



# Report to Cabinet

**Date:** June 2020

**Reference number:** n/a

**Title:** LOCAL PLANNING ENFORCEMENT AND MONITORING PLAN

**Relevant councillor(s):** Warren Whyte

**Author and/or contact officer:** Darran Eggleton

**Ward(s) affected:** All wards affected

**Recommendations:** To adopt the draft Local Enforcement and Monitoring Plan.

**Reason for decision:** Although a Local Enforcement Plan is not a legal requirement, this plan is produced to ensure that the area planning enforcement teams of the new council are aligned as possible to ensure that the approach to planning enforcement is consistent across the Buckinghamshire Council area and support public-council relationships by managing expectations.

## 1. Executive summary

- 1.1 Planning enforcement is an integral part of the planning system and underpins the overall planning process. Prior to the Transformation Programme, it is important to harmonise the existing processes and to provide a single enforcement service across the whole Buckinghamshire Council area.
- 1.2 Whilst the Transformation Programme will build upon the vision for the service and create a single enforcement team operating across the new council area, the adoption of a Local Enforcement and Monitoring Plan in the interim period will promote a unified approach to planning enforcement and will be the starting point for service improvements.

## **2. Content of report**

### **Planning Enforcement – the Vision**

- 2.1 The planning enforcement service is a discretionary service but is an essential part of the development management process. An efficient and responsive planning enforcement service can ensure there is confidence in the whole planning process, ensuring that regulations are complied with and breaches of planning controls are dealt with.
- 2.2 Effective enforcement is important to:
- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
  - maintain the integrity of the decision-making process;
  - help ensure that public acceptance of the decision-making process is maintained.
- 2.3 The ambition therefore is to create an exemplar service, that is innovative, sets high standards and targets, learns from best practice across the UK and creates an environment where Buckinghamshire is known for its effective enforcement regime. The vision for the service is to provide a comprehensive, proactive planning enforcement service that adopts an authority-wide approach to planning enforcement using all available tools and resources from across the Council as well its relevant partners.
- 2.4 Therefore, a transformed enforcement service will provide a holistic approach to enforcement across the whole planning service, using resources available across all teams with proactive monitoring of compliance with planning permissions. The service will also explore links to the Council's other enforcement services to create a comprehensive enforcement team approach that is not bound by bureaucratic or professional boundaries.
- 2.5 There will also be an increased focus on compliance rather than simply reacting to potential breaches with proactive monitoring of planning conditions being fully embedded in the service provided. Focusing on compliance of developments from the outset will eventually reduce the need for formal enforcement. This will help to identify breaches of control at an early stage rather than reacting to those breaches to be reported. In investigating alleged breaches of planning control, the new service will also provide an appropriate 'out of hours' enforcement service.
- 2.6 The vision for the service will be realised through the Planning Transformation Programme which will be delivered during the first year of the new Council. Therefore, the new enforcement service will initially utilise the best practices from

each of the legacy Councils but will then continue to review and build on those practices to further improve and develop the service. This will create an efficient and effective planning enforcement service that promotes and encourages planning compliance across the area and pursues meaningful formal enforcement actions where necessary.

- 2.7 It is important, ahead of the Transformation Programme, to harmonise the existing processes and to provide a single enforcement service across the whole Buckinghamshire Council area so that customers can expect a consistent approach. Therefore the adoption of a Buckinghamshire Council Local Enforcement and Monitoring Plan is an interim position to cover the first year of operation of the new service and will promote a uniformed approach to planning enforcement by one single Buckinghamshire Council team across the new council area.

### **3. Local Enforcement Plan**

- 3.1 The preparation and adoption of a local enforcement plan is important because it:
- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
  - sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
  - provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; and
  - provides greater certainty for all parties engaged in the development process.
- 3.2 The legacy Councils had all published individual Local Enforcement Plans (LEP's) and whilst there was very a similar approach in terms of the investigation process, service provision differed slightly. This was predominantly in relation to what the plans say the Councils will do and within what time scale.
- 3.3 Table 1 below shows the level of service in the legacy Local Enforcement Plans together with the service being proposed in the draft LEMP.

	Priority	Current Council plan timescales				Proposed for BC	Notes
		C&SB	WDC	AVDC	BCC		
Log on database and acknowledge	All	5wd	2wd	3wd	n/a	3wd	C&SB currently achieve a 3WD internal target.
Investigate and make a site visit (if necessary)	A	2wd	1wd	1wd	5wd	1wd	Due to the nature of alleged unauthorised waste & minerals sites as well as the level of service demand (Circa 40 a year)) BCC generally visit all their cases within 1wd. C&SB treat Priority A cases with urgency and aim to meet the 1WD target presently.
	B	10wd	10wd	10wd (investigate and decide on action)	5wd	10wd	BC proposes to have a 2 priority system.
	C	20wd	10wd	25wd	5wd	n/a	C&SB currently aims to achieve a 10WD internal target to visit Priority C cases. AVDC took a different approach, aiming to complete the initial investigation and reach a decision on a course of action in 25 days.

**Table 1 (The timescales highlighted red in the table indicate where the proposed BC plan is more stringent than the existing plans).**

- 3.4 Ahead of transformation, the draft LEMP for Buckinghamshire Council ensures a single approach but recognises that improvement on the priority timescales can be achieved from the outset. The LEMP therefore proposes a 2 point priority system as follows:

Priority A	Undertake an investigation and carry out a site inspection (if necessary) within 1 working day
Priority B	Undertake an investigation and carry out a site inspection (if necessary) within 10 working day

Priority A cases includes unauthorised works to listed buildings, TPO or conservation areas tree matters, development that has the potential to cause irreversible harm and alleged breaches of condition that causes significant harm to amenity, living conditions, trees, wildlife, ecology, archaeology or heritage asset etc. This prioritisation is based on planning judgement and will be made at officers discretion.

Whilst it is recognised that this approach requires some change to existing practice, it is considered that this change is achievable by the teams and will provide an immediate benefit to the public by way of better action times to breach of planning control. It will not require a significant change nor their put undue strain on existing resources and will set the tone for refreshing the planning enforcement service in preparation for the transformation programme. It is important to point out however that even during this transformation stage, the Council will ensure it acts consistently as a single team across the proactive mode whole of Buckinghamshire and that there will be no variations of service across any of the legacy areas.

- 3.5 In 2019, the combined cases received by the legacy authorities was 1750. Of these, less than 6% were in the highest priority category. The 5-year data trend predicts a similar volume to be received in 2020.

3.6 Whilst it is impossible to provide an accurate guide regarding the length of time taken to resolve breaches of planning control the Council will continue to progress cases as quickly as possible and target to close 75% of all cases within 20 weeks of receipt.

3.7 The team will monitor the consistency of application through the use of Key Performance Indicators. These KPI's will be based on the time scales set out in Table 1 above and will be monitored monthly by the existing Team Managers/Team Leaders with reports to the Head of Service at appropriate intervals.

#### **4. Out of hours standby service**

4.1 The vision for the service is to ensure that a comprehensive out of hours service is provided. However in the interim and prior to transformation, officers will aim to provide an out of hours standby service during Bank Holiday weekends and the Service Director will also consider all short term options available to expand the service beyond Bank Holiday weekends.

#### **5. Dependencies**

5.1 To minimise the dependency on other teams such as IT, the plan refers to publically available webpage content (ie. [www.gov.uk](http://www.gov.uk)).

#### **6. Other options considered**

6.1 The only other alternative option considered is to not adopt a Local Enforcement Plan. It is considered that the lack of a Local Enforcement plan reduces the public-council relationship and fails to promote transparency.

6.2 This option was considered but decided that it was not an appropriate option for the reasons set out above.

#### **7. Legal and financial implications**

##### **7.1 Financial Implications**

There are limited financial implications of publishing a local enforcement plan but it is considered that the plan will enable the Council to better engage with the public about the service and to better defend Local Government Ombudsman Complaints.

##### **7.2 Legal implications**

There is no legal requirement for the Council to publish a Local Enforcement Plan nor is there a requirement as to what content must be provided. Nevertheless, the

LEMP aims to ensure an over-arching consistency in the approach to enforcement across the new Council area.

## **8. Corporate implications**

8.1 This plan has been created in line with the overarching enforcement policy which was agreed by CIG and Informal Shadow Executive in January 2020

8.2 Changes to the plan will require the enforcement teams to understand the new implications on the delivery of their service if the plan is adopted. Where there have been differences in timescales identified, the new plan has adopted an appropriate timescale that ensures that the teams are able to make meet the requirements of the new plan without severely impacting on resources or service delivery. Consultation and communication

## **9. Equalities Implications**

9.1 The primary users of the enforcement service will be members of the public. This draft LEMP explains in plain English what, why and how the new Council will provide the enforcement service, signposting where necessary other sources of information.

9.2 The document promotes a consistent approach to enforcement across the area but allows the existing teams to continue to operate without significant change or undue pressure on resources.

9.3 Above all the draft LEMP does not over commit the new council, set it up to fail nor provide hostages to fortune.

## **10. Consultation**

10.1 There is no requirement for public consultation on this draft plan.

## **11. Communications Plan**

11.1 The Local Enforcement Plan will be published on the Buckinghamshire Council website.

11.2 The Council will liaise with those reporting an alleged breach of planning control throughout the investigation. This will be at the initial acknowledgement and at key stages (ie if a planning application is submitted, if a formal notice is issued or if the case is closed). In addition, the Council will provide an update on the investigation when requested to do so by the reporter. At appendix A is a flowchart detailing the customer service viewpoint.

**12. Next steps and review**

- 12.1 The LEMP sets out that the plan will ordinarily be reviewed every 3 years or at a point of significant change. It is therefore proposed that this plan be adopted but that the plan be reviewed and significantly amended once the Planning Transformation Programme has taken place and the service has been re-shaped to deliver an improved, efficient and proactive enforcement service.

**13. Background papers**

None.

**14. Your questions and views (for key decisions)**

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the Democratic Services team. This can be done by telephone on 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)