



Subject:	Publication of Enforcement Strategy
Date:	19 th September 2023
Reporting Officer:	Kate Bentley
Contact Officer:	Dermot O’Kane, Principal Planning Officer

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The Council has prepared a new Enforcement Strategy that explains the Council’s policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. (see Appendix 1).
2.0	Recommendation
2.1	The Committee is asked to consider and note the new Belfast Enforcement Strategy (BES) Appendix 1 .
3.0	Main Report
3.1	Background Belfast City Council places great importance on protecting and enhancing the environment and recognises that the integrity of the development management process depends upon the Council’s ability to take effective action against unauthorised development. This Planning Enforcement Strategy sets out how the Council will deal with complaints relating to breaches of planning control.
3.2	The Enforcement Strategy identifies local priorities for enforcement action so that the Council’s enforcement resources are put to the most effective use in dealing with breaches of planning control. The BES will therefore ensure that officers, members and the general public will be aware of the approach to planning enforcement and provides greater certainty for all parties engaged in the development process.
3.3	The purpose of the Strategy is to: <ul style="list-style-type: none">• Explain the Council’s key objectives for the enforcement of planning control;• Outline how breaches of planning control will be investigated;• Set out the Council’s priorities for investigating breaches of planning control.
3.4	It will replace the Council’s Enforcement Customer Charter and sets out our statutory responsibilities and approach. The updated BES has been developed following an internal review, including audit recommendations to review enforcement service standards, breach

	<p>priority levels, approach to planning enforcement and guidance on the Planning Enforcement Process</p>
3.5	<p>The overarching principle for Council planning enforcement is the protection of our communities, natural habitats and built heritage from unauthorised development that causes harm or shows a disregard for the planning system.</p>
3.6	<p>The Council's key objectives for planning enforcement are, to:</p> <ul style="list-style-type: none"> • bring unauthorised activity under control; • remedy the undesirable effects of unauthorised development including, where necessary, the removal of unacceptable building works and the cessation of unacceptable uses; and • take legal action, where necessary, against those who ignore or flout planning legislation.
3.7	<p>The Council is committed to securing these objectives in order to ensure that the credibility of the Council as the planning authority and the integrity of the planning system are not undermined.</p>
	<p>Belfast Enforcement Strategy</p>
3.8	<p>The Strategy broadly covers the general approach to planning enforcement as set out in the relevant legislation. The Planning Act (Northern Ireland) 2011 provides the statutory basis for most planning enforcement matters, including trees. Tree enforcement is also governed by the Planning (Trees) Regulations (Northern Ireland) 2015. The statutory powers for Listed Building enforcement are provided principally by the Planning (Listed Buildings) Regulations (Northern Ireland) 2015.</p>
3.9	<p>The Strategy also set out our key objectives and the principles of good enforcement which have been influenced by evolving best practice over the years. The integrity of the planning system and the service for Belfast depends on the Council's readiness to take enforcement action when it is appropriate to do so. Planning laws and policies are designed to manage the development and use of land and buildings in the public interest. They are not meant to protect the private interests of one person against the activities of another.</p>
3.10	<p>The BES sets out what a breach of planning control is and is not and explains the concepts of discretion, harm and expediency alongside the types of scenarios where they can be applied. The Strategy also outlines how the council will respond to a breach and explains how we weigh up different factors in deciding whether formal enforcement action is appropriate. There are a variety of statutory instruments available to the Council and the Strategy provides information on when they might be utilised.</p>
3.11	<p>The BES identifies our local priorities for enforcement action that ensures the available resources are put to the most effective use in dealing with breaches of planning control. The priorities are determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The categorisation of cases reflects this principle ranging from 1 to 4 based on the assessment of the potential harm caused to sensitive receptors or assets of acknowledged importance. Works with the potential to result in public danger or development which may result in permanent damage to the environment would fall into the most severe Category 1 cases whilst issues associated with advertisements would tend to mean they fall into category 4.</p>
3.12	<p>The Strategy sets out the approach to communication in relation to live cases and advises that the Council will not provide a routine commentary on progress in dealing with cases to comply with Data and Information Regulations and in order to prevent an enforcement investigation being prejudiced.</p>

	<p><u>Financial & Resource Implications</u> There are no resource implications associated with this report.</p> <p><u>Equality implications or Good Relations implications / Rural needs assessment</u> None.</p>
4.0	Appendices – Documents Attached
	Appendix 1: Belfast Enforcement Strategy