



PLANNING ENFORCEMENT

Report by Chief Planning Officer

PURPOSE

- 1.1 The purpose of the Report is to apprise the Comhairle of steps being taken to address the increased incidences of breaches of Planning control across the Comhairle's area while providing a new resource for the Discharge of Planning Conditions in respect of major developments.

EXECUTIVE SUMMARY

- 2.1 There is evidence to suggest that the number of breaches of Planning control across the islands has increased since the 2020 / 2021 COVID-19 Pandemic. Historically, the Comhairle employed a dedicated Enforcement Officer to deal with these breaches but successive budget savings exercises led to loss of this dedicated resource and the assignation of Enforcement duties to already-stretched Planning Case Officers.
- 2.2 Busy Case Officers will seek to deal with breaches brought to their attention but, without a dedicated Enforcement resource, it is simply not possible to respond to every reported breach, to say nothing of those which are observed by Officers but not reported. Complaints are having to be prioritised in terms of risk to public safety, impact on Listed Buildings / Scheduled Monuments and the settings thereof, impact on the character of a Conservation Area, depth of public concern and whether there is media interest. This approach is clearly unsatisfactory with those engaged feeling singled out and many complainants feeling that their legitimate concerns are going unheard by the Comhairle.
- 2.3 A key concern relating to the current situation is that the Assessor uses the Planning and Building Standards Register to identify properties which should be added to the Valuation Roll and therefore become liable for Non-Domestic Rates. A continuing proliferation of unauthorised uses will therefore significantly impact on the Comhairle's income through local taxation. Also, compelling unauthorised uses to apply for the required Planning Permission and Building Warrant could realise considerable additional fee income for the Comhairle.
- 2.4 The opportunity presently exists to recruit a new member of staff, collectively funded by the main Renewable Energy developers, whose core duty will be to monitor Discharge of Planning Conditions for the major Renewable Energy projects. Since this work is clearly detached from the consenting process for these projects, there is no conflict of interest in developers contributing to the cost of the post and there will be no financial burden on the Comhairle. It is proposed that this new post include a substantive Planning Enforcement duty to help address the situation outlined above.

RECOMMENDATION

- 3.1 **It is recommended that the Comhairle note the steps being taken to address an increase in non-compliance with Planning controls as part of a wider, externally funded approach to effective Discharge of Planning Conditions.**

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Appendix: None
Background Papers: None

IMPLICATIONS

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

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	Additional resource.
Assets and Property	Positive impact on Comhairle reputation and income.
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	The proposal supports delivery of Corporate Strategy Priorities: Deliver Community Leadership, Strengthen the Local Economy and Support Caring and Resilient Communities and Quality of Life. Enforcement of compliance is a key part of the Comhairle's statutory duty as Planning Authority.
Environmental Impact	None
Consultation	None