

Committee Report: 4th November 2019

Title: Report to accompany **The Buckinghamshire Local Monitoring and Enforcement Plan 2019 (BLMEP)**

Case Officer: Mitchel Pugh (Planning Enforcement Officer)

Summary Recommendation(s): To approve the Buckinghamshire Local Monitoring and Enforcement Plan (BLMEP).

1.0 Introduction

- 1.1 This is to support the approval of Buckinghamshire County Council's new Local Monitoring and Enforcement Plan (BLMEP) to allow it to effectively manage breaches of planning control.
- 1.2 The Town and Country Planning Act 1990 as amended gives councils, as Local Planning Authorities, powers to control unauthorised development. The County Council is the Local Planning Authority for minerals and waste developments (county matters). This includes breaches of conditions relating to existing planning permissions, as well as unauthorised minerals or waste development. It is also the Local Planning Authority for the County Council's own development under Regulation 3 of the Town and Country Planning Regulations 1992. The County Council has responsibility to investigate and act on enforcement matters arising from these types of developments.
- 1.3 The BLMEP acts to set out the Council's strategy in respect of the regulation of planning control in Buckinghamshire and the approach that the Council will take in investigating and remedying breaches of planning control. The County Council's extant approach is contained within the Local Monitoring and Enforcement Plan for Buckinghamshire, which was adopted in 2013.
- 1.4 Buckinghamshire County Council, as Minerals and Waste Planning Authority, is firmly committed to the effective and proportionate enforcement of Planning Control. In accordance with paragraph 58 of the National Planning Policy Framework (NPPF) this BLMEP has been prepared to outline the approach that will be taken by the Council to remedy unauthorised development.
- 1.5 The Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP) was adopted on the 25th July 2019. Policy 28 of the BMWLP acts as the current policy framework with regard to enforcement and monitoring in the context of the adopted Development Plan. Paragraph 8.6 of the BMWLP, in the supporting text of Policy 28, is pertinent in ascertaining the purpose of the proposed BLMEP;

The County Council, as the MWPA, is firmly committed to the effective and proportionate enforcement of planning control. The Local Monitoring and Enforcement Plan sets out the council's strategy for pursuing planning compliance in Buckinghamshire and the approach that the council will take in investigating and remedying breaches of planning control.

2.0 Discussion

- 2.1 The BLMEP has been prepared partly in response to several changes within planning enforcement context currently present within Buckinghamshire. These changes stem from the progress and subsequent recent adoption of the new Buckinghamshire Minerals and Waste Local Plan (BMWLP) as well as the anticipated changes of the Unitary announcement. This will support any new joint policy for Planning Enforcement and monitoring as part of the unitary council.

Policy

- 2.2 Prior to the Adoption of the BMWLP in July 2019, the Buckinghamshire Minerals and Waste Core Strategy (BMWCS) existed as the relevant Development Plan Document. Policy CS24 of the BMWCS moved to establish explicit policy support for creation and maintenance of an overarching Enforcement Protocol. In the adoption of the BMWLP, Policy 28 acts as the primary policy vehicle for enforcement matters. Whilst Policy 28 does not move explicitly to outline the necessity of a Local Enforcement Plan (LEP), the supporting text does act to establish the Local Monitoring and Enforcement Plan as the principal planning enforcement document. In this sense, when the BMWLP is read as a whole there are important inferences to be drawn on the necessity and purpose of the BLMEP.
- 2.3 The development and publication of the BLMEP is supported in the NPPF, particularly in the understanding of the purpose and structure of a Local Enforcement and Monitoring Plan. Paragraph 58 of the NPPF states;
[...] 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.
- 2.4 In line with the requirements of Para 58 of the NPPF, the draft BLMEP is structured to outline the County Council's approach in respect of the following aspects of the Planning Enforcement function:
- Monitoring of permitted Sites
 - The investigation of breaches of Planning Control
 - Establishing the powers and actions available to the County Planning Authority
- 2.5 In respect of the Development Plan and NPPF, the resultant draft BLMEP is

considered to be in conformity with the relevant provisions within the aforementioned documents.

Unitary

- 2.6 On the 1st November 2018 the Secretary of State for Housing Communities and Local Government announced a single unitary authority for Buckinghamshire. On the 1st April 2020 a new Buckinghamshire single unitary authority will replace the following councils:

Aylesbury Vale District Council
Buckinghamshire County Council
Chiltern District Council
South Bucks District Council
Wycombe District Council

- 2.7 The creation of a unitary authority will likely result in structural and procedural changes to the planning enforcement service currently operated across Buckinghamshire. The consideration of these anticipated changes is important when considering the necessity of a revised BLMEP.
- 2.8 The four district councils all currently have Local Enforcement Plans that have been adopted in the last five Years.

Table 1. The age of LEP's within the relevant Local Planning Authorities.

Local Planning Authority (LPA)	LEP Adoption Date	LEP Age (Years)
Aylesbury Vale District Council	2016	3
Buckinghamshire County Council	2013	6
Chiltern District Council	2018	1
South Bucks District Council	2018	1
Wycombe District Council	2017	2

- 2.9 In respect to the information set out within **Table 1** of the report, Buckinghamshire County Council clearly has the oldest adopted LEP. The age of the LEP is relevant, not only in respect of its appropriateness in the contemporary planning policy context, also in relation to its relationship with current planning enforcement and monitoring practice at Buckinghamshire County Council but also in the fact that it needs to support the recently adopted BMWLP.
- 2.10 In the context of this report, it is argued that a revised LEP is necessary moving towards a single unitary authority in 2020. The draft BLMEP has been constructed with regard to the content of historic LEPs in addition to the extant LEPs of the relevant neighbouring LPAs. In this sense, the resultant draft BLMEP is considered to be reflective of the wider planning enforcement context of the County. Moving forward to the practicalities of merging five enforcement approaches it is hoped that an updated BLMEP will ensure best working practices within County Planning Enforcement service are effectively translated into the approach of the Unitary Planning Enforcement service.

3.0 Conclusion

- 3.1 The revised BLMEP has been created to support the adopted BMWLP and support the creation of the new unitary local Enforcement Plan.
- 3.2 The revised BLMEP has been produced with regard to the existing LEP in addition to the LEPs of Neighbouring LPAs.
- 3.3 The resultant BLMEP is considered to be reflective of the current planning enforcement service at Buckinghamshire County Council and sets out the Council's commitment to investigating and addressing breaches of planning control within Buckinghamshire supporting the BMWLP. It is recommended that the committee approve the BLEMP.