



## Planning and Access Committee

Meeting: Monday 28th March 2022

### Agenda item: 5

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**SUBMITTED BY:** Director of Place

<b>SUBJECT:</b>	Planning Enforcement Charter Update
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#### 1. Summary and reason for presentation

1.1. This paper provides Members with an update on the Planning Enforcement Charter. Legislation requires that this document be reviewed and updated every two years as a minimum. It is publically available on our website and helps explain how the enforcement process works, the role of the National Park as Planning Authority and the service standards we set.

#### 2. Recommendation

2.1. That Members:

**CONSIDER and NOTE** the content of this report - and agree the updated version of the Enforcement Charter (see Appendix 1).

### 3. Planning Enforcement Charter

- 3.1. Planning Legislation requires that all Planning Authorities in Scotland prepare an Enforcement Charter and publish it. The relevant legislation is Section 158A of the Town and Country Planning (Scotland) Act 1997 as amended. This also sets the requirement for a minimum statutory review every two years. Our charter was last updated in October 2018 so was due a review in October 2020. This did not take place due to other service priorities during the Covid pandemic. Now is an appropriate time to review the document and include some specific updated text as required by an amendment to planning legislation by way of the Town and Country Planning (Scotland) Act 2019 (section 44).
- 3.2. The charter as drafted remains relevant and useful in its intended purpose. It details what can be expected at each stage of what can be a complex and lengthy process – and the invaluable role of the public to notify us when development may have occurred without the necessary planning permission. It explains how the public can engage most effectively with the process. It sets a prioritisation for investigating any alleged breach of planning control to ensure the most effective use of our staff resource and it sets out our service standards to acknowledge correspondence, make a site visit and provide a follow up response as may be necessary.

### 4. Proposed Updates to the Charter

- 4.1. The proposed updates to the text of the Enforcement Charter focus upon the section which sets out how the National Park undertakes to monitor approved development. This is the aspect of Planning work highlighted by the amendment to the legislation in the 2019 Planning Act, as referenced at para 3.1 above. This specifically requires that every Planning Authorities' Enforcement Charter includes a statement in relation to how they monitor compliance with planning permissions which have been granted in respect of Major<sup>1</sup> Developments and to include how monitoring activity is recorded and how such records are available to the public. The updated text is highlighted in red in the version of the charter appended to this report (Appendix 1).
- 4.2. This post decision and enforcement workload is a notable part of the overall delivery of the Development Management team – alongside the determination of planning applications, our pre-application engagement and our service improvement work. All of this is separately reported annually to the Scottish Government within the Planning Performance Framework (PPF) – an update on which has been recently brought to this Committee – and we are now commencing to gather data and content for our 11<sup>th</sup> annual PPF report. It would be my intention to provide further enforcement and monitoring updates in due course in the context of this work.

### 5. Conclusion

- 5.1. Our Enforcement Charter requires review and updating in accordance with statutory requirements. The new section focuses on our monitoring of approved development. All other sections remain fit for purpose with a refreshed date of publication.

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<sup>1</sup> As defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, Reg 2 (1)

## 6. List of Appendices

6.1. Appendix 1 Enforcement Charter proposed updated version - as attached.

6.2. Appendix 2– Enforcement Charter - current website link

<https://www.lochlomond-trossachs.org/planning/planning-applications/make-an-application/helpful-resources/planning-enforcement-monitoring/>