

County Council Development (Regulation 3) Monitoring and Enforcement Protocol



Monitoring Compliance and Remedial Action

Under Regulation 3 (Reg. 3) of the Town and Country Planning Act, the County Council is both applicant and determining planning authority in respect of its own development. The County Council seeks to act as an exemplar in carrying out its own development and adhering to the requirements and implementation of National and Local Planning Policy. Great emphasis is given to the implementation of planning permissions in an environmentally acceptable, sustainable, and safe manner.

The County Planning Authority (CPA) will proactively monitor the implementation of planning permissions and approvals for Reg. 3 development. The monitoring visits made by Officers may be unannounced or by appointment. The CPA expects a very high standard of compliance and performance from those in implementing Reg. 3 planning permissions, whether acting as the commissioning body or contractor in the process. County staff and contractors working with or for the County Council should enable site inspections to take place and assist in providing any necessary information to monitor progress and compliance.

Monitoring by Officers

Planning Officers will monitor the implementation of Reg. 3 planning permissions.

Planning Officers will liaise with the commissioning body and discuss and offer advice on the program for implementation of an extant permission. Planning Officers will expect the commissioning body and/or project managers (the applicant) to commit to the timely implementation of all planning permissions in accordance with the required timescales including the submission of detailed schemes as required by planning condition.

In the case of pre commencement conditions, it is essential that ample time and resources are allowed by the commissioning body in order to enable the submitted scheme to be determined and approved before works commence. A failure to obtain prior approval for works the subject of planning conditions is a breach of planning control and will be recorded as such by Planning Officers.

Planning Officers will maintain a schedule of planning permissions granted for Reg. 3 and this information will be shared with the applicant.

Agreeing remedial action under delegated powers

Planning Officers have delegated powers to negotiate and agree an appropriate level of planning control and necessary remedial action where there has been a breach involving Reg. 3 development. Planning Officers will seek to be pre-emptive in controlling Reg. 3 development and so minimize or avoid the harm and risks associated with unauthorised development.

Where an actual or prospective breach of planning control is identified for Reg. 3 development, Planning Officers will seek to resolve matters promptly through discussion with

the applicant and, where reasonable and appropriate, shall set out the requirements for necessary remedial works and actions in a written notice. Requirements shall include setting a timescale for a written response from the applicant, which reflects the severity of the breach of planning control and the consequent urgency to secure resolution.

The applicant should indicate acceptance of the specified remedial action, or action to avoid a breach occurring, in accordance with the timescale set out in the written notice issued by Planning Officers.

Where urgent action is required to avoid significant harm and the applicant has not resolved the breach, Planning Officers will refer the matter directly to a Sub Committee of the Planning and Regulatory Committee as described below. The applicant will simultaneously be informed of this course of action and reasons why.

Referral for decision

In the event that the applicant cannot agree to deliver part or all of the specified remedial works or actions within an acceptable timescale and the development is giving rise to planning harm or a poor standard of service, then the case will be referred to a nominated Panel of Members sitting as a Sub Committee to the Planning and Regulatory Committee (Planning Regulation 3 Protocol Sub Committee – P3S) for resolution and, where necessary, referral with a recommendation to the Chief Executive for a final decision. The Panel shall be formed of five Members consisting of the Chair or Vice Chair of the Planning and Regulatory Committee and at least one Member of each of the main political groupings, or their nominated substitutes. As soon as is practical, the case and resolution shall be reported to the Planning and Regulatory Committee for information. The Local Member will be kept informed at all stages.

Planning Officers will prepare a report which sets out the circumstances and planning merits and includes a recommendation for action to resolve the breach of planning control. The applicant will prepare and submit a response. The Panel of Members may resolve whether to accept the recommendation in full or in part, or to amend, or reject the proposals. If the Panel rejects the proposals, a recommendation shall be referred to the Chief Executive as final arbiter and decision maker.

A case should normally be reported to the Panel within one month of the response of the applicant, however the Panel should be willing to sit at short notice where the Chair or Vice Chair considers that there is a matter to be dealt with urgently. The Local Member shall be invited to attend the meeting.

Enforcement Action

Formal enforcement action against Reg. 3 development can only be taken by the Borough or District Council in which area the development is situated and may be the subject of referral/request by the County Council or by a third party.