

Why has an Enforcement Policy Statement been prepared?

The County Council is the Mineral and Waste Planning Authority for the County of Leicestershire and has a duty to control development associated with mineral extraction and the management of waste. This involves any such operation or change of use that occurs in, on, over, or under land. These types of development are known as 'County Matters' because they are the responsibility of the County Council.

In order to make sure that County Matter development is being carried out in accordance with the terms of a planning permission, the County Council has a responsibility to monitor and if necessary enforce compliance with the terms of that planning permission. Development may be authorised by planning permission granted by the County Council or the Secretary of State. Other methods exist under planning law to enable development to take place, e.g., permitted development rights or a Certificate of Lawfulness of Existing Use or Development may be granted. Development that is not being carried out in accordance with the terms of a planning permission or is not authorised by a planning permission or other means is known as a breach of planning control. In such cases the County Council has the authority to require a planning application to be made or to take action to control or stop the development

Following Government guidance and as a result of the County Council's own review of this part of the planning service, the County Council has prepared an Enforcement Policy Statement. The purpose of this Statement is to explain to developers and members of the public how the County Council's monitoring and enforcement activities are carried out and sets out the principles and policies that it will seek to follow.

In formulating the Policy Statement particular reference has been made to current planning legislation, Government guidance and relevant Development Plan policies.

What Is Monitoring & Enforcement ?

Monitoring involves making regular programmed checks on existing developments or sites to ensure operations are carried out to the satisfaction of the County Council.

Monitoring also involves responding to complaints about particular activities and carrying out appropriate investigations. Enforcement action to remedy any breaches of planning control may result from monitoring.

Planning enforcement is the procedure for ensuring compliance with planning control. It is supported by ongoing site monitoring by officers of the County Council. The Government's view is that the integrity of the planning system depends on the readiness of Local Planning Authorities to take effective enforcement action when it is required and only after a thorough assessment of the relevant factors in every case.

The main objectives of monitoring and enforcement are:

- to safeguard the amenity of the local environment;
- to remedy undesirable effects of unauthorised development;
- to bring unauthorised activity under control;
- to ensure that the credibility of the planning system is not undermined and
- to ensure development is carried out in accordance with the terms and conditions attached to a planning permission.

By monitoring sites and their methods of operation, the council will be able to identify potential problems and attempt to resolve them in the first instance through negotiation, thereafter by referring to the terms of the planning permission. Furthermore, they will also try to remedy anticipated breaches in planning control before the need for formal action arises.

The degree of enforcement action taken should always reflect the severity of the breach of planning control. For example, it is usually inappropriate to take formal enforcement action against a minor or technical breach of control which causes little or no harm to amenity in the locality of the site. Enforcement action will not be taken simply to remedy the absence of a planning application.

In addition to the powers available to the County Council relating to breaches of planning control there are other agencies which have regulatory powers and responsibilities that can assist in these matters, (e.g. the District Councils Environmental Health Department, Environment Agency etc.). The County Council will continue to work with these agencies, often in partnership, to secure an efficient remedy to any breach in planning control.

Rights of Entry

An authorised officer of the County Council has the right, under the Planning Acts, to enter land when investigating alleged breaches of planning control. Any person who prevents an authorised officer gaining access to land may be held liable to prosecution.

Contacts

It is the responsibility of the County Planning Authority to deal with complaints relating to alleged breaches of planning control for mineral and waste development.

The County Council will ensure that anyone who does complain about a breach of planning control is dealt with in a polite, efficient and responsive manner in accordance with the enforcement policies.

Members of the public who have concerns with regard to any of the above operations may telephone, in confidence, the Planning Compliance Officer on:

Tel: 0116 265 7326

Further information on the monitoring and enforcement activities of the County Council, or a copy of the Enforcement Policy Statement can be found on the County Council web site: www.leics.gov.uk

Planning Group
Environment and Heritage Services,
Community Services Department,
Leicestershire County Council,
County Hall,
Glenfield,
Leicester,
LE3 8TE.
www.planningcontrol@leics.go.uk

This leaflet can be made available on request in large print, Braille and other languages. Please contact 0116 2657326



Printed on Recycled Paper

Leicestershire County Council Enforcement Policy

**A summary of Leicestershire County Council's
policy on the enforcement of planning control
for minerals extraction and waste management.**



COMMUNITY SERVICES DEPARTMENT