

STRATEGIC PLANNING BOARD

Date of meeting: 4th March 2009
Report of: David Snelson (Principal Planning Officer) CNBC
Title: Planning Enforcement Protocol

1.0 Purpose of Report

- 1.1 As part of the preparations for the new Cheshire East Council and in order to deliver consistent levels of service from the existing district councils and Cheshire County Council a new planning enforcement protocol has been produced. The protocol is designed to operate from vesting day and will require review once resources and staffing structures are fixed. The protocol has been produced as part of the Development Management Group workshops and was approved by the Development Management Task Group at their meeting of the 11th February 2009. This report seeks approval from the board for the protocol which is attached as an appendix to this report.

2.0 Decision Required

- 2.1 To confirm the recommendation to enable adoption of the proposed Planning Enforcement Protocol.

3.0 Financial Implications for Transition Costs

- 3.1 The proposed Enforcement Protocol is based on existing practice and therefore there should not be any significant transitional costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 On-going review of implementation and compliance with protocol as required.

5.0 Legal Implications

- 5.1 There are no statutory requirements for enforcing planning control as it is a discretionary power.

6.0 Risk Assessment

- 6.1 Failure to adopt a consistent approach to the delivery of Planning Enforcement will leave the Authority open to challenge and investigations by Standards Board and Local Government Ombudsman.

7.0 Background and Options

- 7.1 Currently planning enforcement services are delivered by the District Council's of Crewe and Nantwich, Congleton and Macclesfield Borough as well as Cheshire County Council. These services will, from the 1st April 2009 be delivered by Cheshire East Borough Council. Each existing authority has its own service levels and priorities and is resourced to deliver planning enforcement services in accordance with these priorities. It is important that following vesting day on the 1st April 2009 Cheshire East Borough Council is able to deliver consistent levels of service across its administrative boundary. Accordingly it is necessary to adopt a combined Planning Enforcement Protocol.
- 7.2 A series of workshops have taken place in order to develop the new single Development Management service for Cheshire East. It was agreed as part of this work that a new planning enforcement protocol would be required for adoption on the 1st April 2009. An Enforcement and Planning Obligations sub-group was formed with relevant officers from Cheshire County Council, Crewe and Nantwich Borough Council, Macclesfield Borough Council and Congleton Borough Council to work towards assimilating planning enforcement services. The Planning Enforcement protocol has been produced taking into account the existing staffing and resource levels of the relevant district authorities and Cheshire County Council. The main aim of the protocol is to set out the proposed service levels, priorities for enforcement and also timescales for visiting sites following the receipt of a reported breach of planning control.
- 7.3 The alternative option is to continue with the existing district and County Council enforcement policies and working practices. However, this is not considered to represent an acceptable alternative as it would result in inconsistent levels of service delivery across Cheshire East with associated risks of complaints to the Council and Local Government Ombudsman.

8.0 Reasons for Recommendation

- 8.1 That prior to 1 April 2009 the Council adopts the attached Planning Enforcement protocol for Cheshire East.

9.0 Equality Impact Assessment

- 9.1 An Equality Impact Assessment has been carried out in connection with this proposed protocol for Cheshire East. This identifies some impacts on certain groups and that there may be a number of unique cases which require individual consideration although these are limited and it does not identify a need for a further impact assessment.

For further information:

Portfolio Holder: Jamie Macrae

Officer: David Snelson (Principal Planning Officer – Development Control)

Tel No: 01270 537498

Email: David.Snelson@crewe-nantwich.gov.uk