

# **Report to Stronger Place Select Committee**

**Date of meeting: 29 March 2021**

**Portfolio: Planning and Sustainability (Cllr Bedford)**

**Subject: Review of Local Enforcement Plan**

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## **Recommendations/Decisions Required:**

- 1 To consider the Local Enforcement Plan and endorse stakeholder consultation**
- 2 To recommend the adoption of the Local Enforcement Plan to the Portfolio Holder for Planning and Sustainability.**

## **Report:**

1. The Council formally adopted the Local Enforcement Plan (LEP) on 16 October 2013 with an addendum on 11 December 2013. This was in accordance with the suggestion under Section 207 of the National Planning Policy Framework (NPPF) that such a plan should be adopted by Councils as part of the overall policies that are relevant for Planning and Development Management.

2. The LEP states the authority's policy for taking effective enforcement action when justified on the evidence gathered by Officers. The Plan sets out the principles of good enforcement and investigation and explains what will and will not be investigated. The Plan sets out the priorities for responses to complaints and clarified the timescales for response by officers. The Planning Enforcement Team receives a high number of allegations of breaches of planning control, and it is impossible to investigate all of these allegations with equal priority. Resources are limited, therefore the LEP makes clear what breaches are and the prioritisation involved.

3. A review of the LEP was carried out in 2018, five years after its adoption. Whilst there were no significant changes to planning legislation (in respect of enforcement) in this time the NPPF had been updated and the suggestion for authorities to adopt an LEP was now contained in Section 58 of the NPPF. Various minor changes were incorporated as a result of the review and this new version was adopted in February 2019.

4. This current review has come about due to the ongoing transformation of Council services and changes within Planning Services over the last 18 months and is an opportunity to incorporate technological changes, performance management systems and revised timescales for investigations into the document bringing it up to date.

5. All District Councillors, Town and Parish Councils will be consulted as part of the review process. If there are no significant changes recommended by stakeholders that need to be considered as a result of the consultation it is recommended that the updated LEP can be signed off for adoption by the Portfolio Holder.

## **Reason for decision:**

Adopting the revised LEP gives the Enforcement Section, Councillors, Local Councils, member of the Public (including complainers and complained about) and Planning

professionals a simple yet comprehensive document which lays out what they can expect from the Planning Enforcement Section and for them to be able to hold the section to account if the service received does not accord to that laid down in the LEP.

**Options considered and rejected:**

1. To not update the LEP – this would leave the Council vulnerable to challenges in enforcement action and cause confusion to all parties. This is not a viable option

**Consultation to be undertaken:**

All District Councillors, Town and Parish Councillors

**Resource implications:**

Budget provision: Nil

Personnel: Nil

Land: Nil

**Legal and Governance Implications:**

This would allow a up to date document to be adopted in conformity with the NPPF

**Safer, Cleaner, Greener Implications:**

The Plan contributes to the overall Council objections in making the District a better place to live and do business.

**Background Papers:**

Draft LEP (attached).

Relevant statutory powers: Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework 2018.

**Impact Assessments:**

There is no adverse impact as a result of this revision and updating process.

**Risk Management**

Not applicable.

**Equality:**

The plan takes into account current Equality Legislation.