Planning Services Performance and the Local Plan. The brief required consideration of the following three main areas:</p> <p>Local Plan Update.</p> <p>Update on planning enforcement.</p>	<p>Sue Rock Accountancy Business change Manager 18/09/2024</p>

	<p>Update on performance.</p> <p>There are no direct financial implications arising from this report.</p>	
Equalities	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>The report does not make any contribution to the Council’s Equality and Equity Charter and the Council’s Equality Objectives 2020-2024.</p>	<p>Victoria Geoghegan, Assistant Director, 17th Sept 2024</p>
Climate change	<p>The report makes no contribution to the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 November 2020.</p>	<p>Victoria Geoghegan, Assistant Director, 17th Sept 2024</p>
Risk Management	<p>n/a</p> <p>As this is an update report there is no risk associated with briefing report</p>	<p>Victoria Geoghegan, Assistant Director, 17th Sept 2024</p>
Community Engagement	<p>n/a</p> <p>No consultation has been undertaken in the preparation of this update report</p>	<p>Victoria Geoghegan, Assistant Director, 17th Sept 2024</p>

11. **Report Appendices**

None.

12. **Background Papers**

None.

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