

## PLYMOUTH CITY COUNCIL

**Compliance of planning conditions imposed upon Plan ref 11/00750** (for the construction of Energy from waste plant in Her Majesty's Naval Base, Devonport.)

<b>Committee:</b>	Planning Committee
<b>Date:</b>	18 <sup>th</sup> October 2012
<b>Cabinet Member:</b>	Councillor Brian Vincent
<b>CMT Member:</b>	Anthony Payne Director of Place
<b>Author:</b>	Alan Hartridge Planning Services on behalf of the Assistant Director for Planning Paul Barnard.
<b>Contact:</b>	Tel: 01752 304207 e-mail: alan.hartridge@plymouth.gov.uk
<b>Ref:</b>	11/00750
<b>Key Decision:</b>	No
<b>Part:</b>	I

---

### **Purpose of the report:**

Monitoring and Compliance report required by the 23<sup>rd</sup> August Planning Committee (first of a regular series)

Advice from the interim Chief Executive and independent legal advice from Foot Anstey LLP Solicitors on the implications of revoking the current planning permission was considered at the 23<sup>rd</sup> August Planning Committee when it was resolved:

- (1) to note the report;
- (2) that the committee receive regular reports from the Assistant Director for Planning on the compliance of planning conditions with recommendations for appropriate action where there is evidence of non-compliance.

A template of progress relating to the monitoring of conditions and S106 clauses was reported to the Planning Committee on the 20<sup>th</sup> September and the case officer referred to a possible future report programme.

It was resolved that Councillor Stevens, Chair, Councillor Tuohy, Vice-Chair and Councillor Lynda Bowyer, Shadow Chair would meet with the Assistant Director of Planning with the relevant legal officers to discuss the process of how conditions are dealt with, in relation to the Energy from Waste plant, and, in particular, looking at whether Part C, paragraph 2.8 of the Constitution could assist in the delegation of powers to the Planning Committee.

The attached template (Appendix 1) is an update of the September one and indicates progress being made at the time of putting this report together in monitoring the requirements in the community interest. The possible future report programme is also attached (Appendix 2).

---

**Corporate Plan 2012-2015:**

Working with other organisations in the sub region to reduce costs in waste disposal services; dealing with waste in a way to reduce carbon emissions whilst also using planning powers as a key lever to facilitate the potential for further carbon savings ,social enterprise and Community Trust development and the delivery of business support in relation to the maritime sector

---

**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

The use of planning powers associated with the imposition and monitoring of conditions and obligations will secure acceptable development at a short, medium and long term cost to the applicants that is considered reasonable and in the community interest whilst saving public expenditure and the development itself secures a pooling of sub regional resources to address rising landfill costs. There are no abnormal financial implications for the local planning authority in monitoring conditions and clauses although the developer will have costs through providing information required by the SI06.

---

**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:**

The use of planning powers associated with the imposition and monitoring of conditions and obligations will secure acceptable development mindful that the principle Health and Safety and Risk Management issues and the framework for fostering good community relations has been addressed in the determination of the planning application.

---

**Recommendations & Reasons for recommended action:**

**Recommendation: The Committee are to note the position regarding compliance with conditions and obligations to date and agree to the suggested report programme.**

Reason:

The requirements of the planning conditions and obligations are currently being complied with (see attached monitoring table appendix) and the Planning Committee request is for regular reports.

---

**Alternative options considered and reasons for recommended action:**

Where a breach is identified the response has to be appropriate mindful of any demonstrable harm

---

**Background papers:**

The planning conditions clauses drawings and schemes can all be found on the planning website for 11/00750

(<http://www.plymouth.gov.uk/planningonline.htm?ApplicationNumber=11%2F00750&AddressPrefix=&Postcode=&Sort2=DateReceived+DESC&innoLink=http://www.plymouth.gov.uk/planningapplications2/results.asp>)

---

**Sign off:**

Fin	PC.PI aceF PD1 213 005. 0810 12.	Leg	JAR /158 22	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: N/A											
Have you consulted the Cabinet Member(s) named on the report? No											