

committee DEVELOPMENT & REGULATION

date 31 May 2013

MINERALS, WASTE and COUNTY COUNCIL DEVELOPMENT

Local Enforcement and Site Monitoring Plan

Report by Head of Environment, Planning and Economic Growth

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1. PURPOSE OF REPORT

The report seeks the Committee's endorsement of a Local Enforcement and Site Monitoring Plan ('the Plan'), as advised to be prepared by the National Planning Policy Framework. The Plan incorporates and updates previous versions of the Council's enforcement protocols and concordat as adds the chargeable and non-chargeable site monitoring procedures (previously endorsed by the Committee in October 2012).

2. LOCAL ENFORCEMENT AND SITE MONITORING PLAN

Paragraph 207 of the National Planning Policy Framework (NPPF) 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."

In accordance with the NPPF the Essex Local Enforcement and Site Monitoring Plan ('the Plan') sets out what enforcement and site monitoring service businesses and individuals can expect from Essex County Council as Mineral, Waste and County Planning Authority.

A copy of the Plan is set out at Appendix 1 of this report, however in summary the Plan set out the planning authority's processes dealing with:

- The county council's monitoring and enforcement function;

- Taking formal enforcement action ;
- Resources allocated to enforcement and monitoring;
- Dealing with complaints;
- The appropriate course of action;
- The human rights act 1998;
- Chargeable minerals and landfill monitoring visits, and;
- Non-chargeable waste management site monitoring visits.

3. RECOMMENDATION

That the Committee endorse the Local Enforcement and Site Monitoring Plan.

BACKGROUND PAPERS

- The Enforcement Code of Practice adopted in 1997
- Planning Service Group Development Control Remedial Action Protocol for Dealing with Breaches in Planning Control relating to Development Undertaken by the County Council under Regulation 3 of the Town and Country Planning General Regulations 1992
- POS M&W Implementation Planning Advisory Group - Guidance on Best Practice for Chargeable Site Monitoring, April 2012
- Environment Agency - Environmental Permitting Regulations Operational Risk Appraisal Scheme (Opra for EPR) Version 3.7, April 2012

LOCAL MEMBER NOTIFICATION

Countywide