

ENFORCEMENT PLAN REVIEW

To: **Planning Committee**

Date: **1 October 2020**

From: **Joint Interim Assistant Director, Environment and Commercial**

Electoral division(s): **ALL**

Outcome / Purpose: **To consider the following report and approve the updated Enforcement Plan.**

Recommendation: **The Planning Committee is requested to approve the updated Enforcement Plan.**

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1 INTRODUCTION

1.1 This report seeks approval from members of the Planning Committee for an updated Enforcement Plan for the County Planning, Minerals and Waste service.

1.2 Paragraph 58 of the National Planning Policy Framework (February 2019) states:

‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.’

1.3 The purpose of this Enforcement Plan (the Plan) is to explain the County Council’s approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also sets out how investigations into breaches of planning control will be conducted, what formal action can be taken to remedy breaches of planning control and how decisions will be made in respect of pursuing formal action.

1.4 The current Enforcement Plan, which was last updated in 2017, is a public document that is published on the planning enforcement pages of the Council’s website:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/planning-enforcement-and-monitoring>

1.5 The Plan is used as a framework for the enforcement and monitoring of authorised mineral and waste sites as well as sites where no County Planning permission is in place. The Plan also contains guidance on how breaches of planning control on the County’s own development sites are addressed.

1.6 The Plan would be referred to by the Planning Inspectorate and Local Government Ombudsman in an assessment of any enforcement appeal or complaint against the enforcement and monitoring service. Therefore, the Plan is a key policy document that requires regular review to ensure that it remains current and relevant and that its stated aims and targets are achievable with the available resources.

1.7 The Enforcement Plan has recently been reviewed and the new draft plan, which is attached as Appendix A to this report, has been through a formal consultation process before being brought before members for their formal approval.

2 Consultation process

2.1 A formal consultation on the draft plan ran for a six week period between 26 February and 8 April 2020.

- 2.2 As part of the consultation process, copies of the draft plan were sent to all Parish Councils in Cambridgeshire; the planning departments of the five district authorities in Cambridgeshire; the planning departments of the seven adjoining County authorities; and the local Mineral and Waste operators that control the main mineral and waste sites within Cambridgeshire.
- 2.3 The draft plan was also published on the County Council's Planning enforcement and monitoring web pages.
- 2.4 Prior to the formal consultation process, the amendments to the draft Plan were approved by Legal Services and this is the first Planning Committee that has been convened since the consultation period ended.

3 Consultation responses

- 3.1 A total of 10 consultation responses were received.
- 3.2 A summary of the consultation responses received and action taken to address them can be found in Appendix B.
- 3.3 A summary of the responses received and any revisions or actions taken in response will be published on the planning enforcement and monitoring pages of the Council's website, at the following link:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/planning-enforcement-and-monitoring>

4 Revisions to the Plan and key points to note

- 4.1 In the previous review of the Plan that took place in 2016, a significant amount of information which related to procedures for site monitoring and explanations of the enforcement powers within planning legislation was removed. The information was retained and included within a 'Procedures' document which was placed alongside the plan on the webpages. It is not proposed to revise or remove these procedure notes as part of this Plan review and it remains publicly available on the enforcement and monitoring webpages.
- 4.2 No significant changes have been made in updating this Plan, or to the approach that is taken to enforcement and monitoring of County Planning matters. There have been some minor alterations and updates to wording within the Plan, for instance in relation to the data protection, the sharing of information and joint working with other statutory bodies (in paragraph 11.3).
- 4.3 The only other changes to wording within the Plan are minor amendments to the wording with the aim of providing clearer guidance on the work of the enforcement and monitoring team.
- 4.4 The format of the draft Plan that was circulated during the consultation was two columns of text per page. However, a consultation response raised issues with

reading the column format when using small screens and therefore the trial format of the Plan was disregarded and the standard document format has been retained.

- 4.5 The key points of the Plan that members may wish to note are that Local members and Parish Councils will be advised of any confirmed breach of planning control in the areas that they represent and that formal enforcement action and updates to key cases are reported to this Committee in regular update reports from the enforcement and monitoring team. The local elected member and Parish Councils that represent areas where breaches have taken place and / or enforcement action has been taken are also sent copies of the update report.
- 4.6 If the amended Plan is accepted and approved by this Committee, the next review of the Plan will be scheduled for 2022.

5 Further information

- 5.1 For further information on the revised Plan, County enforcement and monitoring procedures or individual enforcement or monitoring issues, please contact: deborah.jeakins@cambridgeshire.gov.uk.

6 Recommendation

- 6.1 It is recommended that members approve the new version of the Local Enforcement Plan (set out in Appendix A) for the County Planning, Minerals and Waste service.