

ENFORCEMENT PLAN REVIEW

To: **Planning Committee**

Date: **19 January 2017**

From: **Head of Growth and Economy**

Electoral division(s): **N/A**

Purpose: **To consider the following report**

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

Officer contact:

Name:	Deborah Jeakins
Post:	Principal Enforcement and Monitoring Officer, County Planning, Minerals and Waste
Email:	Deborah.Jeakins@cambridgeshire.gov.uk
Tel:	01223 715544

1 INTRODUCTION

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

1.2 Paragraph 207 of the National Planning Policy Framework states:

'Effective enforcement is important as a means of maintaining 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. Local planning authorities 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 it is appropriate to do so.'

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 what action can be taken and how decisions will be made in respect of pursuing formal action.

1.4 In December 2014 the Council consulted on a new Enforcement Plan. This Plan is published on the website on the planning enforcement pages:

http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/234/planning/8

1.5 The Plan is used as a framework for the enforcement and monitoring of mineral and waste sites, and gives guidance on how breaches of planning control on the County's own development sites are addressed.

1.6 The Plan is also the first document that the Planning Inspectorate and Local Government Ombudsman look to when assessing an 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 approval.

2 Consultation process

2.1 A formal consultation on the draft plan ran for a six week period between 24 October and 6 December 2016.

2.2 As part of the consultation process, copies of the draft plan were sent to all Parish Councils; the planning departments of all five district authorities in

Cambridgeshire; the planning departments of the seven adjoining County authorities; and the fifteen 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 consultations web page and within the Planning enforcement and monitoring web pages.
- 2.4 Prior to the formal consultation process, the amendments to the Plan were approved by Legal Services.

3 Consultation responses

- 3.1 A total of 9 consultation responses were received from organisations.
- 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 action taken will be published on the planning enforcement and monitoring webpages. The pages can be found using the following link:

http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/234/planning/8

4 Key changes to the plan

- 4.1 Prior to this review, the Plan contained a significant amount of information on the procedures for monitoring and enforcement and the legal powers and processes for taking enforcement action. The detailed legal and procedural information did not fit with the stated purpose of a local enforcement plan which is to outline and explain how decisions on enforcement action are made by the authority. Therefore the additional information on the legal powers and County procedures were removed from the Plan ahead of the consultation. However, the information contained in the previous version of the Plan has been retained for inclusion within a 'Procedures' document which is being prepared for officer reference.
- 4.2 Enforcement complaints are assessed in relation to the potential significance of the issues raised and are then assigned a priority / category.

The previous plan had four categories of complaint:

- Category 1 - Severe risk of irreversible harm occurring
- Category 2 - Significant risk of harm occurring
- Category 3 - Risk of harm occurring
- Category 4 - Low risk of harm occurring

The new plan has reduced the categories of complaint to three:

- Category 1 – High / Severe risk of irreversible harm occurring
- Category 2 – Significant /Medium risk of harm occurring

Category 3 – Low Risk of harm occurring.

The reduction in the number of complaint categories will not alter the priority given to serious allegations or the target response times. The main purpose in reducing the number of categories is to ensure that the priorities are clearly defined and that they align with the 3 tier system within the planning enforcement database.

- 4.3 The other changes that have been made in updating the Plan are intended to provide clearer guidance on the work of the enforcement and monitoring team and have not significantly altered any meanings or processes.
- 4.4 If the amended Plan is accepted and approved, the next review of the Plan will be scheduled for 2019.

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 for County Planning, Minerals and Waste.