



Planning Enforcement Peak District National Park Authority Internal Audit Report

Business Unit: Planning Monitoring and Enforcement
Responsible Officer: Principal Enforcement Planner
Service Manager: Head of Planning
Date Issued: 23rd January 2024
Status: Final
Reference: P3330/002

| | P1 | P2 | P3 |
|------------------------------|----------------------|----------|----------|
| Actions | 0 | 2 | 1 |
| Overall Audit Opinion | Reasonable Assurance | | |



Summary and Overall Conclusions

Introduction

The Peak District National Park Authority (PDNPA) is the statutory planning authority for land and property within the National Park Area. As the planning authority, it is responsible for guiding development and meeting statutory duties as well as safeguarding the natural environment and heritage of the area. Processes for planning enforcement have been established within the Local Enforcement Plan.

The authority receives reports of potential breaches, largely from members of the public, as well as carrying out selected site inspections of approved developments to ensure development is in accordance with permission. The Local Enforcement Plan states that enquiries from the public will be acknowledged within three days. The Planning Monitoring and Enforcement staff aim to perform site visits within seven days if the issue appears to be particularly serious or within four weeks for low priority and medium priority issues.

Performance and compliance with internal targets is reported to the Planning Committee quarterly. Minutes and reports from the Planning Committee's meetings are made available on the PDNPA website.

Objectives and Scope of the Audit

The purpose of this audit was to provide assurance to management that procedures and controls within the system ensure that:

- Planning enforcement processes are well documented, and roles and responsibilities are clearly defined.
- A clear process is in place to manage potential breaches, including the maintenance of a register.
- Reports of potential planning breaches from the public are efficiently received, documented and acted upon, leading to timely resolution.
- Performance and compliance with enforcement targets is calculated accurately and reported to the Planning Committee quarterly.

We tested a sample of enquiries and cases from 1st January 2023 to 9th October 2023.

Key Findings

The Local Enforcement Plan is a readily accessible document which defines planning enforcement procedures and processes across 11 sections. The plan is designed to be used by both the public and officers and includes key information such as how to report a potential breach of planning control. It also sets out expected timescales for responses to enquiries. However the Local Enforcement Plan has not been updated since 2018. Consequently at least one section of the plan (Section 3 – Monitoring) does not reflect the current practice being followed by officers.

Planning Monitoring and Enforcement staff undergo regular training, encompassing induction for new officers and continuous professional development through conferences and online learning. However, a training log is not maintained to record participation in enforcement training activities. Roles are clearly defined in job descriptions and through the daily work allocation on the M3 system.

The Local Enforcement Plan outlines the steps for addressing potential breaches, with all cases logged on the M3 planning system. The system links to the planning Hub which stores enquiry documentation such as site visit records and communication with stakeholders. Together, M3 and the planning Hub serve as a comprehensive breach register, capturing essential details and supporting documentation. A sample of resolved cases taken from the M3 system found that the enquiries had all been resolved appropriately and in line with documented procedure. Section 8 of the Local Enforcement Plan recommends that where possible breaches are resolved through voluntary compliance, and each of the sampled cases were resolved in line with this recommendation.

Public interaction with the enforcement process is facilitated through various channels, such as via telephone or e-mail, as outlined in Section 6 of the Local Enforcement Plan. Recently, an online reporting form, has been launched on the PDNPA website, which aims to enhance this process. Notably, the plan sets out a target of acknowledging public reports within three working days. Eight out of the ten sampled responses were within this timeframe and the remaining two were responded to in six and four working days.

Issues were found in meeting prescribed timescales for site visits and initial investigations. Site visits are not always being carried out within the timescales outlined in the Local Enforcement Plan. While a sample of site visits for more serious enquiries demonstrated adherence to the seven-day timeframe, only four out of ten cases met the four-week timeframe for the less serious enquiries. Furthermore, only three out of the ten sampled investigations were concluded in a timely manner.

To ensure transparency, progress against enforcement targets is regularly reported to the Planning Committee. The Principal Enforcement Planner, per their job description, holds the responsibility for producing these reports, with data accuracy assured through automatic generation from the M3 system. Quarterly reports to the Planning Committee include a segment on workload and performance. In the past year, these reports have consistently pointed to resource challenges within the team as a key factor behind delays in investigating enquiries. However, delays to site visits are not explicitly addressed in the report.

Two posts have been unfilled since June 2021 and September 2023, however the posts were filled in January 2024. A part-time role also remained vacant since March 2023, though a contractor has been engaged for three days a week since February 2023. There is an ongoing process of organisational change which will see the line management of Monitoring and Enforcement Officers transferred to the Area Team Managers. A process to address the backlog of breaches has also been commenced by officers. This involves categorising cases based on the action needed to close them, and reporting progress through the quarterly report. These changes aim to create greater resilience, ensuring targets are more consistently met and that the backlog of cases is reduced to a sustainable level.

Overall Conclusions

There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited. Our overall opinion of the controls within the system at the time of the audit was that they provided Reasonable Assurance.

1. Site visit delays

Issue/Control Weakness

Site visits are not always being carried out within the timescales outlined in the Local Enforcement Plan.

Risk

Targets are not met. The authority's reputation may be damaged if visits are not carried out promptly.

Findings

In accordance with best practice, the Local Enforcement Plan outlines the investigation process in Section 7. The plan prioritises site visits based on the perceived seriousness of the reported issues. The aim is to conduct visits within four weeks of an enquiry, or within one week for particularly serious matters. This approach is designed to ensure timely and effective responses to potential breaches.

A review of ten enquiries deemed less serious and therefore, requiring a site visit within four-weeks, revealed a significant deviation from this timeline. In five of the sampled cases, site visits had been conducted between 12 and 18 weeks after the recommended four-week period. For example, Case 23/0033, received its original enquiry on March 15th 2022, but the first site visit was not conducted until August 3rd 2022. This delay was linked to a vacancy in the Monitoring and Enforcement Officer position in the Southern area of the National Park. Another delay was due to repeated challenges by the property owner, necessitating a more detailed examination of the available evidence. Persistent, long-term vacancies were identified as the primary cause of most delays in site visits, contributing to the reported backlog in open cases.

We also reviewed five high priority cases, and found that site visits were generally being carried out in line with the one week timeframe. Although reassuring that the more urgent enquiries are handled efficiently, it is important to acknowledge that this represents a small proportion of the total number of enquiries received by the team. During 2022-23, only eight were deemed to warrant a site visit within one week. This underscores the ongoing challenge of meeting the target for less serious enquiries.

Agreed Action 1.1

Vacancies will continue to be filled and training for new staff will be provided. Performance targets for enquiry site visits will be reinforced. Performance targets will also be reviewed to check if they are achievable with the available resources and amended if necessary.

Priority

2

Responsible Officer

Principal Enforcement Planner

Timescale

31 July 2024

2. Case resolution delays

Issue/Control Weakness

Targets for case resolution are not being met.

Risk

Increased workload and pressure on the Planning Monitoring and Enforcement Team.

Findings

Sections 7 and 8 of the Local Enforcement Plan outline the investigation process and the process for handling breaches once a breach of planning control is found. The Planning Monitoring and Enforcement Team has an internal target to complete cases within 30 days of the case opening. Informal actions, including closure for cases with no or minor breaches, are expected to align with this timescale.

A review of five completed cases revealed a deviation from the target. Three of these were resolved within the specified 30-day period. One case, despite having no enforcement action taken, was marked as resolved over a year after the investigation commenced. This was due to repeated challenges from the owner of the property which delayed resolution. In another case where a breach was resolved through voluntary compliance, the resolution extended to five months from the start of the investigation due to an application for retrospective planning permission causing delays.

Quarterly monitoring and enforcement reviews highlight numerous unresolved high-priority cases. From the July 2023 review, five remain unresolved despite being initially reported between 2014 and 2022. While the quarterly reviews do not specify the causes of these delays, insights were provided by the Principal Planning Officer for two cases. The first case (initially reported in 2014 but appears to have become a formal case in 2018) faced initial delays due to appeals against enforcement action. Further delays were due to the Covid-19 pandemic and resourcing issues. The case remained mostly static from 2018 until 2022, when it was picked up by a part-time officer who left the authority in 2023. It has since been passed to another officer and has been awaiting comment since August 2023. The second case (2017) encountered delays due to the need for retrospective planning applications and a lack of response from the property owner. The officer investigating the case left in June 2021, and the post remains vacant. Although the part-time officer briefly managed the case until March 2023, there has been insufficient capacity to advance the case since they left.

Agreed Action 2.1

Vacancies will continue to be filled and training for new staff will be provided. High priority cases will be reviewed and it will be ensured that sufficient resources are devoted to seeking a timely resolution.

Priority

2

Responsible Officer

Principal Enforcement Planner

Timescale

31 July 2024

3. Outdated Local Enforcement Plan

Issue/Control Weakness

The Local Enforcement Plan has not been updated since 2018.

Risk

Current processes and priorities are not reflected in the Local Enforcement Plan.

Findings

The Local Enforcement Plan is intended to provide information on planning enforcement to both officers and the public, addressing key aspects such as reporting breaches and outlining process timescales.

The Local Enforcement Plan has not been updated since 2018. Notably, Section 3 (Monitoring), does not align with the current practices of the Planning Service, particularly in the area of site visits for approved developments. Both this section and an internal procedure note outline that Monitoring and Enforcement bear the primary responsibility for conducting checks during the construction phase of dwellings, conversion of existing buildings to dwellings, and major developments. These checks aim to ensure that the development aligns with the approved plans and conditions.

In practice, since March 2020, monitoring against approved plans and conditions, during the construction period has been limited to major developments. Annual checks on new dwellings and conversions focus on determining their status to comply with central government requirements. This shift from documented practice is attributed to the persistent long-term resourcing issues and resulting enquiry backlogs. Despite the absence of site visits for monitoring the construction of 239 dwellings since March 2020, its impact on related enquiries appears to be minimal. In 2019/20, the authority received 23 enquiries regarding new build dwellings or conversions to dwellings, whereas in 2022/23, only seven such enquiries were received.

While acknowledging the necessity to review the Local Enforcement Plan, the team has prioritised addressing the backlog of outstanding cases and enquiries, among other work priorities. The recent appointment of a Development and Enforcement Manager signals an intention to enhance the monitoring of approved developments, pending the fulfilment of other key roles and the establishment of the new organisational structure.

Agreed Action 3.1

The Local Enforcement Plan will be reviewed and a draft updated version will be prepared. Member/Committee approval will be obtained and a revised Plan will be published. The new Development and Enforcement Manager will assume responsibility.

Priority

3

Responsible Officer

Principal Enforcement Planner

Timescale

31 July 2024

Audit Opinions and Priorities for Actions

Audit Opinions

Our work is based on using a variety of audit techniques to test the operation of systems. This may include sampling and data analysis of wider populations. It cannot guarantee the elimination of fraud or error. Our opinion relates only to the objectives set out in the audit scope and is based on risks related to those objectives that we identify at the time of the audit.

Our overall audit opinion is based on 4 grades of opinion, as set out below.

Opinion Assessment of internal control

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|-----------------------|--|
| Substantial Assurance | A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited. |
| Reasonable Assurance | There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited. |
| Limited Assurance | Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited. |
| No Assurance | Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited. |

Priorities for Actions

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|------------|--|
| Priority 1 | A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management. |
| Priority 2 | A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management. |
| Priority 3 | The system objectives are not exposed to significant risk, but the issue merits attention by management. |

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