

Annex 1: Western Isles policy

DEVELOPMENT CONTROL ENFORCEMENT POLICY (WESTERN ISLES)

Objective To ensure that developments are undertaken in conformity with planning legislation and with any consent conditions applied by the Council.

Scope This policy applies to breaches of planning control:

- a) Where a development takes place without having been granted planning consent; and
- b) Where a condition under which planning consent has been granted, has not been complied with.

Monitoring To see that the terms of the objective are met, monitoring will be carried out on the following basis:

- a) Monitoring for unauthorised development will take place in the course of routine duties by staff in the Environmental Services Department;
- b) Developments with planning permission will be inspected as the development proceeds on a risk assessed basis. In other words, those developments which are likely to have the most significant effect on the environment or on a neighbour's interest will be inspected most frequently; and
- c) Complaints regarding breaches of planning control will be investigated under the Department's Complaints Procedure.

Enforcement Enforcement action will be taken in all cases where:

- a) Unsatisfactory unauthorised development has taken place; or
- b) The terms of planning conditions imposed on a development have not been substantially complied with.

The type of enforcement action taken will be in proportion to the seriousness of the breach.

Action For unauthorised developments and breaches of conditions, the following stages of enforcement action will be taken:

- 1) A letter will be sent requiring the breach to be regularised within one month;
- 2) To ensure that formal action is taken against the right person, unless a Notice has already been served, a Request for Information Notice will then be served within seven days. A failure to reply to such a Notice is an offence;
- 3) If no steps have been taken to regularise the breach, a Breach of Condition Notice or an Enforcement Notice, as appropriate, will be served within seven days of the expiry of the Request for Information Notice;

- 4) If significant steps have been taken and are under way to regularise the breach, a further period of one month may be allowed for the breach to be regularised before the service of the appropriate notice;
- 5) The breach shall be inspected within seven days of the expiry of the Breach of Condition Notice or the Enforcement Notice; and
- 6) If the breach has not been substantially remedied, the matter shall be referred to the Procurator Fiscal.

Urgent Action Where a serious breach requires immediate action, subject to legal advice, an interdict may be used.

Stop Notices (accompanying an Enforcement Notice) will also be used in exceptional circumstances where there is an immediate threat to the health and safety of the general public.

Note Please note that this document is only a policy statement and is not a definitive statement of the Council's legal position on enforcement matters. The Council reserves the right to alter its enforcement policy/policies at any time.

HF/MML
17/10/95