



**BIENNIAL REVIEW OF PLANNING ENFORCEMENT CHARTER**

Report by Depute Chief Executive

**PURPOSE**

- 1.1 To seek approval by the Comhairle of the biennial review of the Comhairle Planning Enforcement Charter, a requirement of Section 158A of the Town and Country Planning (Scotland) Act 1997.

**EXECUTIVE SUMMARY**

- 2.1 Section 158A of the Town and Country Planning (Scotland) Act 1997 (the Act) requires that all Planning Authorities prepare and publish an Enforcement Charter whenever Scottish Ministers direct or whenever it thinks appropriate to do so; but in any event within two years after last publishing or re-publishing it.
- 2.2 There are no substantive revisions proposed in this 2024 version of the Charter and it is presented to the Comhairle for consideration and approval prior to its submission to Scottish Ministers.

**RECOMMENDATION**

- 3.1 **It is recommended that the Comhairle approve for re-publication the Planning Enforcement Charter, as set out in the Appendix to the Report; and, subject to Scottish Ministers approval, adopt the Charter as its current statement of Planning Enforcement Policy.**

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Appendix Comhairle nan Eilean Siar – Planning Enforcement Charter

Background Papers: Report to Sustainable Development Committee 02 February 2022

## IMPLICATIONS

4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None.
Legal	Section 158A of the Town and Country Planning (Scotland) Act 1997
Staffing	The Comhairle does not have an established post dedicated to Planning Enforcement, which limits the resource available to address planning related complaints.
Assets and Property	None.
Strategic Implications	Implications/None
Risk	There is a risk that the service standards in the Charter may not be achieved due to other demands on staffing resources.
Equalities	None.
Corporate Strategy	The Planning Service in its operation and reporting will seek to continue to deliver a high standard of service measured through the PPF and Comhairle Business Plans to support the delivery of strategic priorities in relation to Support Resilient Communities and Quality of Life – Strategic Outcome – Planning and Infrastructure meet the needs of our communities.
Environmental Impact	The Enforcement Charter will have no adverse impacts on carbon emissions or affect resilience to climate change impacts.
Consultation	None.

## BACKGROUND

5.1 The Act requires an Enforcement Charter to set out:

- A statement of the policies of the Authority as regards their taking enforcement action;
- An account of how members of the public can bring any ostensible breach of planning control to the attention of the Authority;
- How any complaint about how the Authority takes enforcement action can be made; and
- The Authority's procedures for dealing with any such complaint.

5.2 The Scottish Government has issued guidance on the form and content of the Charter which must, on each update, be notified to Scottish Ministers, published on the internet and available through public libraries in the Planning Authority's area. The Comhairle last approved its Planning Enforcement Charter in February 2022 with copies made available on-line, at each Comhairle Office, and at the public libraries.

## CONCLUSION

6.1 The purpose of planning enforcement is to resolve the problem rather than to punish the mistake. Enforcement is a discretionary power, and the basic aims are:

- to remedy the undesirable effects of unauthorised development;
- to bring unauthorised activity under control; and
- to ensure that the credibility of the planning system is not undermined.