

**CABINET SUPPORT OFFICE
SWYDDFA CYMORTH Y CABINET**

My Ref / Fy Ref: CM29858
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09.12.2014



Date / Dyddiad: 23 June 2015

Councillor Ralph Cook
Chair, Environmental Scrutiny Committee
Scrutiny Services
Room 263
County Hall
Cardiff
CF10 4UW

Dear Councillor Cook

Environmental Scrutiny Committee - 09 December 2014

Thank you for the e-mail from Richard Bowen on behalf of Committee Members dated 13 March 2015 requesting additional information as a result of the meeting above and my letter dated 12 March 2015. Please accept my apologies for the delay in my response; I attach additional information which I hope the Committee finds of interest.

Planning Service Redesign – Member Update

You raise a number of very important points which we would like to reply to in turn:

1: Detailed Financial Summary:

Please see the attached information at the end of this report detailing the financial summary of the Planning Service for 2014/15 that you requested.

2: Quality Assurance Post Budget Savings:

I can confirm that maintenance of service quality is a priority. Following the restructure performance has dipped – notwithstanding that productivity has significantly increased. We will now be focused on a major improvement in performance.

3. Delivery HMO Guidance

It is my intention to consult on a new supplementary planning guidance for Houses in Multiple Occupation (HMOs) alongside the adoption of the Local Development Plan (LDP). At present there is insufficient policy coverage in any development plan other than the emerging LDP which are sufficiently relevant to

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allow the Council to take forward a meaningful SPG for HMOs. Furthermore, the current Use Class Order in Wales does not allow for a distinction between types of dwelling houses below the threshold for HMOs within the C3 Use Class. Following numerous discussions with those ward members most directly affected by concentrations of HMOs it has been my considered view for some time that a new SPG will only be truly effective in resisting inappropriate subdivision if it is supplementary to the new LDP and following a decision of Welsh Ministers to introduce a new C4 use class to the Town and Country Planning Use Classes Order. Notwithstanding the above, officers are in the process of preparing this draft SPG in advance of the LDP adoption to allow the new guidance to be introduced as expeditiously as possible following the adoption of the LDP.

4: Legal Explanation for SPGs

In the considering of planning proposals guidance in SPGs is considered as 'material' in a legal sense – and thus having actual 'weight' in the decision - in the assessment. Non-SPGs i.e. guidance notes, are not material in this sense and lack any weight – they are just advisory.

5: Member Training

We can confirm that we agree to review the levels of member training.

6: Various Matters:

i. Section 106

We will provide a document that sets out criteria for s106 funding.

ii. Planning Enforcement

All Planning Enforcement related matters that are brought to the attention of the Council are investigated and the vast majority of cases are resolved through negotiation without the need of taking formal action.

Overall, there were approximately 650 cases in 2013, 600 in 2014 and nearly 200 to date in 2015. The formal Planning Enforcement Notices that were issued by the Council in 2013 and 2014, were 30 and 18 respectively. Thus far in 2015, 3 notices have been issued.

Clearly, the level of resources available will impact upon the speed at which cases can be progressed. At present, there are 3 Enforcement Officers with workload split between Development Management and Enforcement duties as part of the balanced approach taken to meet the demands of the Service as a whole within the available budget.

iii. Building Control Cases

One of the key KPI's for the building control service is the number of applications rejected. The aim of the KPI is to keep the number of first time approval of applications as high as possible and therefore the number of rejections as low as possible. The setting of a low target of rejections causes the service to work

more closely with its stakeholders in order to assist them in achieving their goal of Building Regulation approval. The Building Control service is in direct competition with the private sector for all of its building regulation chargeable functions and therefore to not work with these stakeholders in helping them to achieve their goals would be detrimental to this income generating business.

The income generating elements of the Building Regulation functions are delivered by the building control service in two parts a plan checking and appraisal part and a site inspection service part. Both parts of this section of our overall workload allow us to identify what we call pre-contravention interventions or PCIs. A PCI is where a surveyor identifies either a proposal on a plan or an actual piece of work on site that if not altered or amended will result in the functional requirements of the building regulations being contravened. The building control service has just fewer than 8 full time equivalent surveyors performing this function.

Over the period from January 2014 to June 2015 those surveyors identified on average 1, 320 PCIs each (498 at plan stage and 822 on site). A total of 16,802 stages of work were inspected on site over this period. Therefore on average about 40% of inspections result in a pre-contravention intervention by the team.

The Building Control KPI results against first time approval of applications for 2014-15 are as follows:

Period	Result
Quarter 1	98.66%
Quarter 2	98.81%
Quarter 3	99.04%
Quarter 4	99.10%
Annual Performance	98.87%

Building Control also work to the Government Good Enforcement Concordat which encourages local authorities to work with stakeholders to achieve compliance through good working relationships and helping with advice and guidance on what they need to do to achieve compliance without the need for formal enforcement action. This is very important for the building control service as a heavy handed enforcement approach through the courts would not be conducive to winning and retaining market share in what is an extremely competitive market place.

As a result we have a 100% compliance rate on completed work where we are the building control body. However, the responsibility for complying with the building regulations rests with the person carrying out the work and/or the person commissioning the work. Building Control is not a clerk of works service and it would be impossible for us to be on every site at every stage of every project. Building Control therefore operates a risk assessed approach to its inspection regime.

Note, building control does not give permission to build. Projects either require no permission (i.e. permitted development) or obtain permission through the development control process. Building Regulations are concerned with the functional performance of the completed building and therefore our role is to ensure that appropriate solutions to meet the required functional standards of the building regulations are planned and implemented.

There is no requirement to submit plans with all types of application for building regulation approval, indeed a high proportion of applications (approx. 30%) that we do receive are what are called building notices which require no plans to be submitted at all and all of our checking processes are then almost entirely site based as the work progresses.

Note also that whether the plans submitted with an application for building regulation approval comply with the requirements of the building regulations or not and whether those plans are passed or not, does not stop the person carrying out the work on site from achieving the functional standards using different methods to those shown on the plans.

Building Control received and processed 3,809 applications during the period January 2014 to June 2015. Some applications submitted prior to this period are still ongoing and there is no time constraint in the building regulations in which to complete work.

iv. CIL Update

Whilst Cardiff is unable to adopt a Community Infrastructure Levy in advance of the Local Development Plan, work has commenced in preparing a Preliminary Draft Charging Schedule (PDCS) which was the subject of public consultation in 2014. The next stage will be to publish a draft Charging Schedule later this year. Discussions are well advanced in terms of the timescales for preparing this work, where discussions are ongoing with colleagues in Scrutiny regarding future meetings in 2015.

In addition to work on Cardiff's CIL, and following the recent changes in the Planning Service, I can confirm a commitment from officers and the Chair of the Planning Committee to provide clear processes and guidance to local Members regarding the scope and timing of inputs to planning applications including consideration of planning obligations.

The CIL Regulations came into force in 2010 and these have now changed the way in which Local Planning Authorities can secure developer contributions, particularly with regard to how these contributions need to demonstrate that they are necessary, reasonable, and directly related to the proposed development. In addition, it is no longer possible to "pool" more than five contributions towards any type of infrastructure. I have attached a useful link to a briefing note on the issues around CIL and S106 obligations which I trust you find useful

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

Cardiff's Energy Prospectus

- **Is Cardiff doing enough to generate 15% of its energy through renewable sources by 2020? There are only five years left and the city currently achieves less than the 4.1% UK average.**

The Energy Prospectus is specifically intended to address this issue. To date, a range of projects that have been completed or are in procurement will increase the amount of local renewable energy generation in the city considerably. These include the Viridor Energy from Waste Plant, the Lamby Way Solar farm, Radyr

Weir Hydro scheme, the Anaerobic Digestion plant and a range of other smaller scale solar roof schemes. Together these will produce over 37 megawatts of electricity which is enough to power nearly 13,000 homes. Other major schemes that are being mooted by the Council and others, such as the tidal lagoon, will help to increase the renewable energy capacity of the city further but will require focussed delivery to ensure that the 2020 targets are met.

- **Should the Council nominate energy sustainability / security as an economic priority? For example, does it represent a good income generation opportunity at a time when budgets appear to be in continual decline, and is having a reliable supply of energy one of the fundamental building blocks for any growing economy?**

At the moment, all of our schemes are based on financial models that generate income and pay back on investment in terms that at least match Government Gilt (no-risk) investments. Often they exceed these terms. Given our dual challenges of supporting diminishing budgets and reducing carbon, together with other energy security and fuel poverty actions, energy sustainability / security does represent an important strand of both our economic and environmental responsibilities. Add to this the growth in jobs and supply chains that can be supported by this emerging sector, along with our active sponsorship of innovation in this field and the wider economic opportunities become clear. It would be extremely useful for the Council to officially nominate this area as an economic priority in order to further enhance this activity.

- **What stake should the Council take in terms of renewable energy production? For example, is it in our interests to invest in such projects for the benefit of the Council / Cardiff citizens or should we allow the free market to fill the vacuum of this opportunity?**

This is a very broad question and one that is directly related to the Council's wider budgetary pressures. A Cabinet paper is being prepared for the July cycle on this issue which will give a full evaluation of a range of investment/risk scenarios.

- **Does the Council need to document its position on the relationship between risk and reward for evaluating renewable energy projects?**

This would be useful, and will be possible following the debate that arises from the above mentioned Cabinet paper.

- **As an organisation that spends £12m plus VAT per annum on energy is the Council in a position where it has to be proactive in achieving a reliable energy supply?**

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In May, the Cabinet received a report on the new Carbon Strategy for the Council. As you know, the Environmental Scrutiny Committee had already seen and early draft of this and has supported its aims. The Strategy sets out targets and ambitions for carbon reduction to include a focus on reducing our energy demands and on producing more of our own energy from renewable sources. This, together with the delivery of the Energy Prospectus puts us in a very proactive position to achieve greater energy security and reliability.

I trust this information is of assistance.

Yours sincerely,
Yn gwyir,



Councillor / Y Cynghorydd Ramesh Patel
Cabinet Member for Transport, Planning & Sustainability
Aelod Cabinet dros Drafnidiaeth, Cynllunio a Chynladwyedd

Enclosure

Cc Councillor Michael Michael, Chair of the Planning Committee
Andrew Gregory, Director for Strategic Planning, Highways, Traffic & Transport
James Clemence, Head of Planning
Simon Gilbert, Principal Planning Officer
Jane Forshaw, Director for the Environment
Gareth Harcombe, Commercial Manager – Energy & Sustainability
Joanne Watkins, Cabinet Office Manager
Members of the Environmental Scrutiny Committee