
REPORT TO:	Environmental and Development Services	AGENDA ITEM: 7
DATE OF MEETING:	31 January 2013	CATEGORY: DELEGATED
REPORT FROM:	Director of Operations	OPEN
MEMBERS' CONTACT POINT:	Gaynor Richards (ext 5750) gaynor.richards@south-derbys.gov.uk	DOC:
SUBJECT:	Introduction of a new Local Enforcement Plan (pursuant to paragraph 207 of the National Planning Policy Framework)	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS02

1.0 Recommendations

1.1 That the Committee authorises the adoption of the Local Enforcement Plan (attached) for use by the Head of Community and Planning Services for the everyday application of planning enforcement policy within the District.

2.0 Purpose of Report

2.1 Since the introduction of the National Planning Policy Framework (NPPF) on 1 March 2012, and the revocation of Planning Policy Guidance Note 18 (PPG18), it is now advised under the NPPF under paragraph 207 for each authority to draw up a Local Enforcement Plan in order to '*...set out how [the local planning authority] will 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.*'

2.2 The Policy has been drawn up largely to reflect established current practice, which was built on the previous guidance set out in PPG18 and the Council's own Priority Policy originated in 2004 and updated in January 2010.

2.3 The policy would supersede the current Enforcement Manual (2005).

3.0 Detail

3.1 The policy sets out the general principles that form the standard operating procedures and function of the Planning Enforcement Service, within the Development Management function of the Council.

- 3.2 In order to provide the best possible service, it is essential that the Council give clear information on what it is able to do and how the service is prioritised, given the available resources.
- 3.3 The policy is written with due consideration to relevant Government Policy, Legislation and Guidance, to provide a clear statement of the decision-making framework that will enable the effective provision of a Planning Enforcement Service through the implementation of sound procedures and working practices.
- 3.4 The Council's primary objective is to achieve regulatory compliance. Where it becomes necessary to take formal action in respect of breaches of planning control, the Council ensures such action is taken, where it can be shown to be expedient and in the public interest to do so.
- 3.5 There is a wide range of enforcement tools available to the Council to remedy breaches of planning control, with prosecution and 'direct action' being the most serious. The Council will always choose an enforcement sanction that is commensurate with the breach of planning control to which it relates based on a priority policy.
- 3.6 This policy is built around a process of escalation. In most circumstances the Council will only issue a formal notice where a breach of planning control has caused or is likely to cause material loss or harm to amenity, and where informal negotiations have been or are expected to be unsuccessful. Consideration will also be given to whether the actions of those responsible for breaches of planning control have endangered the health, safety or wellbeing of people or the environment.

4.0 Financial Implications

- 4.1 The costs of the policy are already budgeted for. The absence of such a policy could leave the Council vulnerable to a recommendation of an award of costs by the Local Government Ombudsman. Litigation could also incur extra costs in the courts.

5.0 Corporate Implications

- 5.1 Protecting the environment contributes towards the Corporate Plan theme of Sustainable Growth and Opportunity and the long term outcome of sustainable planning.

6.0 Community Implications

- 6.1 Protecting the environment contributes towards the Community Strategy theme of Sustainable Development.

7.0 Background Papers

- 7.1 Draft Local Enforcement Plan and the outgoing Enforcement Manual (2005).