

North Yorkshire County Council

County Council

20 July 2022

Consideration of revised Planning Enforcement and Monitoring Policy

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 To receive, consider and adopt the proposed draft *Planning Enforcement and Monitoring Policy* which has been prepared to provide guidance on the County Council's enforcement policy in its capacity as the County Planning Authority.

2.0 Background

- 2.1 The County Council, through its Planning Services, is responsible for discharging the development control planning functions associated with minerals extraction, the management of waste, and the County Council's own development under the provisions of the Town & Country Planning General Regulations 1992. The planning functions relating to mineral and waste matters are often referred to as 'county matters' and are defined within Schedule 1 of the Town & Country Planning Act 1990 and the Town & Country Planning (Prescription of County Matters) (England) Regulations 2003. This includes the processing of planning applications, the monitoring of planning permissions and investigations into alleged or identified breaches of planning control.
- 2.2 Planning Services are responsible for determining planning applications for minerals and waste development proposals and for the County Council's own development proposals such as roads, schools, nursing homes etc. Planning Services are also responsible for investigating alleged or identified breaches of planning control associated with mineral extraction and processing, the management of waste and the County Council's own developments. Enquiries and complaints may relate to development that has been carried out without planning permission or a breach of the terms of a planning permission.
- 2.3 Planning Services are also responsible for monitoring minerals and waste developments for which planning permission has been granted to ensure compliance with the planning permission, planning conditions, plans, approved schemes and programmes and the requirements of S106 Planning Obligations.
- 2.4 Guidance and advice regarding planning enforcement, how to report a suspected breach of planning control, how it would be investigated and types of action that could be taken to rectify a breach of planning control is provided on the County Council's web pages under Planning and Development:
www.northyorks.gov.uk/planning-enforcement
- 2.5 The County Council adopted its first 'Planning Enforcement Control Service Pledge' in March 2000 and while Members of the Planning & Regulatory Function Committee received an Officer Report on 7 March 2005 conveying a revised version of this Pledge (dated February 2005), which was subsequently adopted, it is clear that an

update and refresh to reflect current expectations is necessary and the following paragraphs explain what that entails.

3.0 Proposed Planning Enforcement & Monitoring Policy

3.1 A 'Planning Enforcement and Monitoring Policy' (the 'Policy') has been drafted and can be found in Appendix 1 to this report. The draft Policy provides details on:

- The Council's Planning Functions
- Responsibilities
- Objectives
- Commitments
- The Enforcement and monitoring functions
- Investigating unauthorised development
- Dealing with enquiries and complaints
- Recording and Acknowledging Complaints
- Joint Working
- Identifying a breach of planning control
- Time limits for taking enforcement action
- Approach to enforcement
- Breaches remedied by negotiation
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- What action can be taken
 - Planning Contravention Notice
 - Breach of Condition Notice
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 - Temporary Stop Notice
 - Stop Notice
 - Injunction
 - What might happen after serving a notice or injunction
- Compliance
- Prosecution
- Direct action
- Monitoring
- Dissatisfaction with the service
- Policy review

3.2 The purpose of the proposed updated Policy is to provide guidance for members of the public, developers and other interested parties in relation to the principles and standards that the Council will apply in pursuance of its planning enforcement and monitoring responsibilities relating to mineral and waste development and the County Council's own developments.

3.3 The proposed Policy is to be provided as guidance only. It is not a full and authoritative statement of the law and does not constitute professional and/or legal advice in respect of planning enforcement.

4.0 Consultations, notifications, advertisement

4.1 No consultations, notifications or advertisements on the draft policy are considered to be required or proposed. However, the draft policy has been through an internal consultation process as set out in the following paragraphs.

- 4.2 The draft 'Planning Enforcement and Monitoring Policy' was reported to the Planning and Regulatory Functions Committee on 18 January 2022 for information and comments. Whilst raising a number of questions in respect of the draft Policy and enforcement practices in general, the Committee:
- Supports the updating of the County Council's 'Planning Enforcement Control Service Pledge' and the draft 'Planning Enforcement and Monitoring Policy' subject to the 'Policy' being strengthened;
 - Expressed concern that the Policy does not effectively address issues around climate change and carbon reduction;
 - Proposed the Policy should be given more weight as a practical tool for enforcement and compliance as the public considered this issue to be a very important aspect of the Planning service;
 - Expressed concerns about available resources in Planning Services and the ability of one enforcement and monitoring officer to deal with all enforcement and monitoring matters across the county.
- 4.3 The Committee resolved to advise the Executive that:
- (i) the Committee's comments regarding the proposed draft Planning Enforcement and Monitoring Policy be taken account of and incorporated into reports on this matter, going forward ; and
 - (ii) subject to the incorporation of those comments, the draft Planning Enforcement and Monitoring Policy be reported to the Executive for approval and recommendation to County Council for approval and adoption.
- 4.4 The minutes to the Planning and Regulatory Functions Committee can be found at Appendix 4.
- 4.5 The draft 'Planning Enforcement and Monitoring Policy' was reported to the Transport, Economy and Environment Overview and Scrutiny Committee for information and comments on 20 January 2020. The Committee resolved to advise the Executive that it:
- Supports the updating of the County Council's 'Planning Enforcement Control Service Pledge' and the draft 'Planning Enforcement and Monitoring Policy';
 - Recommends the draft 'Planning Enforcement and Monitoring Policy' be supported by the Executive and presented to Full Council for adoption;
 - Considers the adopted 'Planning Enforcement and Monitoring Policy' be made available to those who it is most likely to relate to so they are aware of the County Councils approach to enforcement and monitoring in respect of breaches of planning control.
- 4.6 The minutes to the Transport, Economy and Environment Overview and Scrutiny Committee can be found at Appendix 5.
- 4.7 The draft 'Planning Enforcement and Monitoring Policy' was reported to the Executive on 15 March 2022. Executive Members recognised the public interest in planning enforcement and that the draft Policy would ensure an efficient and time saving approach with the benefit of a dedicated resource. Having considered the proposed draft 'Planning and Enforcement Monitoring Policy' and the information provided at the meeting, the Executive Members resolved to recommend to the Chief Executive that using his emergency delegated powers he recommend the Draft Planning Enforcement and Monitoring Policy to Full Council for adoption.
- 4.8 The minutes to the Executive can be found at Appendix 6.

5.0 Planning policy and guidance

National Planning Policy Framework

- 5.1 Paragraph 59 of the National Planning Policy Framework (July 2021) states: 'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.
- 5.2 The draft 'Planning Enforcement and Monitoring Policy' has been prepared to comply with paragraph 59 of the National Planning Policy Framework.

6.0 Advice

- 6.1 The Transport, Environment and Economy Overview and Scrutiny Committee (TEEOSC) and the Planning and Regulatory Functions Committee (PRFC) support the updating of the 'Planning Enforcement Control Service Pledge' and the draft 'Planning Enforcement and Monitoring Policy'.
- 6.2 The TEEOSC recommended the updated policy should be made available to those who it is most likely to relate to so they are aware of the County Council's approach to enforcement and monitoring in respect of breaches of planning control. The County Council's web pages currently provide advice on Planning Enforcement as follows:
- How to report a suspected breach of planning control;
 - What is a breach of planning control?;
 - Enforcement objectives;
 - Summary of planning enforcement powers;
 - Time limits for taking enforcement action;
 - Anonymous complaints and confidentiality.
- 6.3 If adopted, a link to the 'Planning Enforcement and Monitoring Policy' will be provided on the County Council's Planning Enforcement webpage. It is also proposed to inform authorised mineral and waste operators within the County of the adoption of the new Policy and provide information where it can be viewed.
- 6.4 The PRFC recommended the draft 'Planning Enforcement and Monitoring Policy' be strengthened; to give more weight to the draft 'Planning Enforcement and Monitoring Policy', some changes were made to the 'Guidance' section to make the parameters of discretion and expediency clearer when considering the need to take enforcement action.
- 6.5 The PRFC also expressed concern that a single planning enforcement and monitoring officer would not be able to carry out all the enforcement and monitoring functions across the County. Should the need arise, support from other planning officers in Planning Services would be provided. A wider review of planning and enforcement services will be undertaken as part of local government reorganisation.
- 6.6 The Executive recognised the public interest in planning and planning enforcement and that the draft Policy would ensure an efficient and time saving approach with the benefit of a dedicated resource. The Executive recommended the Chief Executive

use his emergency delegated powers to recommend the draft Planning Enforcement and Monitoring Policy to Full Council (incorporating the proposed changes to the Guidance section to make the parameters of discretion and expediency clearer when considering the need to take enforcement action) for adoption. The draft Planning Enforcement and Monitoring Policy at Appendix 1 has been updated to incorporate the proposed changes.

6.7 The minutes to the Executive Meeting at Appendix 6 record that the new Planning Enforcement and Monitoring Policy would initially cover the Authority's Minerals & Waste Policy and NYCC own planning applications, but following LGR would cover all planning across the county.

6.8 In due course therefore, the Planning Enforcement and Monitoring Policy will be required to be further reviewed and revised, or a new policy prepared, to cover all planning and enforcement matters across the new authority. Until such time, the District councils currently have their own planning enforcement policies for developments they are responsible for as local planning authorities.

7.0 Impact on other services

7.1 The pursuit of some types of enforcement action, such as the serving of enforcement notices, stop notices or an injunction will require liaison from the County Councils Legal and Democratic Services. The level of impact and demand on resources will be determined by the number enforcement cases identified and the number and nature of notices served and which would have to be dealt with on a case by case basis and are difficult to predict or estimate.

8.0 Equalities

8.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendations of this report. It is the view of officers that the recommendations included in this report do not have any adverse impacts on any of the protected characteristics identified in the Equalities Act 2010 or NYCC's additional agreed characteristics. The completed Equalities Impact Assessment screening form can be found in Appendix 2.

9.0 Finance

9.1 There are no financial implications. Planning enforcement and monitoring is carried out, and will continue to be carried out, by the County Council's Planning Services Team within current budget allocations and resources.

10.0 Climate Change

10.1 Consideration has been given to the potential for any adverse impacts on climate change arising from the recommendations of this report. The completed Climate Change Impact Assessment can be found in Appendix 3 and it is the view of officers that approval of this report will not have a direct climate change impact.

11.0 Legal

11.1 Preparation of these policies and procedure updates is part of the County Council's function as the local planning authority. Consideration of whether any legal implications arise has been given as the proposed update to the policy progresses through the County Council's formal procedure to adoption.

- 11.2 The Town & Country Planning Act 1990 sets out the powers local planning authorities have to manage and control development. It is noted the Policy is intended to be for guidance only, is not a comprehensive guide to the relevant legislation and does not provide legal advice. Taking enforcement action is discretionary, and the County Council will consider each case on its own merits.
- 11.2 Proper consideration as outlined in section 8.0 is being given to equalities issues that are pertinent to the policy.

12.0 Recommendation

12.1 If the Council consider the draft 'Planning Enforcement and Monitoring Policy' should be adopted it is recommended that the Council:

1. Adopt the draft 'Planning Enforcement and Monitoring Policy'. In doing so, this will replace the revised 'Planning Enforcement Control Service Pledge' February 2005;
2. Authorise the Corporate Director, Business & Environmental Services to make to make any minor typographical amendments or updates in producing the final version of the document;
3. Authorise the publication of the adopted 'Planning Enforcement and Monitoring Policy';
4. Provide a link to the adopted 'Planning Enforcement and Monitoring Policy' on the County Council's Planning Enforcement webpage;
5. Inform authorised mineral and waste operators within the County of the adoption of the new Policy and provide information where it can be viewed.

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Background Documents:

None

**NORTH YORKSHIRE COUNTY COUNCIL PLANNING
ENFORCEMENT & MONITORING POLICY**

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About this Policy

1. Guidance

North Yorkshire County Council's (the 'Council') *Planning Enforcement & Monitoring Policy* (the '*Policy*') provides guidance for members of the public, developers and other interested parties in relation to the principles and standards that the Council will apply in pursuance of its planning enforcement and monitoring responsibilities relating to mineral and waste development and the Council's own developments. The *Policy* will assist the Council in considering the most appropriate action to take specific to enforcement and monitoring matters.

Each individual case will be considered on its own merits as to whether it is expedient to enforce having regard to the relevant *Development Plan* and material considerations including relevant Government planning and enforcement guidance. The *Policy* provides general guidance on the factors that the Council will take into account when deciding whether to take enforcement action in relation to a breach of planning control.

The nature of enforcement action taken by the Council in relation to a breach of planning control is within the discretion of the Council. The Council will consider whether it is expedient to take enforcement action having considered, in the planning balance, whether enforcement action is reasonable, proportionate and in the public interest, and in consideration of the planning harm and any negative impact of development.

Designated Council Planning and Legal Officers have delegated authority to take enforcement action, or conversely, take decisions not to initiate enforcement action. Enforcement matters are reported quarterly to the Council's *Planning and Regulatory Functions Committee* for information.

The *Policy* also provides general guidance on the Council's approach to pro-active monitoring of mineral and waste management sites.

2. Information

This document is provided as information only. It is not a full and authoritative statement of the law and does not constitute professional and/or legal advice. Any statement in this document does not replace, extend, amend or alter in any way the statutory provisions of the *Town & Country Planning Act 1990 (as amended)* or any statutory guidance issued in relation to it. In addition, any web links provided within this document are correct at the time of publication, but may be subject to change.

3. The Council's Planning Functions

3.1 Responsibilities

The Council is responsible for discharging the development control planning functions associated with minerals extraction, management of waste, and the Council's own development under the provisions of the *Town & Country Planning General Regulations 1992*. The planning functions relating to mineral and waste matters are often referred to as '*county matters*' and are defined by *Schedule 1* of the *Town & Country Planning Act 1990* and the *Town & Country Planning (Prescription of County Matters) (England) Regulations 2003*.

Currently, the District and Borough Councils of North Yorkshire are responsible for all other forms of planning control, including fly tipping, and developments permitted by

them; this includes the importation and exportation of materials to develop sites where the materials are an integral part of the development and are necessary for the development to be carried out. However, this division of responsibilities will be subject to change with the advent of local government re-organisation and the introduction of a new authority replacing the County, District and Borough Councils in April 2023 and after which, a review of policies will be undertaken.

Enforcement responsibilities between District and/or Borough Councils and County Councils can be shared for some engineering operations involving inert waste materials. Decisions will be taken on the responsibility for these types of alleged breaches of planning control in consultation with the relevant District/Borough Council Enforcement Teams.

The Council has no responsibility for investigating complaints or taking enforcement action on matters under the respective jurisdictions in District/Borough Council areas, or the Yorkshire Dales National Park and the North York Moors National Park Authority areas.

3.2 Objectives

In line with Government advice, it is the Council's objective to:

- Prevent serious or irremediable harm;
- Bring unauthorised activity under control;
- Remedy the undesirable effects of unauthorised development;
- Ensure breaches of planning permission do not compromise the basis of any original permission.

The Council will always seek to resolve breaches of planning control by negotiation and only pursue formal enforcement action as a last resort where negotiation has failed. Enforcement action is a discretionary power to the Council and the Council reserves the right to use the powers available to it as appropriate. If it chooses not to pursue enforcement action, even if negotiation has failed, the reasons for not doing so will be made clear and conveyed to the complainant.

3.3 Commitments

- The Council is committed to protecting the environment and local amenity and in the majority of cases will seek to remedy breaches of planning control by negotiation.
- The process of dealing with a complaint will be open and transparent and the Council will be accountable for decisions, actions and service on planning enforcement. The Council will be consistent in approach, always working in accordance with agreed procedures.
- A range of formal enforcement powers is available to the Council to remedy the undesirable effects of unauthorised development. The Council will use the powers available in a manner proportionate to the impact or harm resulting from the breach.
- This policy commits the Council to good enforcement and monitoring practices and procedures and provides the means to control unauthorised development effectively for the benefit of the environment in general and to protect local amenity.

This *Policy* complies with the National Planning Policy Framework (NPPF) (July 2021; paragraph 59 of the NPPF states:

'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.

3.4 Openness

Council Officers will advise a complainant and those involved in carrying out unauthorised development of the *Policy* that applies and will keep as much information as is practically possible in the public domain, whilst protecting the confidentiality of a complainant and any sensitive business information. Officers will seek to maintain dialogue with operators and landowners in order to achieve an agreed solution. Where enforcement action is taken through the issue of a formal notice, it will be reported to the Council's *Planning and Regulatory Functions Committee* (or successor).

4. **The enforcement and monitoring functions**

This *Policy* sets out the Council's approach to achieving planning compliance at mineral and waste management sites within North Yorkshire; it consists of two elements. The first sets out how enquiries/complaints alleging a breach of planning control has occurred will be investigated and remedied where appropriate; the second relates to the proactive monitoring by the Council of authorised mineral and waste management sites.

5. **Enforcement - Investigating unauthorised development**

Breaches of planning control may be brought to the attention of the Council through complaints made by members of the public, Parish Councils, District or Borough Councils, elected Members, private organisations and/or other regulatory bodies such as Environmental Health, the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

Planning breaches identified by Council Officers undertaking monitoring visits are raised with operators and landowners and compliance is sought through a process of informal discussion and encouragement. Where such actions are, or are likely to be, unsuccessful, then formal enforcement action may be taken. This may result in either a negotiated cessation, compliance through the issue of a *Breach of Condition Notice* or an *Enforcement Notice* or potentially the retrospective grant of planning permission, either through a planning application or through an appeal.

6. **Identifying a breach of planning control**

There are many activities that can take place without the need for planning permission. This may be because they do not constitute development, or because permitted development rights are available. In these circumstances, there may be no breach of planning control.

There are other instances where no breach of planning control would occur. For example:

- The issue is a private legal matter.
- The matter is outside the control of planning law and controlled by other legislation.
- There are no planning conditions on an existing site to control the subject of the complaint.

Where there is no breach of planning control, the Council cannot take further action. Where it may be a breach of other legislation, the Council will refer the matter to the appropriate enforcing body for investigation such as the Environment Agency, the Health and Safety Executive, the District/Borough Council Environmental Health Officer, or the Oil and Gas Authority.

A breach of planning control occurs when:

- Development has commenced without the required planning permission; or
- There is a failure to comply with a condition on a planning permission.

Where breaches of planning control are identified, it is the Council's objective to remedy the breach and any problems caused. The Council will:

- Check the planning register to establish whether planning permission has been granted or is being applied for and that it is not permitted development;
- Establish the facts of the case, visiting the site if necessary, recording findings, and taking a photographic record and liaising with those responsible for generating the complaint and/or complainant;
- Pass on any relevant information to other agencies who may have an interest in the case.

Where information regarding the use of land is required, a *Planning Contravention Notice* (PCN) (see below) may be served on known owners and occupiers of the land. A PCN requires information about the suspected breach of planning control and identify the breach to the person/persons, groups or bodies responsible.

7. **Dealing with enquiries and complaints**

The Council will investigate alleged or identified breaches of planning control, whether it is the result of a complaint or whether it is found as part of the Council's monitoring procedures.

The Council should be contacted when there are concerns about mineral or waste development or the Council's own developments or it is considered there has been a breach of planning control relating to such. The best way of making an enquiry or a complaint is by email to the following address:

planning.enforcement@northyorks.gov.uk

An enquiry or complaint can also be made in writing to:

Planning Services,
Growth, Planning & Trading Standards,
Business & Environmental Services,
North Yorkshire County Council,
County Hall,
Racecourse Lane,
Northallerton
North Yorkshire
DL7 8AH

or by telephone: (01609) 780780.

It is important to provide as much information as possible about the issue and include:

- your name, address, telephone number and email address;
- the address or location of the alleged breach (mark on a plan if possible);
- the name and address of the person(s), company, developer carrying out the breach (if known);

- the nature of the complaint and what you believe is the breach of planning control;
- when the problem started or took place;
- an assessment of the 'harm' the alleged breach is causing; and
- whether you would like to be kept informed of the progress of your complaint.

Once a breach of control is confirmed, a complainant may be asked to make a note of observations and keep a log of any relevant activities including for example particular, times, dates, names, addresses, telephone numbers and the registration details of any vehicles.

8. Recording and Acknowledging Complaints

When the Council receives a complaint, it will:

- Treat all complaints as confidential as far as is practicable;
- Record and acknowledge receipt of a complaint within 3 working days of receipt by email or telephone call;
- Make an initial assessment to classify the complaint depending on its nature (see table below);
- Investigate complaints within 21 days;
- Inform the complainant of the outcome of the investigations within 28 days.

Priority	Risk	Examples
Low	Minor breaches of planning conditions	A failure to turn off lights outside permitted hours of working
	Unauthorised development that is complete	Mineral extraction that has ceased Waste management that has ceased
Medium	Major breaches of planning conditions	Failure to install or maintain wheel cleaning equipment Non-compliance with approved plans.
	Unauthorised activities and/or development with the potential to cause harm to the environment or amenities of an area	Unauthorised mineral extraction or waste disposal/management activities
High	Unauthorised activities and/or development posing a significant risk of irreversible harm to the environment and/or public amenity	The disposal / management of mixed waste materials causing the risk of irreversible harm to the environment.
		Unauthorised mineral extraction causing risk and irreversible harm to the environment.

Should the outcome of Council's investigation fail to meet the complainant's satisfaction, then recourse can be made to the Council's formal Complaint Procedure and, ultimately, the *Local Government Ombudsman* (see 'Dissatisfaction with the service' section below).

The Council will not disclose a complainant's name or address to anyone as far as is practicable without express consent and subject to *General Data Protection Regulations* where applicable. However, if a site has few neighbours, it is possible a complainant could be identified when we are investigating a complaint or the person causing the complaint may rightly assume who made it. In some cases, a complainant may be invited to provide evidence and give evidence as part of any

legal proceedings. However, they would be under no obligation to do so and could decline and retain their anonymity.

Anonymous complaints will only be recorded on file and investigated where it appears there could be significant harm caused to the environment by the alleged breach.

Before considering any possible future action, it is necessary to establish whether there is a breach of planning control. Even if there is a breach of control, it may not be expedient to take enforcement action, for example if the breach is very minor, has ceased or has not caused an unacceptable impact. The Council will decide whether or not what has been carried out is acceptable in principle and if anything needs to be done to bring to make it acceptable. When assessing possible breaches of planning control, the Council will have to find a balance between the rights of a developer, user or owner of land or buildings, and the wider public interest. If it is not acceptable, the Council will decide what action is appropriate to prevent it continuing.

9. Joint Working

Joint working is maintained with authorities within and bordering North Yorkshire and other statutory regulating and enforcing bodies such as the Environment Agency, the Health and Safety Executive, the District/Borough Council Environmental Health Officer, the Oil and Gas Authority, the Police, HM Revenue and Customs, Department of Transport and the Driver and Vehicle Licensing Authority (DVLA). Joint investigations may be carried out or, if not available, the relevant bodies will be informed of our investigations and findings. Breaches of planning control that are not related to '*county matter*' development will be referred to the relevant District/Borough Council or National Park Authority.

Where the Council's planning enforcement function overlaps or runs parallel to the legislative functions of other authorities, any enforcement action pursued will be based on planning considerations only.

10. Time limits for taking enforcement action

In most cases, development becomes immune from enforcement if no action is taken:

- Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed;
- Within 4 years for an unauthorised change of use to a single dwelling house;
- Within 10 years for any other breach of planning control (essentially other changes of use and breaches of conditions).

The time limits do not prevent enforcement action after the relevant dates referred to above in certain circumstances:

- Further enforcement action may be taken in respect of any breach of planning control within 4 years of previous action in respect of the same breach in the event the previous action proved to be defective.
- Where there has been deliberate concealment of a breach of planning control, the Council may apply for a 'planning enforcement order' (from the magistrates' court) to allow action to be taken after the time limits;
- Where a person has deliberately concealed a breach of planning control, the time limits do not engage until the breach has been discovered.

In cases of deliberate concealment, the Council may decide to serve an enforcement notice 'out of time' or apply for a planning enforcement order.

11. Approach to enforcement

11.1 Breaches remedied by negotiation

In most circumstances where a breach of planning has occurred, we will seek to resolve the breach through negotiation to achieve the cessation and remediation of works, for example, the removal of waste that has been deposited to avoid the need for further enforcement action. In these cases, providing the breach has been satisfactorily resolved, the Council will not take enforcement action unless the breach were to persist or recur.

11.2 Breaches remedied by a retrospective planning permission

In other cases, the activity or development that is identified as a breach of planning control may appear to be an acceptable use or development of land or could be made acceptable. In these instances, the Council may invite the developer to submit a retrospective planning application to regularise the unauthorised development or the use of the land. The fact that the development has gone ahead without planning permission will not influence the consideration or determination of any planning application.

A decision on any planning application will be taken after considering the nature of the proposal, assessing it against the policies in the *Development Plan*, with regard to the comments of other relevant organisations or bodies and the views of individuals. Providing the development is considered an acceptable use of land, planning permission may be granted subject to planning conditions that would control the development. Conversely, if planning permission is refused or a planning application has not been submitted and negotiations have failed to remedy the breach, further appropriate and proportionate enforcement action may be pursued if it is considered expedient to do so. It should be noted that pursuing enforcement action is a discretionary function.

11.3 Where negotiation fails to resolve the breach

In those cases where negotiation does not swiftly secure a remedy, or the development is considered unacceptable in principle and does not cease, then the Council will decide whether to pursue formal enforcement action in accordance with this *Policy*.

The Council's decision on whether it is expedient to pursue further action will be made following a formal assessment of the breach. This assessment could follow consultation with other regulatory bodies and the relevant District/Borough Council and would consider the nature, scale and impact of the development on the environment and on local amenity, the actual harm caused by the breach and against the policies in the *Development Plan*. The Council will have due regard to the Human Rights Act 1998 and will not act in a way which is incompatible with any convention right and will balance the private interests of the person breaching planning control against the wider public interest. The Council's assessment of the breach will conclude what is necessary to prevent the breach continuing, any works required to rectify the breach, and whether or not it is expedient to take further action, setting out reasons in support of that decision. There will be some cases where immediate action (see below for types of action) will be considered appropriate without

consultation with other bodies where there is clear evidence that the breach of planning control is detrimental to the environment or the amenities of the area.

11.4. Where enforcement action is not expedient

In some cases where a breach has occurred and an assessment of the breach has concluded that the resulting harm is negligible, or '*de minimis*' (*meaning lacking significance or importance: so minor as to be disregarded*), the Council would be unlikely to take enforcement action, as it would not produce a clear benefit to the environment or local amenity.

In other cases where either limited impact has occurred or the harm is temporary or has already ceased, then there is often little to be gained from taking formal enforcement action. In such cases, the Council may conclude that it is not expedient to take further action.

Some activities that represent a breach of planning control may also be breaches of other legislation, for example in relation to the unauthorised landfilling of waste. In such circumstances, the Council will seek to co-ordinate any action with that taken by other regulators such as Environmental Health, the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

11.5 Where enforcement action is expedient

Where breaches of planning control are causing significant harm to the environment or local amenity and we are unable to remedy the situation by negotiation, then the Council may consider it expedient to take appropriate and proportionate formal enforcement action after an assessment of the breach.

The Council will normally only take formal action when there is evidence that a breach of planning control has occurred and that it has caused demonstrable harm to interests of acknowledged importance. In addition, it must be shown that the remedial actions identified are in proportion to the breach and will help to remedy the harm caused.

If there is relevant proof that a breach of planning control has occurred and Council Officers have decided that it is expedient to take any necessary steps to remedy the breach identified, enforcement action may be taken in conjunction with Officers from the Council's Legal and Democratic Services team.

12. What action can be taken?

There are a number of enforcement powers available that can be used against the landowner, the developer or anyone else with an interest in the land.

The Council's action would depend on the amount of harm caused by the breach and the risk of further harm occurring. In general, the greater the impact of the breach on its surroundings and/or the local community, the stronger the Council's action will likely to be and shorter times within which it would be taken. There are a number of enforcement tools available to the Council; these are summarised as follows. More details can be found in the Government's guidance on '*Enforcement and post-permission matters*': [Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

12.1 Planning Contravention Notice

A *Planning Contravention Notice* (PCN) enables information to be gathered from the owner of land or someone using the land to establish whether a breach has occurred

and who has an interest in the land. Details of ownership, activities or uses being undertaken and relevant dates in addition to matters relating to any planning conditions imposed by any planning permissions in respect of the land, can be required to be given. The PCN can be effective in identifying whether a breach of planning control has taken place, those responsible for the breach, who has an interest in the land and provide information that will assist the Council in deciding whether to pursue further enforcement action. The recipient(s) of a PCN are given 21 days to respond.

Non-compliance with the requirements of a PCN is an offence, and on conviction, the offender may be liable to a fine; the Council will reserve the right to pursue prosecution in appropriate cases.

12.2 Breach of Condition Notice

Where a planning condition to a planning permission is being or has been contravened, a *Breach of Condition Notice* (BCN) can be served on all those known parties who have an interest in the land requiring the breach to stop and is not repeated. There is no right of appeal against the serving of a BCN. However, recipients of a BCN are given at least 28 days before the notice takes effect so they can instigate action to remedy the breach.

The BCN will specify the steps that the Council consider need to be taken, or the activities that they consider should cease, to secure compliance with the condition(s) specified in the notice. Non-compliance with the requirements of a BCN is an offence, and on conviction, the offender may be liable to a fine; the Council will reserve the right to pursue prosecution in appropriate cases. Failure to comply with a BCN may result in further enforcement action being pursued.

12.3 Enforcement Notice

An *Enforcement Notice* (EN) can be issued where a breach of planning control has caused or is causing harm to the environment or local amenity and it is expedient to do so having regard to the provisions of the development plan and any other material considerations. An EN is served on all those known to have an interest in the land (and who may be identified by a PCN). The EN specifies exactly what, in the Council's view, constitutes the breach of control and what steps the Council require to be taken, or what activities are required to cease, to remedy the breach and the times within which the steps should be taken. When, or at any time after, an EN is served on a person(s) having an interest in the land on which action is being taken, the Council may provide a letter of assurance stating, that in the circumstances known to the Council, the person(s) on whom the EN has been served, may not be at risk of prosecution in connection with some or all of the matters contained within the EN.

An EN does not take effect for 28 days, during which time those on whom an EN has been served may lodge an appeal with the *Planning Inspectorate*. Any appeal suspends the requirements of the notice until the appeal is determined. However, once the notice takes effect, the remedial works set out in the notice must be carried out within the specified timescale. Failure to comply with the terms of the EN would constitute a criminal offence for which the offender could be prosecuted and subject to a fine on conviction.

12.4 Temporary Stop Notice

A *Temporary Stop Notice* (TSN) can be issued where there has been an identified breach of planning control and when it is expedient that the activity, or any part of the

activity that amounts to the breach, should cease immediately. Unlike a 'Stop Notice' (see below), a TSN can be served on its own; there is no requirement for it to be served with an *Enforcement Notice*. Recipients of a TSN may make representations to the Council, but there is no right of appeal against the service of such a notice, although a recipient may challenge its validity by making an application to the High Court for a judicial review. The notice has effect immediately but ceases to have effect after 28 days, unless the Council withdraws it sooner. This allows a period of time (up to the maximum of 28 days) for the Council to decide whether further enforcement action is necessary and what that action should be, without the breach intensifying by being allowed to continue.

The recipient of a TSN is at risk of immediate prosecution for failing to comply with the requirements of a TSN. A person convicted of an offence is liable to a fine. As a TSN prevents an activity from continuing, the recipient has a right to claim compensation against the Council if the notice has not been served properly.

12.5 Stop Notice

Where the Council considers it expedient a breach of planning control should cease before the expiry of the period for compliance specified in an EN, a *Stop Notice* (SN) may be issued. A SN prohibits activities in breach of planning control on land subject to an EN and may only be issued with, or following, the issue of an EN notice. A SN normally takes effect after 3 days of it being served, although if special reasons exist, e.g. if significant or irreversible harm is taking place, a SN can be specified to take immediate effect. Recipients of a SN may make representations to the Council, but there is no right of appeal against the service of such a notice, although a recipient may challenge its validity by making an application to the High Court for a judicial review.

Contravention of a SN is an offence, and if proceedings are taken by the Council at Court on conviction the recipient shall be liable to a fine determined by the Court.

12.6 Injunction

Where the Council consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained, having first considered its other enforcement powers, may apply to the High Court or County Court for an *Injunction*. An application for an *Injunction* can be made whether or not the Council has exercised, or proposes to exercise, any of its other powers to enforce planning control referred to above.

In making a decision to initiate injunctive proceedings, the Council will carefully consider:

- It has sufficient evidence that a breach of planning control has already occurred, or is likely to occur on land in the Council's area;
- That injunctive relief is a proportionate remedy in the circumstances of the particular case.
- Whether all relevant considerations including the personal circumstances of those on whom injunctive proceedings are to be taken have been taken in to account.

12.7 What might happen after serving a notice or injunction?

All notices and injunctions must set out what is required to rectify the breach of planning control, undertake any remedial works, and specify the time periods the within which the breach of planning control must be rectified and any remedial works

shall be carried out by. The length of time for compliance depends on the severity of the problem and the type of notice issued.

If the recipient of an EN lodges an appeal, this will suspend the requirements of the EN, unless an accompanying *Stop Notice* has also been issued. Notification of an appeal will be by site notice, press notice and by letter to any known or identified interested parties and bodies. If a notice has been issued following the refusal of a planning application, then all those who made representations on the planning application will also be notified. The *Planning Inspectorate* determines the appeal, so it is outside the control of the Council and this commonly delays the remedial works. The appellant can also make an application for planning permission as part of the appeal process.

If no appeal is lodged within 28 days then the EN comes into force and its requirements must be complied with in the specified timescale.

Failure to comply with an injunction may result in the case being referred back to the High Court or County Court who may impose more severe penalties if the offence continues which could include a custodial sentence.

13. Compliance

Following the serving of a notice, we will visit sites to monitor compliance. If we find that the requirements of the notice are not being complied with, we will inform those identified with an interest in the land of the likely consequences. If those identified with an interest in the land fail to comply with the requirements of the notice, the Council will consider prosecution. If the notice is complied with, it will remain in force, unless withdrawn, but confirmation of compliance can be provided to those identified with an interest in the land if requested.

14. Prosecution

The Council's objective throughout planning enforcement proceedings is to prevent and remedy harm to the environment and local amenity. In cases where those identified with an interest in the land have failed to comply with the requirements of a notice, the only way in which the Council can secure its objectives is to prosecute for non-compliance.

The failure to comply with the requirements of a notice or an injunction is an offence. Whilst the aim of the criminal process is to punish wrongdoing, the Council's decision to prosecute as part of enforcement action, is not to penalise, but to prevent further harm and to act as a deterrent to others.

Prosecution is a serious matter and will only be pursued after consideration of the implications and consequences and the details of the case, including any changed or mitigating circumstances. Decisions about prosecutions will take account of the *Code for Crown Prosecutors*. A prosecution would not be commenced or continued unless there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction.

In deciding whether or not to prosecute the Council will have due regard to the Human Rights Act 1998 and will not act in a way which is incompatible with any convention right; and will balance the private interests of the person breaching planning control against the wider public interest. The Council will take account of equality and the impact of its action on people who share protected characteristics. When considering the harm caused by the offence, the intent and personal

circumstances of the offender, the history of offending and the deterrent effect that the prosecution may have on potential future offenders will be carefully considered and taken into account. Where the likelihood of success is remote, this is likely to deter the Council from pursuing a prosecution.

If the Council prosecute and the Court rules in the Council's favour, the offender will usually be fined. If following conviction, the requirements of a Notice are still not carried out, the Council will consider the need to prosecute again. If convicted, the offender could expect an increased fine and which is unlimited. In determining the amount of any fine, the Court will have regard to any financial benefit, which has been accrued or appears likely to accrue in consequence of the offence. If an injunction were breached, the Council might refer the matter back to the Court that made the order. The Court would decide how to deal with the breach, but in the most serious of cases, it could lead to a custodial sentence.

15. Direct or default action

In certain circumstances, direct or default action involving the Council going onto the land to do the works required as part of an EN may be taken to ensure compliance. It is an offence to wilfully obstruct the Council, or anyone exercising the powers on behalf of the Council. Default action will be only be pursued when all other methods have failed to achieve the steps required by an EN. The Council can recover from the person who is then the owner of the land any expenses reasonably incurred in undertaking the work or a charge may be placed on the land to cover the costs of completing the work. In deciding whether to pursue such action, the Council will have regard to the up to date circumstances and the provisions of the Human Rights Act to ensure that any action is in the public interest and that it is proportionate to the breach of planning control, and the rights and circumstances of those that are in breach. The decision to initiate such action will be taken by the Council following the completion of a cost/benefit audit.

16. Monitoring

For all dormant and operational minerals sites and operational waste sites with planning permissions granted by the Council, Officers will undertake periodic routine monitoring visits in accordance with a prescribed schedule to ensure sites comply with planning conditions, approved schemes, plans and documents and requirements of legal agreements and to identify any non-compliance with planning conditions, approved schemes, plans and documents and requirements of legal agreements and any unauthorised development that requires addressing or action.

The monitoring process involves an assessment of all current planning permissions pertaining to a site; a site may be operating with the benefit of one or more planning permissions. Monitoring is carried out on a periodic basis, the frequency of which will be determined by the nature of the site and how it is understood to be operating. Monitoring is usually carried out as part of a prearranged visit to the site with the operator, although unannounced visits may be carried out, particularly if there is a need to investigate reported alleged breaches of planning control.

The visit involves a comprehensive inspection of all those areas with planning permission and an assessment whether the development is being carried out in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans and the requirements of any legal agreements to each planning permission.

A report will be prepared at the time of the visit that:

- confirms whether the site is operating in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans or otherwise; and
- what action, if any, is necessary to ensure compliance; and
- the timescales within which action, if any, is to be completed; and
- the date of the next visit to confirm the identified action has been carried out.

A copy of the report will be signed by the Council's Officer, provided to the operator at the time of the visit and the person responsible for the site at the time of the visit be invited to sign. A letter, with a copy of the report, will be sent to the site operator confirming compliance or highlighting areas needing action within 14 days of the visit.

In the event any identified action is not subsequently taken, depending on the scale and nature of any non-compliance, the Council may pursue any of the enforcement options referred to above. The Council will always work with an operator to ensure compliance with the approved planning permission(s), planning conditions, approved schemes, programmes, plans and legal obligations to ensure there is no unacceptable risk to the environment or the amenities of the area or others.

17. Dissatisfaction with the service

Should an individual, group or body not be satisfied with the outcome of a specific investigation into an alleged breach of planning control, they may in the first instance write to the Council expressing their concerns and/or requesting a review of the investigation. If a complainant is concerned about progress at a particular site then they may also speak to their County Councillor who will be able to pursue matters with officers on their behalf:

[Councillors information | North Yorkshire County Council](#). A member of public may use the County Council's *Complaints Procedure* if they are concerned about the nature of action taken by the Council where unauthorised development has been alleged:

[Complaints, comments or compliments | North Yorkshire County Council](#). If not satisfied with the outcome, the individual may then refer the case to the *Local Government Ombudsman*:

[Planning enforcement - Local Government and Social Care Ombudsman](#). The *Local Government Ombudsman* may refuse to investigate a complaint if the complainant has not followed the Council's internal complaints procedure first.

18. Policy review

This *Policy* will be reviewed every year, updated every 3 years and shared with the Council's *Planning & Regulatory Functions Committee* or its successor.

Publication date: day/month/2022

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

Update to the Planning Enforcement and Monitoring policy

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services
Lead Officer and contact details	Vicky Perkin Vicky.perkin@northyorks.gov.uk
Names and roles of other people involved in carrying out the EIA	Stuart Perigo – Planning Officer
How will you pay due regard? e.g. working group, individual officer	Individual officer(s)
When did the due regard process start?	13 December 2021

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The EIA is about a review and update of the County Council's 'Planning Enforcement Control Service Pledge' adopted in March 2000 in respect of minerals and waste planning matters.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The County Council's 'Planning Enforcement Control Service Pledge' is being reviewed and updated to provide improved advice and guidance on the County Councils approach to the enforcement of planning control, investigations into alleged breaches of planning control and monitoring of minerals and waste operations in the County.

Section 3. What will change? What will be different for customers and/or staff?

The proposed 'Planning Enforcement and Monitoring Policy' will provide improved and updated advice on the County Councils approach to the enforcement of planning control, investigations into alleged breaches of planning control and the monitoring of minerals and waste operations in the County for the benefit of those who may be adversely affected by breaches of planning control by the minerals and waste industry. It will also inform the minerals and waste industry in the County how the

Council will investigate alleged breaches of planning control, the actions the Council may pursue to rectify an identified breach of planning control and the risks to an operator of non-compliance with any enforcement action that may be taken. It will also inform minerals and waste operations in the County of the Council's approach to monitoring their operations and activities.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The proposed 'Planning Enforcement and Monitoring Policy' will be reported to the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee, the draft 'Policy' will be reported to the County Council's Executive Committee for recommendation to Full Council for approval and adoption.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

There are no financial implications associated with the review of the 'Planning Enforcement Control Service Pledge'. Planning enforcement and monitoring is carried out, and will continue to be carried out, by the Council's Planning Services Team within current budget allocations and resources.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			
Disability	x			
Sex	x			
Race	x			

<i>Gender reassignment</i>	x			
<i>Sexual orientation</i>	x			
<i>Religion or belief</i>	x			
<i>Pregnancy or maternity</i>	x			
<i>Marriage or civil partnership</i>	x			

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
<i>..live in a rural area?</i>		x		<i>Ensure mineral and waste operations in rural areas in the County are properly regulated and proportionate action is taken to rectify any breach of planning that is causing harm or unacceptable impact to the environment and amenities of the area.</i>
<i>...have a low income?</i>	x			
<i>...are carers (unpaid family or friend)?</i>	x			

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	x
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

<p>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</p> <p>N/A</p>

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	

4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
The proposed 'Planning Enforcement and Monitoring Policy' relates to land use planning. There is no potential for discrimination or adverse impact.	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)
The proposed Planning Enforcement and Monitoring Policy relates to land use planning and will be reviewed every year, updated every 3 years and shared with the County Council's Planning & Regulatory Functions Committee or its successor.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.				
Action	Lead	By when	Progress	Monitoring arrangements
Review the Planning Enforcement and Monitoring Policy	Planning Services	Every year		Update every three years

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.
The review and update of the County Council's 'Planning Enforcement Control Service Pledge' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'. The regulation and monitoring of minerals and waste developments in the County and investigation of alleged breaches of planning control would ensure developments are carried out or prevented from being carried out in a way that would adversely affect climate change and would protect the environment and amenities of the area.

Section 14. Sign off section
This full EIA was completed by: Planning Services

Name: Vicky Perkin
Job title: Head of Planning Services
Directorate: Business and Environmental Services
Signature: Vicky Perkin

Completion date: 20 December 2021

Authorised by relevant Assistant Director (signature): Matt O'Neill

Date: 21 December 2021



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Update to the Planning Enforcement and Monitoring Policy
Brief description of proposal	A review and update of the County Councils 'Planning Enforcement Control Service Pledge' adopted in March 2000.
Directorate	Business and Environmental Services
Service area	Planning Control
Lead officer	Vicky Perkin
Names and roles of other people involved in carrying out the impact assessment	Stuart Perigo
Date impact assessment started	13 December 2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The proposal is a review and update of the County Council's '*Planning Enforcement Control Service Pledge*' adopted in March 2000.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The planning enforcement and monitoring functions of the County Council as local planning authority is, and will continue to be, carried out by Planning Services. There may be an increase in travelling costs due to the need to visit existing minerals and waste sites and investigate alleged breaches of planning control. It is not possible to estimate any increase in travelling costs due to the variable nature of planning enforcement and monitoring practices.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel			x	Potential increase in vehicular journeys	Minimise the number of journeys required	Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area
	Emissions from construction						
	Emissions from running of buildings						
	Other						

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	x			<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area</p>
<p>Reduce water consumption</p>						
<p>Minimise pollution (including air, land, water, light and noise)</p>	x			<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>						

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Enhance conservation and wildlife</p>	x			<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area</p>
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	x			<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations</p>	<p>Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area</p>
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'. The regulation and monitoring of minerals and waste developments and investigation of alleged breaches of planning control would ensure developments are carried out or prevented from being carried out in a way that would adversely affect climate change and would protect the environment and amenities of the area.

Sign off section

This climate change impact assessment was completed by:

Name	Vicky Perkin
Job title	Head of Planning Services
Service area	Planning Services
Directorate	Business and Environmental Services
Signature	<i>Vicky Perkin</i>
Completion date	20 December 2021

Authorised by relevant Assistant Director (signature): Matt O'Neil

Date: 21 December 2021

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely, via Microsoft Teams, on 18 January 2022 at 10.00 a.m.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Chris Pearson and Clive Pearson.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

259. Welcome and Introductions

The Chairman welcomed everyone to the meeting and made the following statement:-

You will have seen the statement on the Agenda front sheet about current decision making arrangements within the Council, following the expiry of the legislation permitting remote committee meetings. I just want to remind everyone, for absolute clarity, that this is an informal meeting of the Committee Members. Any formal decisions required will be taken by the Chief Executive Officer under his emergency delegated decision-making powers after taking into account any the views of the relevant Committee Members and all relevant information. This approach was agreed by full Council at its July meeting following a review, and will be the subject of a further review and consideration at the November meeting of the County Council.

The Chairman advised that apologies for absence had been received from County Councillor Zoe Metcalfe

Members and officers then introduced themselves.

260. Minutes of the meeting held on 16 November 2021

Resolved -

That the Minutes of the meeting held on 16 November 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record at the next available opportunity.

261. Declarations of Interest

There were no declarations of interest.

262. Public Questions or Statements

There were no public questions or statements.

263 Planning Enforcement and Monitoring Policy**Considered -**

The report of the Corporate Director, Business and Environmental Services, requesting Members to receive, consider and comment on a proposed draft Planning Enforcement and Monitoring Policy.

The Head of Planning Services presented the Committee report, highlighting the following:-

- The proposed Planning Enforcement & Monitoring Policy would replace the existing Enforcement Charter.
- The proposed Policy explained how enforcement would be carried out by NYCC and for what purposes, providing details in respect of the following :-
 - The Council's Planning Functions
 - Responsibilities
 - Objectives
 - Commitments
 - The Enforcement and monitoring functions
 - Investigating unauthorised development
 - Identifying a breach of planning control
 - Dealing with enquiries and complaints
 - Recording and Acknowledging Complaints
 - Joint Working
 - Time limits for taking enforcement action
 - Approach to enforcement
 - Breaches remedied by negotiation
 - Breaches remedied by a retrospective planning permission
 - Where negotiation fails to resolve the breach
 - Where enforcement action is not expedient
 - Where enforcement action is expedient
 - What action can be taken
 - o Planning Contravention Notice
 - o Breach of Condition Notice
 - o Enforcement Notice
 - o Temporary Stop Notice
 - o Stop Notice
 - o Injunction
 - o What might happen after serving a notice or injunction
 - Compliance
 - Prosecution
 - Direct action
 - Monitoring
 - Dissatisfaction with the service
 - Policy review

- The proposed Policy has been developed in line with the National Planning Policy Framework and the Planning Practice Guidance on 'Enforcement and post-permission matters'
- The draft will be reported to the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee, the draft policy will be reported to the Council's Executive Committee for approval and recommendation to County Council for approval and adoption. The adopted Policy will then be published on the Council's website.
- A copy of the draft proposed Policy was provided as an appendix to the report.

Members discussed the proposed Policy, and the following issues and points were highlighted:-

- It was noted that a recruitment exercise was currently coming to a close in terms of employing a Planning Monitoring and Compliance Officer. Members raised concerns that there was only one officer in place to undertake these duties on behalf of NYCC, covering the whole of the County. In response it was noted that Planning Case Officers also provided assistance when and where required in terms of monitoring compliance. A Member suggested that more use should have been made of District Council Planning Enforcement Officers, taking advantage of the knowledge of local areas. In response it was stated that it was likely that this pool of talent would be utilised as North Yorkshire moved forward into being a unitary authority.
- A Member considered that the Policy did not effectively address issues around climate change and carbon reduction. In response it was emphasised that this Policy related to enforcement and focussed entirely on that aspect of the Planning service, other reports would address the issues raised.
- A Member noted that there was no single, on-line register for enforcement issues in North Yorkshire. In response the Head of planning Services stated that on-line enforcement registers were a statutory responsibility of the District Councils, and were, therefore, provided by those authorities. Going forward, as North Yorkshire moved into a new Authority, it was likely that an overarching register would be created for the whole County.
- Clarification was provided as to the process involved in adopting the Policy through the democratic structure of the County Council.
- It was noted that Section 10 of the proposed Policy dealt with the time-frame for enforcement, and specifically set out how and when action could be taken where deliberate concealment had occurred.
- Members suggested that the Policy should be given more weight as a practical tool for enforcement and compliance as the public considered this issue to be a very important aspect of the Planning service.
- A Member suggested that previously enforcement had not been effective enough by NYCC Planning and that more assistance should have been obtained from the District Councils. He also suggested that reference to homes within the proposed Policy was irrelevant as the County Council dealt with minerals and waste.

Resolved:-

- (i) That the Committee's comments regarding the proposed draft Planning Enforcement and Monitoring Policy be taken account of and incorporated into reports on this matter, going forward ; and
- (ii) that, subject to the incorporation of those comments, the draft Planning Enforcement and Monitoring Policy be reported to the Executive for approval and recommendation to County Council for approval and adoption

264 Items dealt with under the Scheme of Delegation – 15 October 2021 to 14 December 2021, inclusive.

Considered –

A report by the Corporate Director, Business and Environmental Services, which listed Items dealt with under the Scheme of Delegation. The Items had been determined during the period 15 October to 14 December 2021, inclusive.

Resolved:-

That the report be noted.

265 Any other business

There being no other business, the Chairman declared the meeting closed

The meeting concluded at 10.26 a.m.

North Yorkshire County Council

Transport, Economy and Environment Overview and Scrutiny Committee

Minutes of the remote meeting held on Thursday, 20th January 2022 commencing at 10.00 am

County Councillor Stanley Lumley in the Chair and County Councillors Karl Arthur, David Goode, Paul Haslam, Robert Heseltine, David Jeffels, Don MacKay, Andy Paraskos, Caroline Patmore, Clive Pearson, Matt Scott, David Staveley and Roberta Swiers.

In attendance: County Councillor Derek Bastiman.

Officers present: James Farrar (Chief Operating Officer of the York and North Yorkshire Local Enterprise Partnership), Daniel Harry (Democratic Services and Scrutiny Manager, North Yorkshire County Council), Emily Mellalieu (Development Management Team Leader, Business and Environmental Services, North Yorkshire County Council), Paul Mitchinson (Route Manager, Programme Development, Highways England), Matt O'Neill (Assistant Director, Growth, Planning and Trading Standards, Business and Environmental Services, North Yorkshire County Council) (Vicky Perkin, Head of Planning Services, Business and Environmental Services, North Yorkshire County Council).

Copies of all documents considered are in the Minute Book

141 Introductions and apologies for absence

County Councillor Stanley Lumley welcomed everyone to the meeting and reminded the committee that the meeting was being held informally and that any formal decisions would need to be taken in consultation with the Chief Executive Officer using his emergency powers.

County Councillor Stanley Lumley read out the following statement:

You will have seen the statement on the Agenda front sheet about current decision-making arrangements within the Council, following the expiry of the legislation permitting remote committee meetings. I just want to remind everyone, for absolute clarity, that this is an informal meeting of the Committee Members. Any formal decisions required will be taken by the Chief Executive Officer under his emergency delegated decision-making powers after taking into account any the views of the relevant Committee Members and all relevant information. This approach has been agreed by full Council and will be reviewed at its February meeting.

142 Minutes of the meeting held on 21 October 2021

The Minutes of the meeting held on 21 October 2021 were confirmed and signed by the Chairman as a correct record.

143 Declarations of Interest

There were no declarations of interest to note.

144 Public Questions or Statements

No public questions or statements were received.

145 Highways England annual update on maintenance and improvement activity – Report of the Team leader, planning and development for Operations Yorkshire Humberside and the North East

Considered – A report by Paul Mitchinson, Route Manager, Programme Development, Highways England regarding key works underway and planned on roads managed by Highways England in the county.

The list of highways improvement schemes for 2022-23 were presented to the committee. Paul Mitchinson stressed that the timing and scope of the schemes may be subject to change.

There followed a discussion with the key points as summarised below:

- Concerns about the number of fatal accidents that had occurred on the A64 in recent months and the need for safety improvements to be made as a matter of urgency
- The economic impact of slow moving traffic and queues at peak times along the A64 between York and Malton was highlighted. There is a need to ensure good connectivity and ease of access or people will be deterred from going to York and Malton.
- Improvements to junction 47 on the A1 were being led by the Council's Highways service and not Highways England
- Concrete barriers between lanes are safer for motorcyclists than steel barriers or steel polls connected with steel wires. Steel tends to be used as it is cheaper and easier to maintain and can also help with the management of drifting snow across the highway.
- Regular meetings are held between Highways England and Transport for the North
- Overhead message boards on dual carriageways and motorways could be used for promoting carbon emission reduction from petrol and diesel vehicles, such as suggesting low emissions cruising speeds.

County Councillor David Jeffels asked what progress was being made with regard to improvements on the A64 between Hopgrove and the Jinnar Restaurant and the consideration of dualling stretches of the A64. He also asked about the Rillington by-pass and improvements at Golden Hill, Malton.

Paul Mitchinson said that the Highways England were aware of the concerns and that discussions were taking place at a senior level regarding long term improvements to the A64. Consideration was being given to additional safety improvements, such as the use of speed cameras, but major schemes were not yet on the drawing board.

Paul Mitchinson said that nothing was yet planned with regard to a by-pass at Rillington.

County Councillor Stanley Lumley queried the extent to which Highways England and the Highways service at the County Council worked together on the planning of road improvements.

Paul Mitchinson said that there were close links and that the current plan of works had been presented to senior officers in the Council's Highways service in October 2021.

County Councillor Paul Haslam asked what policies were in place to ensure that when roads are built, maintained and improved that waste is minimised and the associated carbon emissions reduced and/or mitigated.

In response, Paul Mitchinson said that a carbon reduction team is in place nationally at Highways England and they are looking at ways of reducing and mitigating carbon emissions. One aspect is offsetting through planting of trees and hedges on road verges.

County Councillor Stanley Lumley summed up and thanked Paul Mitchinson for attending the meeting.

Resolved:

- 1) That Paul Mitchinson comes back to the committee in 12 months to provide a further update.

146 York and North Yorkshire Local Enterprise Partnership Annual Report - Report of the Chief Operating Officer

Considered – A report by James Farrar, Chief Operating Officer of the York and North Yorkshire Local Enterprise Partnership regarding performance against the LEP delivery plan.

The key points from the presentation are as summarised below:

- Overall delivery remain is on track, except of items which are dependent on issues outside the control of the LEP
- The LEP secured £15.4m from the Getting Building Fund of which £7.7m was spent in 2020/21 leaving a target for 21/22 of £7.7m. It is envisaged that all of the grant will be delivered by the end of the financial year
- A Labour Market Information toolkit has been completed and a Training Session delivered to Career Leaders in schools and colleges, with a focus upon Key Stage 3 and 4 students (11 to 16 years of age)
- Continue to work with local businesses and education providers so that the local economy is able to respond to economic shocks and labour shortages, such as HGV drivers
- There is a strong focus upon the development of a skilled, local workforce that can meet current needs but is also well placed to meet future demands
- There are opportunities to place North Yorkshire and York at the centre of the national de-carbonisation programme and it is one of the few areas within the UK which has the potential to go beyond net zero
- The LEP continue to play a role as an advocate for the area and encouraging investment inwards. Recently, this has included work around the possible re-location of the Great British Rail headquarters to York
- A national review of LEPs is underway by Government to set out the future role of LEPs. The review has been integrated into the Levelling Up White Paper, which is expected to be published in February. At present, there is a lack of clarity over access to future funding
- The LEP is involved in Local Government Re-organisation locally, in particular the economic regeneration work stream.

There followed a discussion, the key points of which are summarised as below:

- The LEP has been engaged in the work of the Rural Commission and its report and recommendations
- Part of the work around carbon reduction has involved mapping out the electric supply and generation infrastructure in the county, as part of understanding the impact of an increased demand as a result of the move from heating oil and gas and petrol and diesel vehicles to electric power
- The Convention of the North will be held in Liverpool on 8 February 2022
- The LEP is engaged in discussions about the development of the Olympia Park site in Selby
- Further work could be done to ensure that a framework is in place for the accurate measurement of progress with the de-carbonisation programme

County Councillor David Staveley asked what regular and in-depth scrutiny was being done of the work of the LEP, over and above the annual reports to this committee.

James Farrar said that a scrutiny meeting was planned for February but acknowledged that the scrutiny arrangements may need to be reviewed.

County Councillor David Goode queried whether the outstanding £5m in grants not spent would actually be spent in this financial year.

James Farrar said that he was confident that all of the grant monies will be spent in year. There would also be an opportunity to do a capital switch with the Council, if needed.

County Councillor Stanley Lumley said that there was a need to develop skills locally so that local people saw the benefits of economic development and that skilled workers were not simply brought in from outside the county to fill vacancies.

James Farrar said that the LEP continued to work with local universities and colleges of further education to map current and future skills vacancies to existing training provision. He said that it was important that people were helped to meet their economic potential and that local people were supported to stay in the county and development their skills.

County Councillor Stanley Lumley summed up and thanked James Farrar for attending the meeting.

Resolved:

- 1) That James Farrar comes back to the committee in 12 months to provide a further update.

147 Update on the implementation of the North Yorkshire Local Flood Risk Management Strategy - Report of the NYCC Corporate Director – Business and Environmental Services

Considered – A report by Emily Mellalieu, Development Management Team Leader, Business and Environmental Services at the County Council regarding the implementation of the North Yorkshire Local Flood Risk Management Strategy.

The key points from the presentation of the report are as summarised below:

- An update was last brought to the committee in 2019. Since then, there have been two significant flood events (Upper Dales and Aire catchment) and the Section 19 reports arising has resulted in the diversion of a significant amount of resource from the team
- The flood risk programme continues to be delivered. Particular progress has been made with the delivery of the Malton, Norton and Old Malton flood management scheme, which is nearing completion
- A review of the North Yorkshire Local Flood Risk Strategy is presently underway. Public consultation on the revision is planned during 2022. The original strategy was published in 2015
- Community encouragement and the use of local knowledge is a key element of the management of flood risk
- The Resilience and Emergency Team work with communities to develop locally owned and implemented resilience plans, in the event of a flood
- The dispersed nature of flood risk in North Yorkshire has meant that the approach taken is one whereby flood protection measures are installed at an individual property level, using measures such as flood barriers, to prevent water ingress
- Robust advice on surface water drainage and flood risk during the planning process of new housing developments is provided and critical to ensuring that a new development does not heighten the flood risk
- Since 2011, the Council has undertaken flood investigation at over 200 sites
- A reactive budget is available for the delivery of low cost (below £10,000, works identified during flood risk investigations which would help reduce local flood risk.

There followed a discussion, the key points of which are summarised as below:

- There is a need to tackle complacency in local communities, key stakeholders and commercial developers
- Flood events can have a negative impact upon people's health and wellbeing, impact upon house prices and undermine the local economy and businesses
- Often work is needed upstream to prevent flooding incidences downstream. The costs may be carried by those upstream to the benefit of those downstream. This can create disincentives
- Climate change poses some increased risks as winter become warmer and wetter
- Ongoing concerns about housing developments on flood plains and areas that are known to have flooding and drainage issues
- There is a need for the drainage infrastructure to be improved so that it can cope with higher volumes of rainfall during extreme weather events and move water away from built up areas quickly and efficiently
- When flood mitigation is being considered, it would be helpful to also consider whether small scale hydro-electric power generation projects could be included.

County Councillor David Goode asked whether the planting of trees in upland areas would effectively increase the water holding capacity of the land upstream and so reduce the volume and rate of water released into water courses downstream.

Emily Mellalieu said that tree planting is part of an overall approach of natural flood management but was seen as being a complementary measure and not a key tool in flood risk mitigation.

County Councillor David Staveley said that more attention needed to be paid to local people and their understanding of the flood risk in a given area. Often, planning consent is given for a commercial housing development in an area where it is known to regularly flood but this local intelligence has not been captured or considered.

Emily Mellalieu said that community knowledge and intelligence could be taken into account as part of planning decisions but the national planning framework had to be followed. There has to be a formal flood risk assessment undertaken by the Lead Local Flood Authority, as opposed to a summary of local opinion on flood risk.

County Councillor Stanley Lumley summed up and thanked Emily Mellalieu for attending the meeting.

Resolved:

- 1) That Emily Mellalieu comes back to the committee once the new strategy has been signed off, for a further update on key issues arising around flood prevention and response.

148 Draft Planning Enforcement and Monitoring Policy - Report of the NYCC Corporate Director – Business and Environmental Services

Considered – A report by Vicky Perkin and Matt O'Neill, Business and Environmental Services, North Yorkshire County Council regarding the proposed Planning Enforcement and Monitoring Policy.

The key points from the presentation of the report are as summarised below:

- The Council had adopted its first Planning Enforcement Control Service Pledge in March 2000 and a revised version was adopted in 2005. As such, it is timely to complete a review and refresh
- The overview and scrutiny committee is asked to review the draft policy and comment ahead of it going to the meeting of the Executive on 22 March 2022 and then County Council on 18 May 2022 for adoption
- The draft Planning Enforcement and Monitoring Policy has been prepared to comply with paragraph 59 of the National Planning Policy Framework
- The approach to planning enforcement is not one of immediate prosecution. Instead, it is about working with all parties to find a solution.

County Councillor Paul Haslam said that there is a need to make people aware of the rules around planning and so avoid the excuse of people being unaware of the rules when they are found to have made an infringement.

County Councillor Stanley Lumley summed up and thanked Vicky Perkin and Matt O'Neill for attending the meeting.

Resolved:

- 1) That the draft Planning Enforcement and Monitoring Policy be reported to the Executive for approval and recommendation to County Council for approval and adoption.

149 Committee Work Programme - Report of the Democratic Services and Scrutiny Manager, NYCC

Considered -

The report of Daniel Harry, Democratic Services and Scrutiny Manager, North Yorkshire County Council regarding committee work programme schedule.

Daniel Harry introduced the report. Committee members reviewed it and commented upon it.

Resolved:

- 1) That the Work Programme be noted.

Meeting ended at 12:10pm.

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 15th March 2022 commencing at 11.00 am.

County Councillor Carl Les in the Chair. Plus, County Councillors Gareth Dadd, Derek Bastiman, David Chance, Michael Harrison, Andrew Lee, Don Mackenzie, Janet Sanderson and Greg White.

In attendance: County Councillor Caroline Dickinson.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Richard Webb, Melanie Carr, Catriona Gatrell, Daniel Harry, Neil Irving, Michael Leah, Andrew Dixon and Matt George.

Apologies: County Councillor Patrick Mulligan. Barry Khan.

Copies of all documents considered are in the Minute Book

725 Introductions

Members of the Executive and Corporate Management Team introduced themselves, followed by other Councillors present at the meeting.

726 Declarations of Interest

There were no declarations of interest.

727 Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-

Resolved –

That on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information) (Variation) Order 2006 (see paragraphs listed in column one of the table below), the public was excluded from the meeting during consideration of agenda items 10 – Planning of School Places - Basic Need Capital Programme 2022/25, and 11 - Delegation of enforcement functions to another Local Authority.

Item number on the agenda	Paragraph number
10 - Appendices A - C	3
11	1, 2, 3, & 7

728 Public Questions and Statements

There were no public questions or statements.

729 Consideration of Revised Planning Enforcement and Monitoring Policy

Considered – A report of the Corporate Director – Business and Environmental Services presenting a proposed draft Planning Enforcement and Monitoring Policy for Executive Members consideration.

County Councillor Derek Bastiman introduced the report and provide an overview of the draft Policy's development. He also drew specific attention to the positive feedback from both the Planning and Regulatory Functions Committee on the draft Policy, and confirmed the Transport Economy and Environment Overview & Scrutiny Committee had also viewed the draft Policy favourably. He suggested the new Policy would provide a solid base moving forward for the new Authority once it came into being.

Karl Battersby, Corporate Director – Business and Environmental Service confirmed the new Policy would provide the Authority with the appropriate enforcement powers for responding to breaches of planning control. He noted the integrity of the planning system relied on the Authority's ability to ensure compliance with planning regulations, and confirmed the new Planning Enforcement and Monitoring Policy would initially cover the Authority's Minerals & Waste Policy and NYCC own planning applications, but following LGR would cover all planning across the county. Finally, he confirmed a new enforcement and compliance officer post would be appointed to, to coordinate all enforcement activity across the county.

Executive Members recognised the public interest in planning and planning enforcement and it was recognised that the draft Policy would ensure an efficient and time saving approach with the benefit of a dedicated resource.

Having considered the proposed draft 'Planning Enforcement and Monitoring Policy' and the information provided at the meeting, Executive Members

Resolved: To recommend to the Chief Executive that using his emergency delegated powers he recommend the draft Planning Enforcement and Monitoring Policy to Full Council for adoption

730 North Yorkshire Enhanced Partnership

Considered – A report of the Corporate Director – Business and Environmental Services proposing an update of the Executive on the North Yorkshire Enhanced Partnership Plan and Scheme.

County Councillor Don Mackenzie introduced the report, and provided an overview of the background to the development of an enhanced partnership arrangement. He also drew attention to the consultation undertaken and its findings, as detailed in the report.

Karl Battersby, Corporate Director – Business and Environmental Services outlined the next stage in the process i.e. to set up the governance for an enhanced partnership and have a scheme in place by 1 April 2022. He also confirmed there had been only one objection to the proposed partnership approach, which the Authority was confident could be resolved.

Executive Members noted the funding allocation was not yet known, and was likely to be OFFICIAL less than applied for due to the high number of applications submitted.

They also noted that third party funding contributions would be required to deliver some elements of the Bus Service Improvement Plan, and that dependent upon the funding received there might be some constraints on deliverability and scalability. It was confirmed that any funding received would be allocated based on the hierarchy outlined in the report, and that it would still be possible to achieve some of proposed elements even if no funding was received.

Karl Battersby confirmed the Authority was still awaiting the outcome of both its BSIP bid and its Zero Emissions Buses bid, and County Councillor Don Mackenzie reassured Executive Members that the levelling up of rural bus services was a key priority.

In regard to the ongoing on-demand bus service pilot, County Councillor Gareth Dadd welcomed the innovative approach to the delivery of rural bus services and confirmed there were signs of increased demand.

Having considered the report and considered the information provided at the meeting, Executive Members

Resolved: To recommend to the Chief Executive Officer that using his emergency delegated powers he:

- i. Agree the 'making' of the plan and scheme, following satisfactory completion of the second operator consultation period;
- ii. Delegate the submission of the Enhanced Partnership Plan and Scheme to the Department for Transport following completion of the second operator consultation period to the Corporate Director Business and Environmental Services, following consultation with the Executive Member for Access.

731 Weaverthorpe CE VC Primary School

Considered – A report by the Corporate Director – Children and Young People's Service presenting the outcomes of a public consultation carried out by the County Council on the proposal to close Weaverthorpe CE VC Primary School, and seeking authorisation to publish the proposals and statutory notices, and to schedule a final decision on the proposal on 31 May 2022.

County Councillor Janet Sanderson presented the report in the absence of County Councillor Patrick Mulligan. She provided an overview of the steps taken by the school having failed its Ofsted inspection. She confirmed that no multi academy trust was willing to take on the governance and management of the school as it was not considered viable as a standalone school, and there were no potential partner schools, due to the questionable long-term viability of the school, as a result of dwindling numbers.

County Councillor Janet Sanderson drew attention to the outcomes of the consultation that had been undertaken on the school closure proposal, and addressed two of the key points raised:

- Pre-determination – She gave assurance that the Local Authority had entered into the consultation with an open mind and would do so throughout the process.
- All respondents considered the closure of the school to be a negative thing – She suggested that pupils would benefit from being in a larger school as a super small school such as Weaverthorpe was not able to deliver the breadth

of modern day curriculum, provide enrichment from other activities, or provide extra resources for pupils with SEND.

Executive Members accepted there was no other way forward for Weavertorpe School and having noted the report and the information provided at the meeting, all Executive Members

Resolved: To recommend to the Chief Executive Officer that using his emergency delegated powers he approve that;

- i) Statutory proposals and notices be published on 1 April proposing to cease to maintain Weavertorpe CE VC Primary School with effect from 31 August 2022.
- ii) The proposals include that from 1 September 2022 the catchment area of Luttons Community Primary School is expanded to include the current Weavertorpe School catchment area. There is an area of Weavertorpe's catchment area that is currently shared with Hertford Vale CE Primary School and it is proposed that area (Butterwick) remains part of Hertford Vale's catchment area.
- iii) A final decision on these proposals be scheduled for the Executive on 31 May 2022.

732 Area Constituency Committee Feedback Report

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services) providing an overview of the key issues considered at a recent meetings of the Area Constituency Committees.

Resolved - That the report be noted.

733 Forward Plan

Considered – The Forward Plan for the period 7 March 2022 to 31 March 2023 was presented.

Resolved - That the Forward Plan be noted.

734 Planning of School Places - Basic Need Capital Programme 2022/25

Considered – A report of the Corporate Director – Children and Young People's Service providing a progress update on the 2018-21 Basic Need programme and seeking approval for further investments in 2022-25.

County Councillor Janet Sanderson introduced the report confirming the overall programme had been reviewed and priorities for further additional places up to 2024/25 had been identified, as detailed in the report. She noted the report:

- Provided an update on schemes completed as part of the previous programme for 2018-21;
- Outlined the provisions to be made for future projects in the next cycle of 2022-25;
- Provided an overall financial position for the previous programme;

Attention was also drawn to:

- The 14 schemes achieved since the last report, in particular the expansions at Sherburn Hungate Primary School and Overdale Community Primary School;
- The other Funding Streams for school places and/or educational provision, and;
- The priorities for investment;

Finally, it was confirmed that the Basic Need Grant for 2023/24 was expected to be announced in the next three months.

Executive Members noted the financial position of the programme to date and the challenges around funding for new school places.

Having considered the report and the information provided at the meeting, Executive Members

Resolved: To recommend to the Chief Executive Officer that using his emergency delegated powers he approve the proposed 2022/25 programme of Basic Need Grant investments to meet the requirement for additional mainstream school places.

735 Other business which the Leader agrees should be considered as a matter of urgency because of special circumstances

County Councillor Carl Les agreed to receive a urgent verbal update on the Ukrainian refugee evacuation programme.

Neil Irving, Assistant Director for Policy Partnerships & Communities outlined the sponsorship scheme being introduced by the Government in response to Russia's invasion of the Ukraine, alongside the existing visa scheme for family members.

He noted the new scheme would enable households and organisations to sponsor Ukrainian evacuees to come to the UK. There would be a number of processes put in place to:

- Vet the accommodation being offered (still to be clarified who would do this);
- Vet the residents of those households (still to be clarified who would do this);
- Match the Ukrainians to the appropriate UK households;
- Make connections for those who do not have them;
- Vet the Ukrainians before they arrive;
- Provide training and support to UK households;
- Provide ongoing support to the Ukrainians

Neil Irving confirmed that those brought to the UK via the scheme would have access to all UK services, and UK households would be able to claim £350 a month. He also confirmed that the exact role of Local Authorities was yet to be determined, and there was currently no information regarding the types and locations of households that would be deemed suitable, and no geographical preferences.

It was noted the Government expectation was that refugees would be homed for at least 6 months and would likely last beyond the fruition of LGR.

Recognising the acute nature of the issue, County Councillor Gareth Dadd questioned whether at this stage, local Authorities had the ability, capacity and where-with-all to be able to wrap around the necessary services and support the hosts as well as the evacuees.

In response, Neil Irving confirmed there was a willingness by North Yorkshire Districts/Borough Councils to work with NYCC to deliver on this programme, in the same way they did on other resettlement type schemes. He also confirmed there would be no unaccompanied children, and Local Authorities would receive funding of £10,500 per evacuee.

Executive Members accepted it was a sensible approach but queried the capacity within Children's Services and Adult Services to handle the additional need, and recognised the need for setting an appropriate safeguarding balance.

In regard to the financial consequences of the Russian invasion, it was confirmed there were no direct links within the Authority's supply chain, and within the pension fund portfolio investments valued at £5bn, only a minimal exposure of 0.1% – it was expected this would be reduced with time.

Finally, it was confirmed that inflation and the cost of goods within the supply chain was likely to increase, and this would be closely monitored.

Resolved: That the verbal update be noted.

The public meeting closed at 12:02pm and Executive Members moved into private session to consider confidential agenda item 11 - Delegation of enforcement functions to another Local Authority.

736 Delegation of enforcement functions to another Local Authority.

The meeting concluded at 12.06 pm