



Planning and Regulatory Committee
23 February 2022

Review of The Planning Enforcement and Monitoring Protocol, Minerals & Waste Planning Development.

Adoption of the updated Planning Enforcement and Monitoring Protocol Minerals & Waste Planning Development

Purpose of the report:

That the Planning Enforcement and Monitoring Protocol, Minerals & Waste Planning Development be adopted further to an Ombudsman decision dated 21 September 2021, which included a recommendation that we review our existing Planning Enforcement Protocol, Minerals and Waste Development dated September 2015 within 6-months, specifically so that our description of monitoring reflects our practise.

Recommendations:

It is recommended that the Planning Enforcement and Monitoring Protocol, Minerals & Waste Planning Development dated February 2022 be adopted to replace the protocol we currently use, Planning Enforcement Protocol, Minerals and Waste Development dated September 2015.

Introduction:

1. The Planning Enforcement Protocol, Minerals and Waste Development (hereafter referred to as the '2015 Protocol') had included the scheduling of monitoring of consented mineral and waste sites and had included a statement at 2.1 stating that 'officers undertake routine monitoring to ensure compliance with planning conditions.'
2. The review of the 2015 Protocol was to address what was considered misleading wording in terms of how we 'routinely' monitor authorised sites, and to change aspirational wording that had referred to ensuring compliance, which is simply not possible and therefore impossible for officers to achieve.

3. The Planning Enforcement and Monitoring Protocol, Minerals & Waste Planning Development (hereafter referred to as the '2022 Protocol'), has amended the language used and provides a better explanation of the monitoring of chargeable mineral (mining and landfill) sites and non-chargeable waste management sites.
4. The 2022 Protocol now also includes as an annex a copy of the County Council Development (Regulation 3) Monitoring and Enforcement Protocol dated October 2017 (hereafter referred to as the 'Reg3 Protocol'). Please note that the Reg3 Protocol itself is currently under review and will be put forward for adoption in due course.
5. The 2022 Protocol also includes updated references to all appropriate legislation.

Conclusions:

6. In order that we fulfil our obligation to the ombudsman to complete a review by February 2022 and take the opportunity to incorporate the Reg3 Protocol within it and complete a review of all required changes to legislation, we would request that the Planning and Regulatory Committee consider the adoption of the updated Planning Enforcement and Monitoring Protocol, Minerals & Waste Planning Development dated February 2022 and accept that it will reviewed within years of adoption.

Next steps:

The Planning Enforcement and Monitoring Protocol, Minerals & Waste Planning Development will be set for review by February 2027.

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Sources/background papers:

- The Planning Enforcement Protocol, Minerals and Waste Development dated September 2015
- County Council Development (Regulation 3) Monitoring and Enforcement Protocol dated October 2017
- The Ombudsman report dated 21st September 2021