

Report Date: 06/07/2021

Topic: Enforcement Procedures and Policy Practices In Relation To Environmental Enhancement and Protection

Report By: Development Management Service Manager

1. INTRODUCTION

- 1.1 At its meeting of 07th April 2021 following a notice of motion from Cllr Luggar in relation to damage to the natural environment during the course of development despite the imposition of associated planning conditions Council resolved that 'a report be prepared on the issue of enforcement procedures and policy practices' to be presented to a future meeting of the Policy Development Committee.
- 1.2 The Council has wide ranging enforcement powers available to ensure effective compliance with planning conditions and works to legally protected trees and hedgerows.
- 1.3 The Council also work in partnership with other agencies (The Forestry Commission, Natural England and Devon and Cornwall Police etc) in relation to allegations of criminal environmental harm in those cases where we are not the relevant lead authority (i.e. criminal activity in relation to protected species and habitats etc.)
- 1.4 The Council has relatively recently (December 2020) published a Compliance and Monitoring Plan which has a review date of December 2022:

[Planning enforcement compliance and monitoring plan 2020](#)
- 1.5 The Council has subsequently agreed to employ two new compliance apprentices in order to address an identified lack of capacity within the strategic development and planning service and it is intended that posts will be filled by September 2021.
- 1.6 An Enforcement 'process review' has recently been undertaken and recommendations have been made to senior management team (June 2021) which are to be implemented (July/August 2021) to ensure that enforcement case handling is managed using the most efficient and effective processes. Further review has been recommended to ensure proposed service changes are effective and to enable further service improvements as part of a cycle of continuous improvement.
- 1.7 Under a proposed re-structure the existing planning enforcement officers and proposed apprenticeships will be working within a new 'compliance and education team'

1. RECOMMENDATIONS

- 2.1 Council note the measures set out in the existing Compliance and Monitoring Plan along with the allocation of additional staff resource and implementation of revised processes and proposed re-structuring of services and formation of a new compliance and education team.
- 2.2A further joint review of Compliance Procedures and Policy Practices to address the corporate environment priority is undertaken within the proposed Council structure by the Head of Environmental Enhancement, Head of Planning, Housing and Health and the proposed Compliance and Education Team as part of the next round of annual service planning.

2. REASONS FOR RECOMMENDATIONS

3.1 Significant changes are in progress in relation to planning enforcement and the a proposed re-structure.

3.2 New Heads of Service will wish to ensure that appropriate resources are allocated towards delivering the Councils Strategic Objectives and that ensuring that there is clear understanding in relation to responsibilities for compliance case handling and technical support in regards to both pro-active and re-active compliance monitoring, enforcement action and public education.

3. REPORT

4.1 The Council has relatively recently (December 2020) published a Compliance and Monitoring Plan which has a review date of December 2022:

[Planning enforcement compliance and monitoring plan 2020](#)

4.2 The aim of the compliance and monitoring plan is to ensure development:

- is delivered in a manner that is environmentally acceptable
- does not significantly harm amenity
- accords with the North Devon & Torridge Local Plan
- supports our corporate priorities

4.3 Delivery of the plan follows the five principles of regulatory compliance, which are:

- Consistency – we will be consistent in our actions and decision making
- Proportionality – we will encourage compliance act in a proportionate way
- Targeting – we will prioritise our activities based on risk
- Transparency – our approach to our activities will be transparent
- Accountability – we will regularly publish details our performance

4.4 Following the adoption and publication of this plan a service review has been undertaken and key outcomes can be summarised as:

- Allocation of additional resources to enable the employment of two ‘compliance apprentices’
- Standardisation of reporting requests for enforcement action through the use of ‘firm step’
- Identification of software development needs to better manage enforcement case handling
- Increased accountability and decision making for Enforcement Officers
- Decrease in delays waiting instructions from other Officers

4.5 Further service improvement actions have been identified and will include:

- A full correspondence review to ensure consistency, plain English and effectiveness
- Increased autonomy for Enforcement Officer decision making
- Review of delegated powers for signing-off Enforcement Notices / Prosecution actions
- Introduction of satisfaction surveys for ‘the process’ to a random sample, to gauge successes and / or drive future improvements
- Introduction of regular forums with Enforcement Officers and Planning Officers, to discuss any lessons learnt, promote consistency and ensure proportionality
- Introduce and refine Enforcement Notice online tracker
- Periodically attend Parish and Town Council meetings, to foster and develop positive relationships

5 RESOURCE IMPLICATIONS

5.1 No additional resource is expected as a result of this report

6.0 EQUALITIES ASSESSMENT

6.1 No equalities implications are anticipated as a result of this report.

7.0 CONSTITUTIONAL CONTEXT

7.1 No constitutional issues are raised by this report

8.0 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9.0 BACKGROUND PAPERS

9.1 The Planning Enforcement Compliance and Monitoring Plan December 2020:
[Planning enforcement compliance and monitoring plan 2020](#)

10.0 STATEMENT OF INTERNAL ADVICE

10.1 The author confirms that advice has been taken from all appropriate Councillors and Officers: Maria Bailey Development Management Service Manager.