



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 22 May 2019 at 14:00** to consider the undernoted business.

- 1 Declarations of Interest**
Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.
- 2 Minutes**
The accuracy of the Minutes of special meeting of the Committee held on 24 April 2019 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).
- 3 Enforcement Procedures under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran KA27 8JP**
Submit report by the Executive Director (Economy and Communities) on a site investigation of land to the north east of Birchbrae, Corrie, Isle Of Arran, KA27 8JP which provides an update on an item continued from the Planning Committee meeting held on 24 April 2019 (copy enclosed).
- 4 Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran**
Submit report by the Executive Director (Economy and Communities) on the process and merits of protecting a group of trees along the A841 (copy enclosed).
- 5 Clyde Regional Marine Plan**
Submit report by the Executive Director (Economy and Communities) on the preparation of a Regional Marine Plan for the Clyde (copy enclosed).

- 6 Planning Enforcement Charter**
Submit report by the Executive Director (Economy and Communities) on the updated Planning Enforcement Charter (copy enclosed).
- 7 Urgent Items**
Any other items which the Chair considers to be urgent.

Planning Committee Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

**Planning Committee
24 April 2019**

Agenda Item 2

Irvine, 24 April 2019 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Robert Barr, Timothy Billings, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

I. Davies, Planning Officer, (Economy and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Shaun Macaulay.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct, Councillor Billings, as the Chair of Lamlash Improvements, declared an indirect, non-pecuniary interest in Agenda Item 3.1 (19/00199/PP: Lamlash Public Toilet, Lamlash, Brodick, Isle of Arran) and left the room during consideration of this item.

2. Minutes

The Minutes of the meeting of the Planning Committee held on 20 March 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 19/00199/PP: Lamlash Public Toilet, Lamlash, Brodick, Isle of Arran

Lamlash Improvements have applied for planning permission for the replacement of an existing toilet block with new toilet facilities, shelter and "Geo-park" information board at Lamlash Public Toilets, Lamlash, Brodick. No objections to the application were received.

The Committee unanimously agreed to grant the application subject to the following condition:-

1. That the external walls shall be finished in white vitreous enamel cladding panels, as indicated in the drawings hereby approved unless any variation has been approved in writing by North Ayrshire Council as Planning Authority.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran

Submitted a report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 127 of the Town and Country Planning (Scotland) Act 1997 be served requiring that soil and aggregate placed on the land be removed and the land reinstated to its former condition on land to north east of Birchbrae, Corrie, Isle of Arran.

The Planning Officer informed the Committee that information had been received which suggested that the work set out in the proposed Notice had been carried out and that an officer would carry out a site inspection.

The Committee unanimously agreed to continue consideration of the item to a future meeting pending an inspection of the site.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9-15 Bath Street, Largs

Submitted a report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 179 of the Town and Country Planning (Scotland) Act 1997 be served to abate the adverse impact on the local area at 9-15 Bath Street, Largs.

The Planning Officer provided the Committee with information on the site which is currently vacant and is used as an informal car park and contains an accumulation of litter and a number of fly-tipped items. Details of several complaints which have been received and previous investigations which resulted in the owner clearing refuse from the site were also given. It was confirmed that since this work was carried out further complaints have been lodged and attempts to contact the owner have failed.

Members asked questions and were provided with further information on:-

- ownership of the site and attempts which have been made to contact the owner;
- the steps which would be taken if enforcement notice were served and no further action was taken as well as issues around reclaiming costs from owners;
- current use of the site as a carpark and the fact that is done on an informal basis; and
- other sites across North Ayrshire which are in a similar state of disrepair with owners who are reluctant to act and actions which can be taken by Planning and Members to combat this.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the local area at 9-15 Bath Street, Largs.

The Meeting ended at 2:20 p.m.

NORTH AYRSHIRE COUNCIL

22 May 2019

Planning Committee

Title:	Enforcement Procedures under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran KA27 8JP
Purpose:	To advise committee of a site investigation of land to the north east of Birchbrae, Corrie, Isle Of Arran KA27 8JP and to provide an update of a previous committee item
Recommendation:	That the committee note the findings of the site visit report and agree that the serving of an enforcement notice is no longer needed in relation to the site

1. Executive Summary

1.1 A report was presented to the planning committee on 24th April 2019 which sought approval to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice"). The notice was to seek the removal of a quantity (c.50-60m³) of spoil material (soil and aggregate) from a nearby approved development site which had been deposited on an area of wild hillside to the north east of Birchbrae, Corrie.

1.2 The unauthorized operational development was held to be contrary to the following LDP policies: HE1(b) (Development adjacent to Conservation Areas); ENV7 (Special Landscape Areas); and criterion (c) (Landscape Character) of the General Policy.

1.3 The owner of the adjacent site had indicated, prior to the committee being convened, that the material had been removed from the site.

1.4 The planning committee, having considered the report, photographs and subsequent update information agreed to continue consideration of the item pending an inspection of the site.

2. Background

2.1 Planning permission (17/00364/PP) was granted subject to conditions on 1st June 2017 for the erection of a replacement house on a site at Birchbrae, some 20m to the south west. The 'pre-start' planning conditions were discharged and the development commenced on site.

2.2 Planning Services then received a complaint from a neighbour in July 2018 that soil from the site had been ‘dumped’ on land downhill. An enforcement investigation (18/00104/NONCOMM) was opened.

2.3 A site visit by Planning Officers confirmed the situation at that time and the developer of Birchbrae acknowledged that the material was ‘cut and fill’ spoil from his site which had been deposited on the land outwith his site boundary due to a ‘misunderstanding’ by his groundworks contractor. He advised that the intention was to move the material back up to the site to backfill areas following initial construction of foundations and walls, which was then ongoing. Ownership of the land in question was confirmed by Mr Charles Fforde of Arran Estates.

2.4 Various interim discussions have been undertaken between the developer and Planning Services regarding potential changes to the approved development in order to address ongoing issues with the hillside site, which is accessed only from a steep, narrow, single track road causing difficulties with transportation of materials to and from the development, and the unauthorized breach of planning control had not yet been resolved.

2.3 Following the last meeting of the Planning Committee, a site visit was conducted by Planning Officers on 29th April 2019. It was found that the spoil material which had previously been mounded on the site had been removed back uphill to the single house development site at Birchbrae where it is to be used as backfill behind a retaining wall of the new construction.

2.4 The contours of the downhill site appear to have been restored to the previous wild hillside state. Whilst large parts of the ground are now bare soil, this would be expected to naturally regenerate vegetation back to its previous wild unmanaged condition.

2.5 The site is not readily visible from any public areas and, given the actions which have been taken, it is no longer considered to have a significant adverse visual or environmental impact on the landscape character of the North Arran National Scenic Area, within which it is located.

2.6 Given the above, it is no longer considered necessary to serve an enforcement notice on either the land owner, Arran Estates, or the operators, Mr Barry Mochan c/o Arena Architects or Murchie Sand and Gravel Ltd of Market Road, Brodick.

3. Proposals

3.1 It is recommended that the committee: (i) note the outcome of the site visit conducted following the previous committee meeting; (ii) agree that an enforcement notice is no longer required; and (iii) agree that the enforcement investigation can be closed.

4. Implications/Socio-economic Duty

Financial:	N/A
Human Resources:	N/A

Legal:	N/A
Equality/Socio-economic Duty:	N/A
Children and Young People:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	N/A
Community Benefits:	N/A

5. Consultation

5.1 None



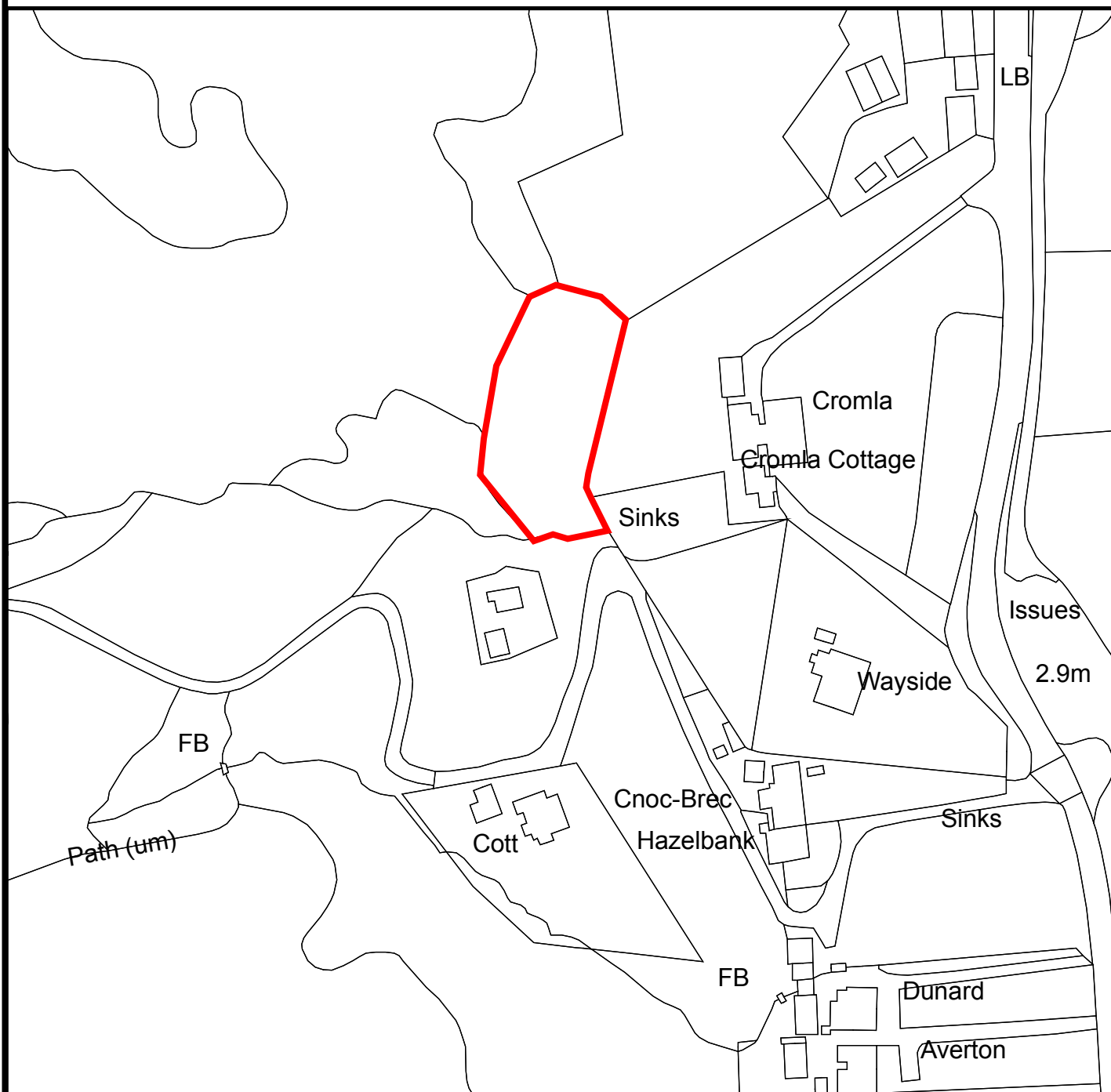
Karen Yeomans
Executive Director Economy and Communities

For further information please contact **Neil McAteer, Planning Officer**, on **01294 324 316**.

Background Papers

None

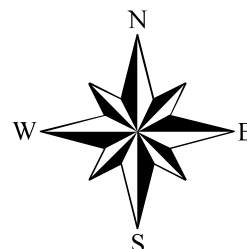
Notice under Section 127 of the Town and Country Planning
(Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of
Arran



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

22nd May 2019

Planning Report Committee

Title:	Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran
Purpose:	To advise Committee regarding the process and merits of protecting a group of trees along the A841.
Recommendation:	That the Council serves a Tree Preservation Order (TPO) under S.160 1997 Town and Country Planning Act in order to allow for further investigation as to whether a TPO should be confirmed for the grouping of trees.

1. Executive Summary

- 1.1 This report highlights the concerns made from stakeholders regarding the welfare of a grouping of trees along both sides of the A841 between Rosa Bridge and Cnocan Bridge north of Brodick on the Isle of Arran.
- 1.2 It is considered that the trees have the potential to meet the criteria for a Tree Preservation Order (TPO) and recommended that a TPO is served in the interests of protecting public amenity. This report outlines the reasons for this recommendation and the procedures involved.

2. Background

- 2.1 Concerns have been raised from the Arran Civic Trust and a member of the public noting that many trees have been numbered and marked with crosses, which is a potential indication that works are due to be carried out to these trees. The trees are located on both sides of the A841 heading North from Rosa Bridge to Cnocan Bridge (see Appendix 1). Those who have raised concerns consider the trees to be of significant amenity value and have requested that the Council serve a Tree Preservation Order (TPO) to ensure that they are not felled.
- 2.2 The Council as the Planning Authority has the power under Section 160 of the 1997 Town and Country Planning (Scotland) Act (as amended by the Planning etc 2006 (Scotland) Act) to make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation. The Council can exercise these powers providing it meets either or both the following requirements:

(a) that it is expedient in the interests of amenity to make that provision,

(b) that the trees, groups of trees or woodlands are of cultural or historical significance.

- 2.3 Following a preliminary assessment of the trees, it is considered that the trees contribute to public amenity and the character and setting of the National Scenic Area, and the setting of Brodick. Some of the trees also act as screening from the old gravel works quarry north of the A841. It should be noted that if a TPO is served, a more detailed assessment of the impact on amenity will be undertaken.
- 2.4 The legislation states that a Tree Preservation Order may, in particular, make provision—
- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of the 1997 Town and Country Planning (Scotland) Act.
- 2.5 The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 outlines the procedures in which Planning Authorities can exercise their powers. If the Council serves a TPO, it is required to be confirmed within 6 months of the date of that notice. Within this time, all interested parties such as Landowners, Occupiers and Lessees must be notified and given a time to respond to the notice of no less than 28 days. The notice is required to be advertised locally in the relevant newspapers that serve the area.
- 2.6 The six-month period would allow further investigation to determine what the interested parties' intentions are for the trees and what amenity value they have. The time would also allow the Council to consult with stakeholders and gain direction from Committee on whether to confirm the TPO and put it in place in perpetuity. It may also be the case that the trees are not under immediate risk, but this time would give the Council some assurances that they would be protected if required. The exact number and location of marked trees is unknown, the period before the notice is confirmed will be used to carry out an in-depth survey to determine which trees should be protected. The provisions of the 1997 Act allow the Council to place TPO in person and on site with immediate effect.
- 2.7 It is understood that a felling licence would be required from Forestry Commission Scotland (FCS). Officers have made initial enquiries to FCS to determine whether a felling licence has been applied for. To date a formal application has not been made. Officers also conducted site visits to confirm the markings on the trees and the extent to which the markings are present. In addition, Officers made a preliminary

assessment to the contribution the trees make to the character of the National Scenic Area, the setting of Brodick and Arran more widely in addition to public amenity.

- 2.8 Consideration was given by Officers to opening discussions with the land owner(s). However, given the need to offer enough protection to the trees, no such discussions have yet been held.

3. Proposals

- 3.1 It is proposed that the Council serves notice of a Tree Preservation Order in order to fully investigate both the risk to the trees and the significance of the amenity that they provide. This will ensure that the trees are afforded an appropriate level of protection while this investigation is ongoing.

4. Implications/Socio-economic Duty

Financial:	Any costs arising would be from existing budgets.
Human Resources:	N/A
Legal:	Should a TPO be served, a draft notice is required to be written and recorded.
Equality/Socio-economic Duty:	All assessments to be carried out during the 6 month period from which a TPO is served and confirmed (if required).
Children and Young People:	N/a
Environmental & Sustainability:	All assessments to be carried out during the 6 month period from which a TPO is served and confirmed (if required).
Key Priorities:	The proposed Order supports the Priority Outcome that North Ayrshire is a vibrant, welcoming and attractive environment
Community Benefits:	N/a

5. Consultation

- 5.1 Should a TPO be served on the site. The Council would be required to consult with interested parties and advertise the notice in local newspapers. Interested parties are to be given no less than 28 days to respond to this notice.

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Karen Yeomans
Executive Director of Economy and Communities

For further information please contact **Thom Ledingham, Planning Officer**, on
01294324623.

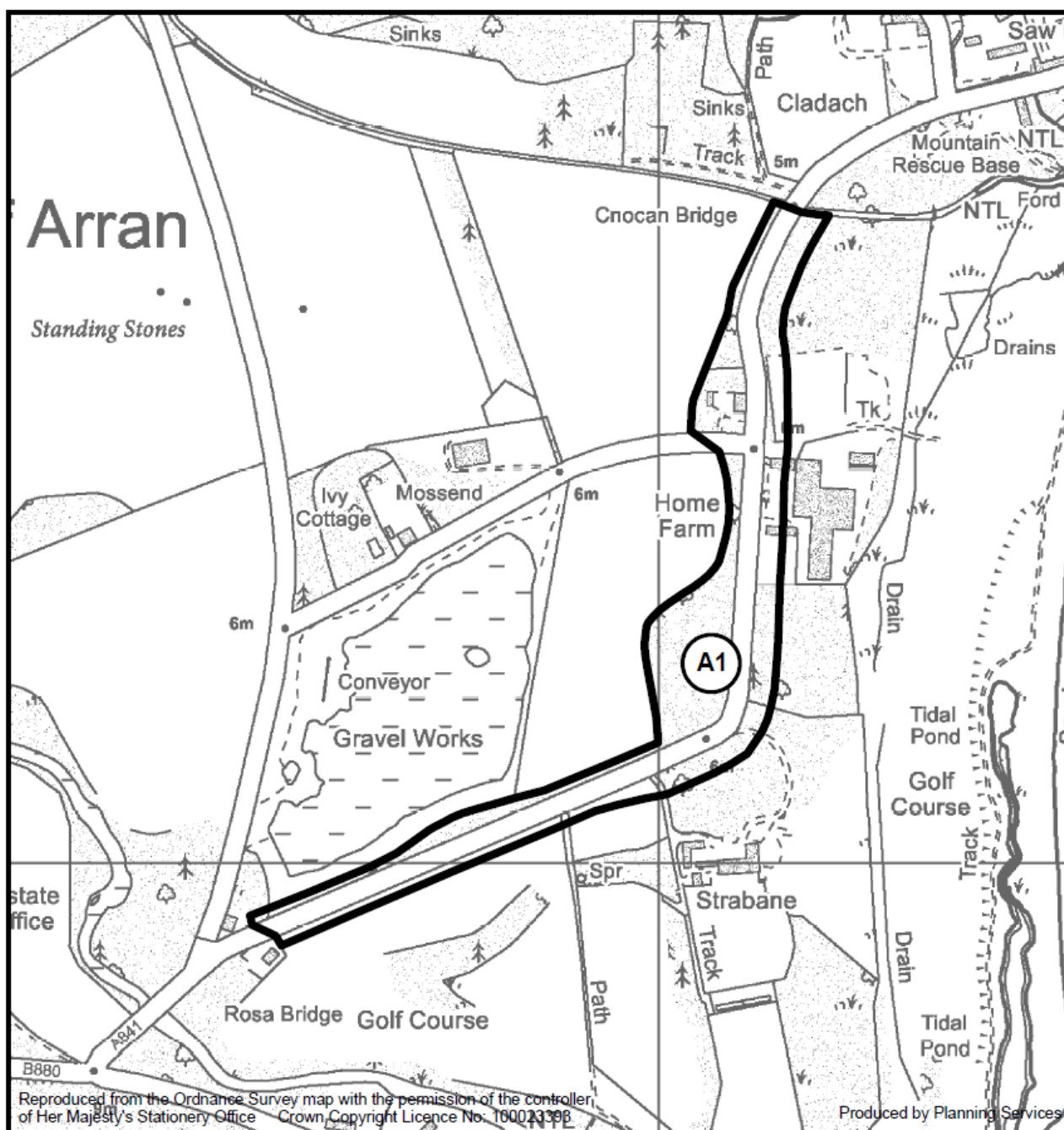
Background Papers

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TREE PRESERVATION ORDER

Rosa Bridge to Cnocan Bridge

APPENDIX 1



Address: Rosa Bridge to Cnocan Bridge,
Brodick

Grid Ref: NS 201001.637196

Area: A1 - 4.08Ha

Description:



NORTH

Scale: 1:4,500

NORTH AYRSHIRE COUNCIL

23 May 2019

Planning Committee

Title:	Clyde Regional Marine Plan
Purpose:	To update the Planning Committee on the preparation of a Regional Marine Plan for the Clyde.
Recommendation:	<p>It is recommended that the Planning Committee:</p> <ol style="list-style-type: none"> 1) Supports the general themes and content of the pre-consultation draft Clyde Regional Marine Plan; 2) That comments set out in this report form the basis of the Council's response to the Clyde Marine Planning Partnership on the draft Plan, including the recommendation that greater prominence within the plan is given to both the Clyde's major assets and its existing plans, programmes and proposals, including the Ayrshire Growth Deal and North Ayrshire Tourism Action Plan. 3) That further detail is sought on the future implementation and monitoring of the Plan, specifically, the anticipated role and responsibilities of local authorities.

1. Executive Summary

- 1.1 The Clyde Marine Planning Partnership are preparing a Regional Marine Plan and have published a pre-consultation draft for comment.
- 1.2 The pre-consultation draft Clyde Regional Marine Plan sets out a vision, aims, objectives and policies for the marine and coastal environment encompassing a wide range of general topic areas and specific sectors. It seeks to provide a consistent overarching framework for decision-making in respect to development and activities within, and impacting upon, inshore waters out to 12 nautical miles.
- 1.3 The draft sets out detailed policies in relation to a number of areas, but it is considered the Plan could usefully provide a more strategic overview of the context for marine planning in the region, considering its assets and sensitivities and wider policy agendas, beyond just marine and land-use planning. Additionally, further consideration and discussion is required around implementation and monitoring, including the measurement of objectives.

2. Background

- 2.1 A new statutory marine planning system for Scotland was established by the Marine (Scotland) Act 2010 with the purpose of sustainably managing the increasing, and often conflicting, demands on Scottish seas.
- 2.2 A National Marine Plan was published in 2015 covering the management of both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). Below this level, eleven Scottish Marine Regions have been created, where regional marine planning will be undertaken by Marine Planning Partnerships. North Ayrshire Council is a member of the Clyde Marine Planning Partnership, to which Scottish Ministers delegated the task of developing a Regional Marine Plan in March 2017. This Clyde Regional Marine Plan must be in accordance with Scotland's National Marine Plan and the UK Marine Policy Statement.
- 2.3 The draft plan – which interprets and supports the National Marine Plan at a regional level – has a 20-year vision and a wide-ranging set of aims that seek to achieve a marine and coastal environment that is clean, healthy, safe, productive, biologically diverse and assessable for all. The Plan seeks to support sustainable development; attract investment; and guide marine development, while also considering local communities; the protection of the Clyde's natural resources; and climate change.
- 2.4 The Plan is designed to provide a consistent overarching framework to guide decision-makers, regulators and marine users in the location and management of existing and proposed development and activities. This will be particularly relevant where development and activities overlap existing regulatory and legislative regimes and plans, for example in the intertidal zone, and where more than one form of consent may be required. In this regard, it is noted that the Clyde Marine Planning Partnership intends to develop a protocol with planning authorities to guide decision-making in relation to the Regional Marine Plan.
- 2.5 The pre-consultation draft is organised into two sections: General Policies and Sector Policies. General Policies provide an overarching framework for the sustainable development and use of the marine and coastal environment and have been prepared in relation to: climate change; the historic environment; landscape/seascape; coastal processes, coastal flooding and storm damage alleviation; natural heritage; non-native species; and marine litter. Sector Policies are included for the following key, current economic activities taking place in the Clyde Marine Region: sea fisheries; aquaculture; sport, recreation and tourism; shipping, ports, harbours, ferries; defence; energy, subsea cables and pipelines; and marine aggregates. Policies are further differentiated between those which relate to authorisations and consents and those which relate to management.
- 2.6 One of the draft Plan's guiding principles is to add value, not complexity. Informed by a Marine Region Assessment which considered the condition of the Clyde Marine Region, significant pressures and the impact of human activity, the Plan identifies factors and issues that need to be considered by developments and activities in the Plan area, spatially where possible. It seeks to interpret and support the National Marine Plan in a local context.

- 2.7 The Clyde is a complex region with many competing demands on the marine resource. Consequently, the draft Regional Marine Plan sets out a wide-ranging policy framework. While the Plan provides detailed policies in a number of areas, it is considered the Regional Marine Plan could be augmented by providing a strategic overview of the risks and opportunities the plan is responding to; the region's existing assets, infrastructure and environmental sensitivities; and a consideration of how the priorities of the Regional Marine Plan relate to a wider set of agendas than those considered, for example the National Planning Framework, growth deal projects and tourism initiatives.
- 2.8 The recently agreed Ayrshire Growth Deal will see multi-million pound investment in helping drive economic development across the region, boosting jobs, creating opportunity and encouraging further inward investment. The Growth Deal includes a number of commitments, including delivering critical infrastructure to enable investment to secure the development of the Marine Tourism industry in North Ayrshire; the development and regeneration of The Great Harbour at Irvine Harbourside and Ardeer; funding for the Centre for Research into Low Carbon Energy and Circular Economy (CECE) at Hunterston Parc; a new International Marine Science and Environmental Centre (ISME) based at Ardrossan; and investment in a subsea fibre optic cable to have its landing point in Irvine.
- 2.9 It is noted the intention is to include a strategic map within the Clyde Regional Marine Plan, presenting an indicative overview of the Clyde Marine Region's key coastal and marine infrastructure and land use designations, natural and historic environment assets and areas of activity. The key locations mentioned above could usefully feature on this map, alongside reference to the Ayrshire Growth Deal – and relevant projects contained in the Glasgow City Region Deal – within the Plan as important elements of the Clyde's future.
- 2.10 Once adopted my Ministers, the Clyde Regional Marine Plan will provide a statutory policy framework to support decision-making and appropriate inward investment. However, there remain questions over how the Plan will be implemented and how implementation will be funded. Additionally, it is noted that progress in achieving a number of the plan's objectives will be measured through the development management regime. Again, more detail is required as to how this will work in practice.

3. Proposals

- 3.1 It is recommended that the Planning Committee:
- 1) Supports the general themes and content of the pre-consultation draft Clyde Regional Marine Plan;
 - 2) That comments set out in this report form the basis of the Council's response to the Clyde Marine Planning Partnership on the draft Plan, including the recommendation that greater prominence within the plan is given to both the Clyde's major assets and its existing plans, programmes and proposals, notably the Ayrshire Growth Deal.
 - 3) That further detail is sought on the future implementation and monitoring of the Plan, specifically, the anticipated role and responsibilities of local authorities.

4. Implications/Socio-economic Duty

Financial:	None
Human Resources:	None
Legal:	None
Equality/Socio-economic Duty:	A review of relevant socio-economic strategies, policies and reports has been undertaken to assist in the formation of the Clyde Regional Marine Plan. It is the responsibility of the Clyde Marine Planning Partnership to undertake necessary assessment of equalities impact.
Children and Young People:	It is the responsibility of the Clyde Marine Planning Partnership to undertake necessary assessment of impact on children and young people.
Environmental & Sustainability:	The pre-consultation draft is accompanied by an interim Sustainability Appraisal Report, including Strategic Environmental Assessment, prepared by the Clyde Marine Planning Partnership.
Key Priorities:	The proposed Plan supports the draft Council Plan Priority Outcome that North Ayrshire is a vibrant, welcoming and attractive environment. The vision and aims of the Clyde Regional Marine Plan align with many of the LOIP themes of a North Ayrshire that is healthier, working, safer and thriving and priority outcomes of the Council's draft plan.
Community Benefits:	The Clyde Regional Marine Plan will contribute to the sustainable management of the marine and coastal environment in order to support thriving communities by attracting investment; promoting sustainable and socially inclusive development and use of marine and coastal resources; contributing to the wellbeing and resilience of coastal communities and encouraging the reconnection of people with the sea through cultural heritage, work opportunities, educational initiatives and recreational pursuits.

5. Consultation

- 5.1 The Clyde Marine Planning Partnership has published a Statement of Public Participation for the Clyde Regional Marine Plan which sets out a timetable for plan development and provides details of opportunities for engagement and participation in the development of the Marine Plan, including a series of public events. The 'pre-consultation' period is open 18th March – 27th May and will be followed by a statutory 12-week consultation period on the Draft Plan.

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Karen Yeomans
Executive Director – Economy and Communities

For further information please contact **Alistair Gemmell, Planning Officer**, on **01294 324021**.

Background Papers

Clyde Regional Planning Partnership: Pre-consultation draft Clyde Regional Marine Plan

NORTH AYRSHIRE COUNCIL

22 May 2019

Planning Committee

Title:	Planning Enforcement Charter
Purpose:	To seek approval for the updated Planning Enforcement Charter.
Recommendation:	That the Committee approves the updated Planning Enforcement Charter.

1. Executive Summary

- 1.1 This report recommends that approval be granted for the reviewed and updated Planning Enforcement Charter dated May 2019.

2. Background

- 2.1 S.158A of the Town and Country Planning (Scotland) Act 1997 (as amended) requires a planning authority to prepare and publish an enforcement charter. This will set out a statement of the authority's policies as regards taking enforcement action for the purposes of the Act. This will also set out how members of the public are to bring a breach of planning control to the attention of the authority, an account of how any complaint as regards taking enforcement action is to be made and of the procedures for dealing with such a complaint.
- 2.2 A planning authority must keep their enforcement charter under review and must update and republish it every 2 years. North Ayrshire Council's planning enforcement charter was last reviewed and republished in June 2017
- 2.3 The enforcement charter has been reviewed. There are no significant changes proposed. The contact details and links within the charter have been updated and reviewed to ensure they still work. The charter contains the Council's policies in regard of enforcement action, details of how to report breaches, make complaints and the procedure for dealing with them. The charter also contains service standards for dealing with reports and details of powers available to the planning authorities.

3. Proposals

- 3.1 That the attached Planning Enforcement Charter be approved and re-published in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended)

4. Implications/Socio-economic Duty

Financial:	N/A
Human Resources:	N/A
Legal:	The proposed Enforcement Charter is in accordance with Statutory Regulations.
Equality/Socio-economic Duty:	N/A
Children and Young People:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The Enforcement Charter supports the Priority Outcome that North Ayrshire is a vibrant, welcoming and attractive environment
Community Benefits:	N/A

5. Consultation

5.1 N/A



Karen Yeomans
Executive Director (Economy and Communities)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

Background Papers

1 Planning Enforcement Charter dated May 2019



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

Planning Enforcement Charter

A Guide to Enforcing Planning Controls in North Ayrshire

Contents

1. Introduction (page 2)
2. Key points on planning enforcement (page 3)
3. Identifying possible breaches of planning control (pages 4-5)
4. Investigating alleged breaches of planning control (page 6)
5. Acting on alleged breaches of planning control (page 7)
6. Making a suggestion or complaint (page 10)
7. Enforcement powers (pages 11-14)
8. Enforcement and advertising (page 15)
9. Enforcement contacts (page 16)
10. Summary of the Planning Enforcement Charter (page 17)

1. Introduction

The Scottish Government places a strong emphasis on the role of planning enforcement in delivering key policy objectives and maintaining public confidence in the planning system. The Planning etc. (Scotland) Act 2006 introduced the requirement for Councils to produce enforcement charters, as a means of clarifying the purpose, powers and raising the overall profile of planning enforcement.

This Charter, which was revised in 2019, explains what enforcement means, what the Council can and cannot do, the service standards and what happens at each stage of what can be a lengthy process.

Planning permission is required for most development that takes place in Scotland, with the exception of a wide range of “permitted developments” including some changes of use.

Sometimes, development is undertaken without the necessary consents or without complying with conditions of a permission which has been granted. In such cases, the Council has powers to take action in order to remedy the issues which can occur.

There is a key role for members of the public to alert the Council to any potential breaches of planning control they become aware of, whether large or small. The Council can also monitor high profile and other developments of public interest, where resources allow, to ensure planning regulations and conditions are being adhered to.

It should be noted that enforcement action is a discretionary power: even when a breach of planning control has occurred, it may be determined by the Council that it would not be in the public interest to take formal action. The planning system does not exist to protect the interests of private individuals against each other but must work in the public interest.

The Council, as Planning Authority, has to consider each case on its merits and decide the most appropriate response. The Council is unlikely to take formal action, for example over developments, which in planning terms, are seen to be acceptable.

Enforcement is one of the most complex parts of the planning system. The aim of this Charter is to ensure that the adopted procedures are applied fairly and reasonably, and that interested parties are kept informed and are made aware of the process.

It is understood that planning enforcement is an issue that interests many people and it is hoped that this Charter is useful. It should also be noted that we regularly review the Charter and that comments on its content are welcomed.

This Charter sets out the current powers available to Planning Authorities. These powers are set out in the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Key points on planning enforcement

- A breach of planning control is **not** of itself a criminal offence
- A breach of listed building control can be a criminal offence

It is important to remember that the primary purpose of planning enforcement is to remedy any breach which has occurred, rather than to apply punitive measures to those responsible. In addition, any action taken must be appropriate to the breach. The Council has statutory powers to:

- investigate alleged breaches of planning (such as unauthorised developments and changes of use);
- investigate alleged unauthorised works to listed buildings;
- investigate alleged displays of unauthorised advertisements;
- investigate alleged unauthorised treeworks;
- investigate the conditions attached to permissions/consents;
- initiate formal action where a satisfactory outcome cannot be achieved by negotiation.

The Council is not required to take any particular action on a specific breach, and indeed can decide that no action is necessary.

Fuller information on the use of enforcement powers can be found in the Scottish Governments Planning Circular 10/2009: *Planning Enforcement* which can be viewed online at <http://www.gov.scot/Publications/2009/09/16092848/0>

SERVICE STANDARD

By publishing our standards and targets, we aim to improve our enforcement service and make it responsive to the needs of our customers. We will monitor the contents of this Charter to ensure that standards and targets are being met.

The Charter will be made available on the Council's website, in local libraries and at Planning Services, Cunninghame House, Irvine KA12 8EE.

3. Identifying possible breaches of planning control

Planning enforcement has two main issues –

1. To establish whether a breach has taken place, and
2. Whether it is expedient or appropriate to take enforcement action.

The decision to take enforcement action is at the sole discretion of the Council.

Possible breaches of planning and listed building control can include:

- Development being undertaken without planning permission;
- Alterations to or demolition of a listed building without listed building consent;
- the change of use of a building or land without planning permission;
- the failure of a developer, owner or occupier of land/buildings to comply with conditions attached to planning permission or listed building consent; and
- departures from approved plans or consents.

Members of the public have a vital role in reporting breaches of control. Any concern should be raised with the Council either via a local councillor or directly to Planning Services (see below). You can make preliminary enquiries by telephone or in person at the Council offices but these must be followed up in writing or email in order for an alleged breach to be investigated.

Suspected planning breaches should be reported to the Council as follows:

Using the North Ayrshire Council website:

https://www.online.north-ayrshire.gov.uk/OnlineServices/ReportOnline/RO_PlanningBreach.aspx

By telephone:

01294 324320 (24 hour voicemail facility available)
01294 324319 (during Monday – Friday office hours only)

By email:

eplanning@north-ayrshire.gov.uk

By post or in person:

Planning Services
North Ayrshire Council
Cunninghame House, Irvine KA12 8EE

The following information is essential when reporting a suspected breach:

- Details of the alleged breach, with times and dates if relevant;
- The address or location of the breach;
- Your name, telephone number, postal and email address;
- Whether the enquiry is to be treated confidentially.

Failure to provide the above information may result in no investigation taking place.

The Council is subject to the requirements of the Freedom of Information (Scotland) Act 2002. Requests for total confidentiality may limit the ability of the Council to take formal action and cannot be guaranteed if the case leads to court proceedings.

In relation to development with planning permission, monitoring is undertaken by the Council's Planning Services. It is not a statutory requirement that the Council monitors all planning conditions at all times. Public involvement is therefore invaluable in providing information where it is believed that conditions attached to consents are not being complied with or have not been discharged in a satisfactory way.

Information received by Planning Services is checked to ensure that it involves a possible breach of control and includes all the details required for a possible investigation. After preliminary checking and compliance with the requirements for investigation, the complaint will be registered. Once registered, and where contact details have been provided, a written or email acknowledgment will be sent to the person who has made the complaint.

Some complaints, such as neighbour disputes over boundaries, relate to matters over which the Planning Service has no control and cannot therefore be pursued.

SERVICE STANDARD

If preliminary checking of a complaint suggests a breach of planning control, the complaint will be registered. Once registered, an acknowledgement will be sent out within 5 working days if a postal address or email address has been provided. The acknowledgement will include a reference number and contact details for the Planning Officer.

4. Investigating alleged breaches of planning control

A priority system is used for investigating complaints based on matters such as the significance of the harm of the alleged breach on amenity or other relevant planning considerations.

SERVICE STANDARD

Priority will be given to significant alleged breaches of planning control including, but not limited to:

- Significant detrimental impact on amenity;
- Alleged breaches of condition for major developments;
- Irreversible damage to listed buildings; and
- Unauthorised felling or other works affecting trees protected by Tree Preservation Orders

An investigation normally begins with the Planning Officer visiting the site. Following this visit, the individual who has made the complaint will be informed of what action, if any, is proposed.

In some cases, additional investigation may be needed. A record will be maintained of all contact, both verbal and written.

SERVICE STANDARD

Where contact details have been provided, a person who provides information by letter or email to Planning Services will receive a formal response within 20 working days of receipt. The person will also be advised of the proposed action to be taken. The action may include the need for additional investigation prior to deciding on the course of action. The person will be advised if the matter does not involve a breach of planning control.

The length of time required to resolve the case or take action can be affected by a number of factors. Progress can be delayed by the gathering of further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to remedy the alleged breach or an appeal against a decision of the Council can also delay resolution of the case.

The Council can also grant planning permission retrospectively. Conditions may be attached to planning permission in order to remedy a breach.

The Council recognises that delays can be a source of considerable frustration to persons submitting information, particularly if they consider their amenity is affected by the alleged breach. Consequently, interested parties may wish to contact the Planning Officer for more regular updates.

5. Acting on alleged breaches of planning control

The Council has to consider each case on its merits and decide on the most appropriate solution.

In the first instance, an investigation will be undertaken by the Planning Officer to establish whether or not a breach has occurred and decide on whether to take any further action.

In some cases, enforcement action may not be considered appropriate, even although planning regulations may have been breached. Enforcement action will only be taken when it is in the wider public interest which is at the Council's discretion.

The Council is unlikely to take formal enforcement action over developments which, in planning terms, are considered acceptable had an application been made beforehand. In such cases, a retrospective planning application is normally sought. In granting planning permission retrospectively, the Council can impose conditions to regulate a wide range of planning matters in order to make a retrospective development acceptable. It is not always necessary to impose conditions.

Only a relatively small number of cases lead to formal enforcement action. Where formal action is required, a report may be prepared for consideration by the Council's Planning Committee. Formal enforcement action can include the issue of a Notice to the land owner or developer. Various options are available, including a Notice requiring a retrospective planning application to be made, an Enforcement Notice, or a Breach of Condition Notice.

The Council also has the power to serve an Amenity Notice, the purpose of which is to require improvements to land or buildings which have become detrimental to the amenity of an area.

Enforcement Notices served by the Council are placed on the Enforcement Register. You can view the Register at Planning Services, Cunninghame House, Irvine between 9am and 4.45pm Monday – Thursday (9am and 4pm on Fridays).

Enforcement Notices and Breach of Condition Notices include the following information:

- A description of the breach of control that has taken place;
- The steps that should be taken to remedy the breach;
- The timescale for taking these steps;
- The consequences of failure to comply with the Notice; and
- Where appropriate, any rights of appeal the recipient has and how to lodge such an appeal.

Appeals against Enforcement Notices and Amenity Notices are considered by Scottish Ministers and dealt with by a Scottish Government's Directorate for Planning and Environmental Appeals (DPEA).

There is no right of appeal against a Breach of Condition Notice.

SERVICE STANDARD

Where a planning breach cannot be resolved and action is justified, formal enforcement action will be taken. Authorisation from the Planning Committee is required for the service of a Notice, or to take any other formal action that is appropriate to the breach. The Notice will explain to the recipients what is required, the timescales involved and the available options to resolve the issue.

Failure to comply with a Notice may result in the Planning Authority taking further action. There are a range of possible options, such as:

- Referring the case to the Procurator Fiscal for possible prosecution;
- The Council may carry out work and charge the person for the costs involved;
- Seeking a court interdict to stop or prevent a breach of planning control.

For more details, see the Enforcement Powers section at page 11.

SERVICE STANDARD

Where the terms of any formal Notice are not complied with, every effort will be made to resolve the case to the satisfaction of the Council. Options include:

- In the case of an Enforcement Notice, direct action by the Council;
- For either an Enforcement Notice or a Breach of Condition Notice, the matter being referred to the Procurator Fiscal for possible prosecution or alternatively offering the opportunity to pay a fixed penalty (issue of a Fixed Penalty Notice).

The Council has powers to enter land to:

- Establish if there has been a breach of planning regulations;
- Check if there has been compliance with a formal Notice; and
- Check if a breach has been satisfactorily resolved.

Powers of entry apply to any land and may also involve officials entering land adjacent to the site of the alleged breach.

Enforcement Action has to be taken within strict time limits:

A four year limit applies to “unauthorised operational development” (the carrying out of building, engineering, mining or other operations in, on, over or under land) and the change of use of a building to a dwellinghouse. After 4 years, such developments become lawful for planning purposes, and enforcement action cannot be taken.

A ten year limit applies to all other development including change of use (other than to a single dwellinghouse) and breaches of condition. After 10 years the development becomes lawful if no enforcement action has begun; and

There is no time limit for breaches of listed building control.

Breaches of listed building control can be a criminal offence. Persons responsible can be reported to the Procurator Fiscal without the prior issue of a Listed Building enforcement notice.

6. Making a suggestion or complaint

The Council makes every effort to deliver a satisfactory planning enforcement service. However, if you have any suggestions, concerns or difficulties, we want to hear from you.

The Council is committed to improving our Planning service. We will consider all complaints about the way an Enforcement Inquiry has been dealt with.

Dissatisfaction with the outcome of an investigation is not sufficient grounds for complaint.

In the first instance, complaints should be discussed with the member of staff involved. If you are still dissatisfied, please request a discussion with the Senior Planning Officer (see list of contacts). If they are unable to help, you will be given the name of a more Senior Manager who will investigate the matter.

Written complaints will be acknowledged within 10 working days and then fully and promptly investigated. The complainant will be given a written response explaining the outcome of the investigation and any action that the Council proposes to take. If no action is proposed, the reasons for this will be explained.

SERVICE STANDARD

Where contact details are provided, we will get in touch with you within 5 working days of receiving a complaint or suggestion to let you know what is happening. We will monitor all complaints and suggestions made and use them to review and improve the service we provide.

If you are not happy with the level of service provided (but not the decision reached on planning merits), you can make a complaint. You can submit the details via the Council's Complaints and Feedback section on the website:

<https://www.north-ayrshire.gov.uk/contact-us/complaints-and-feedback/complaints-and-feedback.aspx>

The various stages of the complaints procedure are set out on the complaints form and on the website.

Lastly, if you are dissatisfied with the Council's complaints process, you have the right to take your complaint to the Scottish Public Services Ombudsman, at:

FREEPOST SPSO, EDINBURGH

Telephone: **0800 377 7330**

Email: ask@spsso.org.uk

Generally, you must contact the Ombudsman within 12 months following the conclusion of the Council's complaints procedures.

7. Enforcement Powers

The planning enforcement powers available to the Council are set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. Listed Building Enforcement Notices are covered by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The Planning Acts can be viewed on line at www.legislation.gov.uk

Scottish Government policy on planning enforcement is set out in planning Circular 10/2009: *Planning Enforcement*. The Circular is published on the Scottish Government website - <http://www.gov.scot/Publications/2009/09/16092848/0>

Types of Notice

Breach of Condition Notice (BCN) – used to enforce the conditions applied to any planning permission. It comes into effect 28 days after being served. It may be used as an alternative to an Enforcement Notice (see below), and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal. Contravening a BCN can result in the Council deciding to prosecute. On conviction, a fine of up to £1,000 can be imposed.

Enforcement Notice (EN) – generally used to deal with unauthorised development. There are similar notices and powers to deal with listed buildings (see below), and advertisements. An EN will specify a time period to take effect (a minimum of 28 days – but see section below on advertisements); the steps that must be taken to remedy the breach and the time for this to be completed. There is a right of appeal to Scottish Ministers against an EN. In the event of an appeal, the terms of the EN are suspended until a decision is reached.

Failure to comply with an EN within the time specified is an offence. On conviction, this can result in a fine of up to £20,000. Failure to comply may also result in the Council taking direct action to remedy the breach (see other powers below). The Council will then seek to recover costs from the owner of the building or land.

Listed Building Enforcement Notice (LBEN) – in the event of unauthorised works to a listed building, including demolition, an LBEN can be served on the owner, occupier and anyone else with an interest in the property. The procedures are similar to those outlined above. The LBEN must specify the steps to be taken to remedy the breach and a date for compliance. Failure to meet the terms of an LBEN by the specified date is an offence. There is the right of appeal to Scottish Ministers against the LBEN.

Breaches of listed building control are considered a serious matter. The legislation makes it clear that it is a criminal offence to undertake works to demolish, significantly alter, or extend a listed building without the proper authorisation from the Council and, in some circumstances, Historic Scotland. On conviction, this can lead either to an unlimited fine or imprisonment.

Stop Notice – used in urgent or serious cases where unauthorised activity must be stopped, usually on grounds of public safety. When a Stop Notice is served, the

planning authority must also issue an Enforcement Notice. There is no right of appeal against a Stop Notice and failure to comply is an offence. An appeal can be made against the accompanying Enforcement Notice. If a Stop Notice is served without an adequate reason, or an appeal against the Enforcement Notice is successful, the Stop Notice may be quashed and the Council may face claims for compensation.

The use of Stop Notices therefore needs to be carefully assessed by the Council.

Temporary Stop Notice (TSN) – used to require the *immediate* halt of an activity which breaches planning control. There is an exception that a Temporary Stop Notice cannot prohibit the use of building or a caravan as a dwellinghouse. Temporary Stop Notices are enforceable for 28 days, after which time they expire. They may, however, be followed by further enforcement action such as an Enforcement Notice and Stop Notice. There is no provision to appeal against a Temporary Stop Notice.

Fixed Penalty Notice (FPN) – used to address situations where a person has failed to comply with the requirements of an Enforcement Notice (EN) or a Breach of Condition Notice (BCN). By paying the penalty imposed by the Fixed Penalty Notice, the person will discharge any liability for prosecution for the offence. It will not, however, discharge the obligation to comply with the terms of the Enforcement Notice or Breach of Condition Notice and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person. The Council is not required to offer the option of paying a fixed penalty. Any decision to do so would depend on specific considerations, such as the scale of the breach and its impact on local amenity.

Notice Requiring Application for Planning Permission for Development

Already Carried Out – where the Council considers that a development which does not have planning permission may be acceptable they may issue a Notice requiring the land owner or development to submit a retrospective planning application. Such an application would be considered on its planning merits and handled in the same way as any other planning application. Issuing such a Notice does **not** guarantee that permission will be granted – the Council may decide instead to refuse permission, or to grant permission subject to conditions or amendments to make the development acceptable.

Other Powers

Planning Contravention Notice (PCN) - used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier, or a person with any other interest on the land or who is carrying out operations on the land. Such a notice may be a precursor to further investigation. Failure to comply with a PCN is an offence and, on conviction, can result in a fine.

Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 – S.179 allows planning authorities to serve a Notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area. This is also known as an “Amenity Notice” and sets out the action that needs to be taken to

improve the condition of the land or building within a specified period. There is a right of appeal against a Section 179 notice. Whilst non-compliance cannot result in prosecution, the Council may undertake the specified work at its expense and re-charge the owner, occupier or lessee, as appropriate, to recover the costs.

Notice under Section 272 of the Town and Country Planning (Scotland) Act

1997 – S.272 provides limited powers to obtain information on interests on land and the use of land. Failure to provide the information required is an offence.

Interdict and Interim Interdict – an interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly and Councils normally only seek Interdicts in serious cases or where Enforcement Notices have been ignored in the past. However, a Council can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict is treated as a contempt of court and carries heavy penalties.

Direct Action – failure to comply with the terms of an Enforcement Notice within the time specified can result in the Council carrying out the specified work. The Council may recover any costs it incurs from the land owner.

Notification of Initiation of Development (NID); Notification of Completion of Development (NCD) and Display of Notices while Development is Carried Out –

while not in themselves planning enforcement powers, these Notices are intended to improve delivery the monitoring of planning enforcement by requiring confirmation that development has commenced and been completed. For example, this enables planning conditions to be checked for compliance. Site Notices, which apply to major developments, may help to raise awareness of developments in a locality.

Starting a development without submitting an NID is a breach of planning control and the Council may consider enforcement action. The NCD requires a developer to submit a further Notice after development has been completed.

Site notices contain basic information about the site and the development. Notices also provide contact details where members of the public may find out more information or report alleged breaches of planning control. It is a breach of planning control to fail to display a site notice when required to do so.

Certificates of Lawful Use or Development (CLUD) – may determine whether any enforcement action could be taken by providing a mechanism for establishing the planning status of land i.e. whether an existing or proposed use or development is considered lawful for planning purposes. In addition, the procedure provides a mechanism for obtaining from the Council (or the Scottish Ministers on appeal) a statutory document certifying the lawfulness, for planning purposes, of existing operational development or use as a single dwellinghouse. Anyone can apply to the Council for a decision on whether a specified existing use, operational development, or failure to comply with a planning condition or limitation is lawful for planning purposes.

There are similar provisions for establishing whether a proposed use or operational development would be lawful for planning purposes. In both cases, the onus of proof lies with the applicant. Certificates can be revoked if it subsequently appears that false or misleading information has been submitted with an application.

It should be noted that a CLUD does not mean that planning permission has been granted, but that the use or development is lawful and immune from enforcement action.

8. Enforcement and advertising

The display of advertisements is covered by the Town and Country Planning (Control of Advertisements (Scotland) Regulations 1984 (as amended). Many advertisements are displayed with what is called “deemed consent” which means they do not require advertisement consent from the Council if they meet the criteria and conditions set out in the Regulations.

One of these conditions is that the land owner has given permission for the advertisement to be displayed on their land.

Displaying an advertisement in contravention of the Regulations is an offence. On conviction, an offender can be fined. The Court can impose further fines for each day the breach of the Regulations continues.

The Council also has the power to serve an Enforcement Notice against unauthorised advertisements, requiring their removal. Such a notice specifies the time period (normally 28 days) for compliance. However, the compliance period can be reduced to seven days if the Council believes there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being required.

An Enforcement Notice can also require that a particular piece of land should not be used to display advertisements. A notice remains in force even once the original advertisement is removed. Any subsequent advertising on this site would amount to a breach of the Notice.

The Council can also take action against advertising being displayed with “deemed consent” where it is held that the advert is either a danger to public safety or substantially injures local amenity.

A Discontinuance Notice, requiring removal of an advert, can be served on the owner or occupier of the land as well as the person who displays the advertisement.

There is a right of appeal against both an Enforcement Notice and Discontinuance Notice.

The Council also has powers to remove or destroy placards and posters that do not benefit from either advertisement consent or deemed consent. If the person or company who put up the poster can be suitably identified, they can be given at least two days’ notice that the Council intends to take the poster down. If the person or company cannot readily be identified, then the advert can be removed immediately.

If necessary, Council planning officers can enter unoccupied land to remove an advertisement. However, planning officers have no powers to remove advertisement displays within a building to which there is no public access.

9. Enforcement contacts

Suspected breaches of planning control should be reported to Planning Services in the first instance. There are various ways to do this:

Using the North Ayrshire Council website:

https://www.online.north-ayrshire.gov.uk/OnlineServices/ReportOnline/RO_PlanningBreach.aspx

By telephone:

01294 324320 (24 hour voicemail facility available)
01294 324319 (during Monday – Friday office hours only)

By email:

epanning@north-ayrshire.gov.uk

By post or in person:

Planning Services
North Ayrshire Council
Cunninghame House, Irvine KA12 8EE

If the initial complaint has not been resolved to your satisfaction, you may report the matter to the Senior Development Management Officers on either 01294 324318 (East Team) or 01294 324320 (West Team). Both numbers have voicemail should you be unable to speak directly to the person.

General enquiries on planning issues in North Ayrshire should be made either by phone to 01294 324319 or email to epanning@north-ayrshire.gov.uk

The postal address for making a complaint regarding the handling of a planning enforcement matter is:

Customer Complaint Team
Bridgegate House
Irvine
KA12 8BD

For enquiries about the Planning and Enforcement system in Scotland, please contact the Scottish Government Planning Helpline on 0300 244 4000 (Monday – Friday, 9.00 am to 5.00 pm) or write to The Scottish Government at Victoria Quay, Edinburgh EH6 6QQ. The Scottish Government website also has an extensive planning section at <http://www.gov.scot/Topics/Built-Environment/planning>

Free, impartial and professional planning advice can be obtained from Planning Aid Scotland on 0300 323 7602 and via <http://pas.org.uk>

Complaints regarding the **content** of advertisements should be made to the Advertising Standards Authority via its website www.asa.org.uk

10. Summary of the Planning Enforcement Charter

This Charter does not comprise an authoritative interpretation of the Planning Acts in Scotland.

- It is important to remember that the primary purpose of planning enforcement is to remedy any breach which has occurred rather than to apply punitive measures to those responsible
- The Council is not required to take any particular action on a specific breach, and indeed can decide that no action is necessary
- A priority system is used for investigating complaints based on matters such as the significance of the alleged breach on amenity or other relevant planning considerations
- The Council routinely monitors high profile and other developments of public interest to ensure planning regulations and conditions are being adhered to
- There is a role for members of the public to alert the Council to any potential breaches of planning control they become aware of, whether large or small
- Some complaints, such as neighbour disputes over boundaries, relate to matters over which the Planning Service has no control and cannot therefore be pursued
- The planning system does not exist to protect the interests of private individuals against each other, but must work in the public interest
- The resolution of enforcement cases can be lengthy
- The Council can also grant planning permission retrospectively. Conditions may be attached to planning permission in order to remedy a breach

Planning legislation is complex, and if you are in receipt of any correspondence or formal notice from the Council relating to planning enforcement, you are advised to seek legal or independent professional planning advice.

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