

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	25 July 2018
Title:	Protocol for dealing with breaches in planning control relating to development undertaken by the County Council under Regulation 3
Report From:	Head of Strategic Planning

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1. Executive Summary

- 1.1 The Protocol for dealing with breaches in planning control relating to Regulation 3 developments sets out Hampshire County Council's approach to planning enforcement for the County Council's own developments. Regulation 3 developments include:
- Schools;
 - Libraries;
 - Museums;
 - Country Parks; and
 - Development on other County Council owned land (e.g. farms).
- 1.2 The County Council has the responsibility for determining all applications for Regulation 3 development that the Council wishes to carry out. The Protocol sets out how the County Council would seek to regulate any breaches of planning control relating to development undertaken by County service providers under Regulation 3 of the [Town and Country Planning General Regulations 1992](#).
- 1.3 When development is granted planning permission, the applicant is obliged to ensure that all planning conditions attached to planning permissions are complied with in full. A Regulation 3 development has exactly the same level of requirement of compliance as planning permission associated with County Matter (minerals or waste) planning permissions. It is expected that the County Council will promote best practice in its own development, be it through Council staff or contractors. It is very important to ensure compliance to minimise the risk of negative impact to Hampshire County Council's reputation. It demonstrates to local communities and other interested parties that the Council follows its own procedures and complies with any permissions granted.
- 1.4 Effective enforcement of Regulation 3 developments is also essential as it ensures public confidence in the planning system. Whilst the enforcement of a breach of planning control relating to a Regulation 3 development is

carried out by the relevant local District or Borough Council, the County Council will still have a role to play.

- 1.5 The Protocol sets out:
 - how breaches of planning control relating to Regulation 3 developments will be addressed and by whom;
 - what action the County Council would take to remedy any breaches; and
 - establishes formal procedures to enable the County Council, both the Regulatory Committee (the Committee) and officers acting under delegated powers, to be consistent and effective in their approach.
- 1.6 Monitoring and enforcement of minerals and waste developments are not covered by the Protocol. A separate [Planning Site Enforcement and Monitoring Plan](#) covers these areas and is already adopted. The Protocol will sit alongside the Plan as well as the [Development Management Charter \(2016\)](#).
- 1.7 The draft Protocol has been circulated to the committee for consideration, to give the opportunity for members to raise any questions or discuss/propose amendments. It is set out in Appendix 1.
- 1.8 Following consideration by the committee, the document will be subject to final formatting and presentation changes before publication on the County Council's Strategic Planning website.

2. Recommendation

- 2.1 That members note the contents of the Protocol for dealing with breaches in planning control relating to development undertaken by the County Council under Regulation 3 and approve the Protocol for publication on the County Council's website.

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No

OR

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:

The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

Hampshire County Council