

Report of: Director of Place and Engagement

Subject: Planning Enforcement and Compliance Policy - POL_P1

Decision Required: Yes

Recommendation:

The Authority is recommended to:

- a. Adopt the updated policy in relation to Planning Enforcement and Compliance.

1. Key Messages

- 1.1 The current policy was adopted in 2011, and an updated version is required to support the National Park Management Plan Partnership Themes and Authority's Well-being Objectives. The Planning Enforcement and Compliance Policy document is a helpful tool in providing clear guidance to complainants and landowners/developers about the processes and policies that apply to investigations of alleged planning breaches.

2. Background

- 2.1 This is an update of the Planning Enforcement and Compliance Policy adopted by this authority on 22nd June 2011. The current document is a bilingual public-facing policy available on the PCNPA website, and the aim of this new version is to remain public-facing and available bilingually, but with the focus being to update the policy in line with current legislation, planning policy and Welsh Government guidance.

3. Consultation

- 3.1 Internal consultations were carried out with the Enforcement Team, Head of Development Management and the Director of Place and Engagement following the initial iteration of the new policy document. The feedback addressed updates to enforcement legislation including Enforcement Warning Notices (specific to Welsh legislation), GDPR compliance, complaints procedures, and that illnesses or personal circumstances will not preclude this authority taking enforcement action. The updated information within the document also reflects advice and approaches advocated by the Welsh Government Development Management Manual which was published in 2017.

4. Strategic Policy Context

- 4.1 The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic policy context.
- 4.2 In line with the [National Park Management Plan](#), Partnership Themes and Authority's Well-being Objectives, the updated Planning Enforcement and Compliance Policy will ensure that the conserving and enhancing natural beauty and wildlife is maintained through appropriate planning.
- 4.3 The correct management of planning through appropriate enforcement within the national park will ensure that communities benefit from a protected landscape that people can live, work and enjoy.

5. Financial Considerations

- 5.1 The cost of delivering the Authority's enforcement service is factored into existing budgets. There are no resource or financial implications arising specifically from the policy. Recent publication of the Welsh Government consultation regarding planning resources indicated that there may be a move to doubling the costs for retrospective planning applications from September 2025, which if introduced would assist in delivering this planning function.

6. Risk and Compliance Considerations

- 6.1 This proposal will support the Authority to manage the Enforcement Process and provide clarity for communities and agents. Not implementing the proposal presents risks around less clarity for communities relating to processes and increased potential for complaints.

7. Impact on our Public Sector Duties

7.1 Integrated Assessment Completed: No

7.2 Equality, Socio-Economic, Health and Human Rights Impacts

- 7.2.1 The policy specifically includes reference to the Human Rights Act and its duties under Equalities legislation. This element of the policy has been introduced and is not within the original 2011 version. The policy now notes that the Authority will make appropriate adjustments where necessary in the course of investigating complaints where it is made aware of a disability or illness affecting an individual who is responsible for an alleged planning breach, including for example having friends or advocates present for meetings or communicating only with a planning agent. However, the mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary undertaking enforcement action where required.
- 7.2.2 The *Human Rights Act 1998* makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The planning system by its very

nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the LPA to assess the effects that a development will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to remain or proceed subject to planning permission. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.

- 7.2.3 Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.

7.3 Welsh Language Impacts

- 7.3.1 The policy will be available bi-lingually and should have no negative impact on Welsh Language.
- 7.3.2 As set out in Policy 2 the Authority is happy to receive complaints regarding alleged enforcement breaches in either English or Welsh.

7.4 Section 6 Biodiversity Duty and Carbon Emission Impacts

- 7.4.1 If an application is required following enforcement investigation, then Biodiversity enhancements are expected to be provided within planning applications, including those that are retrospective in line with legislation and both local and national planning policy. Planning Policy Wales 12 (Edition 12, February 2024) states that a scheme of enhancements must be provided for each application to ensure a net benefit for biodiversity.

7.5 Well-being Goals for Wales and 5 Ways of Working (Sustainable Development Principles) Impacts

- 7.5.1. The adopted Local Development Plan sets out a vision for the National Park of how land uses will be distributed, to achieve sustainable development and support the goals set out in the Well Being of Future Generations (Wales) Act 2015. The Planning Enforcement function forms part of a wider Development Management Function which assist in delivering that vision and ensuring that development which takes place is in accordance with that vision and delivers on the Well-being goals for Wales and in accordance with sustainable development principles.

8. Conclusion

- 8.1 The Enforcement Policy requires updating to make the service more effective and to reflect updated legislation and Enforcement Guidance. Members are therefore requested to endorse the recommendation to adopt the updated Policy.

9. List Background Documentation:

2011 Planning Enforcement & Compliance Policy (Cymraeg)

<https://www.arfordirpenfro.cymru/wp-content/uploads/2020/10/EnfPolicyJun2011FinalCym.pdf>

2011 Planning Enforcement & Compliance Policy (English)

https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/09/POL_002_Planning-Enforcement-Compliance-Policy-2011.pdf

[2017 Welsh Government Management Manual Section 14 Annex: Enforcement Tools section-14-annex-enforcement-tools.pdf](#)

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Pembrokeshire Coast National Park Authority

Planning Enforcement & Compliance Policy



Please note that this document is also available in Welsh.

Policy Reference: POL_P1



**Parc Cenedlaethol
Arfordir Penfro
Pembrokeshire Coast
National Park**

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Part 1: Vision aims and objectives

- 1.1 An effective planning enforcement and compliance service is vital to the overall success of the planning system, and thus to meeting the community's development needs while conserving and enhancing the National Park's special landscape qualities and natural and cultural resources and fostering its economic and social well-being.
- 1.2 This document sets out the Authority's policies and procedures towards dealing with planning enforcement and compliance issues with priorities in place for serious and time-sensitive breaches.
- 1.3 The service aims to:
- be timely, effective and responsive in the prevention, control and remedying of unauthorised development
 - ensuring the credibility of the planning service in the interests of meeting the National Park's purposes,
 - the protection of public amenity and remedying any harmful effects arising from development.
 - maintain effective monitoring procedures to ensure that authorised development is carried out in accordance with planning approvals and conditions
 - ensure that development is in accordance with adopted development plan policies.
- 1.4 In providing its enforcement and compliance service the National Park Authority (Authority) will meet the key objectives of the Development Management Manual as they relate to the enforcement process, i.e. to be open, fair and transparent in any dealings with both the complainant and the alleged transgressor.
- 1.5 All parties involved in planning enforcement must remember that a breach of planning control is not a criminal offence, except for unauthorised works to Listed Buildings and illegal advertisements and breaches under Section 210 of the act (Tree Preservation Orders).
- 1.6 Action to regularise breaches is discretionary and it is Welsh Assembly Government guidance that enforcement action should only be taken when it is appropriate to do so, and any such action should be commensurate with the breach of planning control to which it relates and not to punish the person(s) responsible. (See Development Management Manual (*Section 14*)¹ and *Circular 24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements*²).

¹ <https://www.gov.wales/sites/default/files/publications/2018-10/development-management-manual.pdf>

² <https://www.gov.wales/sites/default/files/publications/2019-05/enforcing-planning-control-legislative-provisions-and-procedural-requirements-circular-2497.pdf>

1.7 This policy will be regularly reviewed and amended as required by changes in legislation and policy.

Part 2: Priorities

Policy 1: Breaches of planning control including non-compliance with planning conditions will be investigated appropriately in accordance with the following principles underlying an order of priority and subject to a “traffic light” system. When an enquiry is initially raised it will not be assigned a priority status until it has been carefully assessed by the case officer.

Null Priority

This will be the initial designation when the case is opened. Once the assigned case officer has reviewed the enquiry, a preliminary status will be assigned. The status may change depending on findings of the site visit.

Low Priority - Green

This will be assigned to cases that are assessed as being:

- i. Minor breaches of planning conditions
- ii. Minor domestic matters such as:
 - fences/sheds/satellite dishes,
 - boundary and ownership disputes (although technically, this may be a civil matter),
 - unauthorised changes of use not immediately giving rise to significant amenity concerns.
 - Unauthorised advertisements not covered below.

Medium Priority - Amber

This status will be assigned to cases such as, but not restricted to:

- i. Breaches of planning control contrary to the policies of the Local Development Plan.
- ii. Complaints where the time limit for taking formal action is about to expire.
- iii. Complaints of significant harm being caused to amenity, for example:
 - extensions to residential property that result in serious overlooking or other amenity problems,
 - unauthorised uses of land which cause amenity problems to neighbouring properties.
- iv. Commencement of development in non-compliance with the conditions of a planning permission.
- v. The erection of unauthorised advertisements that have a significant detrimental effect on highway safety or visual amenities.

High Priority - Red

- i. Unauthorised development which causes serious immediate and irreparable harm to the environment or public amenity, particularly any works judged to harm the special qualities of the National Park, for example, unauthorised listed building works, demolition of important unlisted buildings in a Conservation Area, significant unauthorised works to an Ancient Monument, a major archaeological site, protected species or a Site of Special Scientific Interest.
- ii. Unauthorised development that is causing severe disturbance to neighbours or poses a threat to public safety.
- iii. Unauthorised works to trees covered by a Tree Preservation Order (TPO) or in a Conservation Area.

- 2.1 Depending on the seriousness of the alleged breach and available resources the target time for an initial response will be as follows:
- **High Priority cases:** A site visit and initial investigation will aim to be made within one or two working days of receipt.
 - **Medium Priority cases:** A site visit and initial investigation will be made within seven working days of receipt.
 - **Low Priority cases:** A site visit and initial investigation will be made within fifteen working days of receipt.
- 2.2 In programming site visits in higher priority cases, the enforcement officers will be mindful of also taking opportunities where convenient to visit other, medium and lower priority cases on the same trip.
A case priority may change following the initial site visit or on receipt of additional information.
- 2.3 Once the site has been visited and the facts have been established, there are four possible outcomes:
- That there is no breach of planning control.
 - That there is a breach of planning control, but it is not expedient to pursue action in respect of this breach.
 - Further information is required, and a Planning Contravention Notice (PCN) is required to obtain further information as to whether a breach of planning control has taken place.
 - That there is a breach of planning control and further action is required.
- 2.4 If a breach of planning is identified one of the following courses of action will be undertaken:
- The authority will seek to resolve the matter through negotiation.
 - A planning application or other form of application will be invited in respect of the unauthorised development.
 - Formal enforcement action will be undertaken which has been authorised by the Development Management Committee or under the Authority's scheme of delegation.
- 2.5 The Enforcement team will aim to complete the first phase (decision) of the enforcement investigation within twelve weeks (84 days) of the date the complaint was first received.
- 2.6 The complainant will be advised of the formal decision made by this authority in writing.
- 2.7 The team's performance in meeting these targets will be monitored and reported regularly to the Authority's Audit and Corporate Services Committee.

Policy 2: Complaints about alleged breaches of control will be accepted by all reasonable communication methods - such as letter, e-mail, telephone or by personal caller - provided the complainant provides their name, address and telephone number. Anonymous allegations of breaches of planning control will not normally be investigated unless they allege serious breaches of planning control or matters affecting health and safety. The Authority is happy to receive complaints in either English or Welsh.

- 2.8 Every effort will be made to reassure anybody wishing to make a complaint that their details will be kept confidential.

- 2.9 The Authority appreciates that complainants may be wary about raising issues where they may be identified. However, complaints are often made which are based on non-planning reasons (i.e. property disputes). If the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate. This may include where complaints are made purely on trade competition grounds or motivated by neighbour disputes.
- 2.10 Where complainants are concerned about their identity being revealed at any time, they may seek to direct their complaint through their local councillor or community/town council. Occasionally, there may be a Freedom of Information (FOI) request or Environmental Information Regulations (EIR) requesting redacted information to comply with UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- 2.11 Complainants will be encouraged to use a standard form in framing their complaints, and all complaints should clearly identify the location of the site or property concerned, should clearly specify the exact nature of the problem and give an indication of any harm being caused.
- 2.12 It would be helpful if any additional information about the identity of the person or organisation thought responsible and the date or the time that the breach commenced is included.
- 2.13 The authority will aim to acknowledge the complaint in writing within five working days. When the authority has investigated the matter that is subject of the enforcement case and has concluded that one of the following outcomes has occurred, the complainant will be notified of this outcome in writing (electronic or letter).
- There has been a formal determination that a breach is expedient but informal negotiation subsequently removes the breach.
 - An Enforcement Notice is issued.
 - Planning permission is subsequently granted through an application or enforcement appeal.
 - A prosecution is brought (with the date that the case is first heard deemed as being the 'positive action' date)
 - Direct action by the Authority removes the breach
- 2.14 If the matter is outside the powers of this Authority, the complainant will be informed in writing as soon as practicable with the reasons why no action can be taken, and advised, if appropriate and known, of any other body they should contact.
- 2.15 Whilst a complainant's identity will be protected the success of any subsequent enforcement action may be dependent on their willingness to co-operate and possibly give evidence at an appeal or court hearing.

Part 3: Decision-making

Policy 3: This Authority will take enforcement action only when it is considered expedient to do so. Formal enforcement action will not be instigated solely to regularise breaches in planning control where there is no resulting demonstrable harm. In taking formal enforcement action the Authority will be prepared to use all the enforcement powers available commensurate with the seriousness of the breach.

- 3.1 In deciding whether to take enforcement action the Authority will have regard to the current adopted Local Development Plan, and Future Wales, and to any other material considerations, including:
- Development Management Manual
 - Circular 24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements
- 3.2 In considering whether it is expedient to take enforcement action the decisive issue will be whether the breach of planning control unacceptably affects public amenity, existing land uses and buildings which merit protection in the public interest or the natural environment.
- 3.3 Any action taken will be proportionate with the breach of planning control to which it relates. All decisions as to whether to take enforcement action or not will be recorded on the file/database with reasons why that decision has been taken.
- 3.4 Where it is assessed that it is likely that planning permission would be granted for the development, the person responsible would normally be invited to submit a retrospective planning application.
It will generally be inappropriate to take formal enforcement action against a trivial or technical breach of control, which causes no harm to amenity or the environment.
- 3.5 In defending enforcement action on appeal and in the courts, it will be necessary to show that the relevant procedures have been followed and that national policy on planning and enforcement has been taken into account.

Policy 4: Decisions on taking formal planning enforcement action will be made by Members through the Development Management Committee or under the Authority's Scheme of Delegation.

Any decision to take such action shall be based on a written report, and have regard to any advice from a solicitor, and be agreed by the Committee or be authorised by the Director who has responsibility for Planning and/or the Development Management Manager (Lead Officer on Development Management), Principal Planning Officer (Development Management) and/or the Strategic Policy Manager (Lead officer on Planning Policy), or the Chief Executive (National Park Officer).

- 3.6 The frequency of Development Management Committee meetings and the provision of extended delegation should minimise the need to take emergency action, but occasionally this may be necessary.

- 3.7 Emergency enforcement action shall only be authorised by the following:
- Chief Executive (National Park Officer)
 - Director who has responsibility for Planning
 - Development Management Manager (Lead officer on Development Management)
 - Principal Planning Officer (Development Management)
 - Strategic Policy Manager (Lead officer on Planning Policy)
- 3.8 In giving such authorisation, due consideration shall be given to any advice from:
- Development Management Manager (Lead officer on Development Management)
 - Solicitor.
- 3.9 Any such emergency action shall be reported to the next meeting of the Development Management Committee to inform them of the action taken or seek ratification where necessary.

Policy 5: It is the policy of the National Park Authority that Members of the Development Management Committee who are serving Magistrates shall not take part in any decision in respect of enforcement issues which may result in formal legal action.

- 3.10 This policy has been put in place to prevent any perception of conflict of interest on the part of Members of the Authority who are serving Magistrates.

Policy 6: In considering whether to take enforcement action the Authority will not give weight to the fact that development has already commenced.

- 3.11 Other than in very specific situations, for example, works to listed buildings, it is not a criminal offence to carry out development without planning permission, and it is therefore important that unauthorised developments are treated on their individual merits in the same way as proposed developments.

- 3.12 The test to be applied will be “*would planning permission have been granted for this development had it been the subject of a planning application?*”

Policy 7: Decisions not to take enforcement action will normally be made by the Development Management Manager or Director of Place and Engagement in accordance with officer delegation arrangements. Reasons for not taking action will be recorded in writing/on the database.

- 3.13 As noted in the Welsh Government Development Management Manual, when considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest. Enforcement action should be commensurate with the planning impacts caused by the unauthorised development; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity (paragraph 14.2.3).

Policy 8: The National Park Authority will not allow unnecessarily prolonged negotiation to delay essential enforcement action

- 3.14 While the National Park Authority will endeavour to overcome any harm caused by unauthorised development by negotiation wherever possible, the enforcement system rapidly loses credibility if unacceptable developments are perpetuated by prolonged or protracted enforcement discussions and can result in more costly and complex cases where work continues.
- 3.15 As such a time limit for concluding negotiations will therefore normally be set in accordance with the priority accorded to the case but will aim to close the initial complaint within twelve weeks of the date of receipt.

Policy 9: In situations where an unauthorised development may only be made acceptable by the imposition of appropriate planning conditions, a planning application will be sought to regularise the development. Where such an application is not forthcoming within an agreed time scale, an Enforcement Warning Notice will be served.

- 3.16 The National Park Authority will aim to ensure that where a development is considered to be acceptable, but remains unauthorised, then the service of an Enforcement Warning Notice along with a statement will protect the interests of future owners/developers. Welsh Government guidance notes that where an LPA considers that an unauthorised development causes unacceptable injury to public amenity, or damage to a statutorily designated site but could be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission, it should serve an enforcement warning notice (EWN). The service of an EWN will provide a clear signal to the developer that, if a retrospective planning application is submitted, adequate control could be applied to the development to make it acceptable. Without it, it is unacceptable and further enforcement action is expedient and will be taken

Policy 10: In considering whether to take enforcement action, the National Park Authority will not give weight to non-material planning considerations, but will consider human rights and its duties under equalities legislation both during investigations and in decisions around undertaking enforcement action.

- 3.17 It is not the purpose of the planning system to protect the private interests of one person against the activities of another.
- 3.18 Action must be placed on sound planning grounds.
- 3.19 Local opposition or support for an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.
- 3.20 Where the Authority is made aware of a disability or illness affecting an individual who is the subject of an investigation or enforcement action then the Authority will if appropriate and necessary make reasonable adjustments where these are compatible with its legal duties. These reasonable adjustments may include having a friend or advocate present

for a meeting or site visit or communicating only with a planning agent. The mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary undertaking enforcement action where required.

3.21 The Human Rights Act 1998 makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision making process for the LPA to assess the effects that a development will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to remain or proceed subject to planning permission. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.

3.22 Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.

Policy 11: In considering appropriate enforcement action the National Park Authority will liaise closely with departments within Pembrokeshire County Council and other regulatory bodies over their powers under other legislation.

3.23 From time to time more effective and efficient outcomes can be achieved by use of powers outside the Town and Country Planning legislation. It is also important that the National Park Authority's enforcement action is coordinated where relevant with action being considered or taken by the County Council under other legislation.

Policy 12: Complainants who have notified the Authority regarding alleged breaches of planning will be kept informed regarding investigation outcomes

3.24 Once the Authority has investigated an alleged planning breach it will update the complainant regarding the outcome of the investigation and let them know if further action will be undertaken.

Part 4. Annex: An outline of enforcement measures

There are number of tools provided by legislation that help determine whether development is unauthorised and enable a local planning authority to take action where appropriate.

Listed below is a brief description of the main enforcement powers available to the Local Planning Authority should it be considered expedient to take enforcement action. This is not intended to set out in full all the detailed legal considerations, but simply to try to explain the general nature of the available enforcement powers. In all cases, the Local Planning Authority will seek to use the most effective power available to remedy a breach of planning control

Planning Contravention Notice

- 4.1 This Notice enables the Local Planning Authority to require detailed information about suspected breaches of planning control.
- 4.2 A Planning Contravention Notice may require the person on whom it is served to give information such as
 - details of all operations being carried out on the land which might be suspected as being a breach of planning control;
 - matters relating to the conditions or limitations subject to which any planning permission has been granted;
 - names and addresses of any person known to use the land for any purpose; and
 - the nature of any legal interest in the land and the names and addresses of any other person known to have an interest.
- 4.3 The serving of a PCN does not stop the local planning authority taking other formal enforcement action against a breach of planning control. The recipient of a PCN has 21 days to respond to it, but if there is no response a legal offence has been committed which can be subject to prosecution proceedings in the magistrates' court. The penalty for non-compliance is a maximum of £1,000. A second conviction for continuing non-compliance can be penalised by a daily fine.
- 4.4 Deliberately providing false information relating to a Planning Contravention Notice can lead to a fine of up to £5,000.
- 4.5 A similar tool to the PCN is the Requisition for Information Notice under Section 330 of the Town and Country Planning Act 1990 (as amended).

Requisition for Information Notice (Section 330 Notice)

- 4.6 A Section 330 notice requires the recipient to provide information about the ownership of the property and of any other person who may have an interest in it.
- 4.7 The recipient of a s330 Notice has 21 days to respond to it, (or such longer time as may be specified in it), but if there is no response a legal offence has been committed which is punishable in the Magistrates' Court with a fine of up to £1,000.

4.8 A false statement given in response to the notice is punishable, upon conviction in the Magistrates' Court, with a fine of up to £5,000 or in the Crown Court, with a fine, imprisonment, or both.

Breach of Condition Notice

4.9 This notice is an alternative to an Enforcement Notice for remedying a breach arising from the failure to comply with any condition or limitation subject to which planning permission has been granted.

4.10 It is not a legal charge on the land and can only be served on the person responsible for the breach.

4.11 It can be mandatory (requiring something to be done) or prohibitive (requiring something to stop).

4.12 It will specify a period of compliance which cannot be less than 28 days.

4.13 Failure to comply can lead to a fine of up to £1,000.

4.14 There is no appeal against such a notice which is answerable in the magistrates' court.

Enforcement Warning Notice (EWN)

4.15 The EWN is intended for use where this Authority considers that an unauthorised development could potentially be made acceptable with control, through a retrospective application and the use of conditions.

4.16 The EWN will not be issued in situations where this Authority does not reasonably expect that planning permission will be granted; however, it should be noted that new issues may come to light, or despite a recommendation for approval, the development management committee could disagree with the recommendation.

4.17 The EWN must specify the alleged breach and specify the steps to be taken to remedy the breach within a specified timetable and must be served on all parties who have an interest in the land.

4.18 The EWN must state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken. This is because the issuing of an EWN constitutes the taking of enforcement action under Section 171A of the 1990 Act, allowing this authority to take further enforcement action in respect of the breach within four years of the initial notice being issued.

4.19 There is no right of appeal against an EWN, other than through application to the High Court for judicial review; however, if a retrospective application is submitted because of the EWN, an applicant does have the right to appeal either the refusal of planning permission, or the subsequent service of an enforcement notice.

4.20 The issue of an Enforcement Warning Notice will 'stop the clock' in terms of the unauthorised development gaining immunity from enforcement action.

Enforcement Notice

- 4.21 This is the principal form of Notice used to deal with unauthorised development. This notice, when issued, must specify the alleged breach and specify the steps to be taken to remedy the breach within a specified timetable, and has to be served on all parties who have an interest in the land.
- 4.22 This may mean serving on the mortgagee i.e. the Bank or Building Society which lent the money to purchase the property or other family members who similarly have an interest in the property.
- 4.23 The Notice can either refer to a Change of Use of the land or to an operational development.
- 4.24 There is a right of appeal, within 28 days of the service of the notice, and there are seven grounds on which that appeal can be based. These grounds are listed at the end of this section.
- 4.25 If the requirements of the notice are not met, and no appeal has been lodged or any appeal has been dismissed then the responsible person may be prosecuted.
- 4.26 Non-compliance with the requirements of an Enforcement Notice is a criminal offence against which the Local Planning Authority can instigate prosecution proceedings. The maximum fine in the Magistrates Court is £20,000 and is unlimited in the Crown Court. The Local Planning Authority can also enter the site and carry out the works required by the Notice in default and then seek to recover its costs from the owner/occupier.

Listed Building Enforcement Notice

- 4.27 This is similar to an Enforcement Notice.
The Notice may:
- (a) require the building to be brought back to its former state; or
 - (b) if that is not reasonably practicable or desirable, require other works specified in the Notice to alleviate the effects of the unauthorised works; or
 - (c) require the building to be brought into the state it would have been in if the terms of any listed building consent had been observed.
- 4.28 The Notice must specify time constraints for securing compliance with the requirements of the Notice.
- 4.29 There is a right of appeal against a Listed Building Enforcement Notice. The procedures are similar to those for an appeal against an Enforcement Notice. If works subject to a Listed Building Enforcement Notice are later authorised by a retrospective application for Listed Building consent, the Listed Building Enforcement Notice will cease to have any effect although the liability to prosecution for an offence committed before the date of any retrospective consent remains.

Stop Notice

- 4.30 Having served an enforcement notice the Authority may consider that any ongoing breach is so serious that it should cease immediately.
- 4.31 In such cases a Stop Notice will also be served.
- 4.32 Failure to comply with a Stop Notice can lead to an unlimited fine.
- 4.33 There is no right of appeal against a Stop Notice, other than through application to the High Court for judicial review.
- 4.34 The serving of a Stop Notice may give rise to the obligation to pay compensation.

Temporary Stop Notice (TSN)

- 4.35 A TSN does not have to be issued with an enforcement notice and their effect is immediate.
- 4.36 A Temporary Stop Notice ceases to have effect after 28 days and is only issued when this authority believes that the breach should be stopped immediately
- 4.37 Failure to comply with a Temporary Stop Notice can lead to an unlimited fine.
- 4.38 There is no right of appeal against a Temporary Stop Notice, other than through application to the High Court for judicial review.

Advertisement Discontinuance Notice

- 4.39 Some advertisements may not be displayed without prior approval by the Local Planning Authority. In such cases, the Local Planning Authority can prosecute persons responsible for displaying an illegal advertisement or serve a Discontinuance Notice (in cases where an advertisement does not need express consent but where it causes “substantial injury” to the amenity of the locality or a danger to members of the public).

Section 215 Notice

- 4.40 The Local Planning Authority can serve a Section 215 Notice on the owner/occupier of any land or building which is considered to be in an untidy condition to the extent that it is having an adverse effect on the amenity of a neighbourhood. The Notice requires the person/s on whom the Notice is served to tidy up the site and if this is not undertaken legal proceedings can be taken by the Local Planning Authority
- 4.41 There is a right to appeal to Planning & Environment Decisions Wales (PEDW) on any Section 215 Notice served by this authority.

Urgent Repairs Notice

- 4.42 This requires necessary works to a listed building, which should only relate to the overall integrity of the building, can be served on all interested parties in respect of an unoccupied building.

Repairs Notice

- 4.43 This can be served in respect of an occupied listed building which in the opinion of the Local Planning Authority is not being properly maintained.
- 4.44 This can lead to compulsory acquisition by the Authority of the subject building to ensure that it is properly maintained.
- 4.45 Similarly, there is legislation which empowers the Planning Authority to take action on mineral sites or where Tree Preservation Orders have been ignored.

Discontinuance Notice

- 4.46 Served if having regard to the development plan and to any other material considerations, it appears to a Local Planning Authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land; or that any buildings or works should be altered or removed.

Revocation Order

- 4.47 This can be served if having had regard to the development Plan and any other material considerations it appears to be Local Planning Authority that it is expedient to revoke or modify any permission to develop land granted on an application.

Injunctions

- 4.48 Where the Local Planning Authority considers it necessary or expedient for any actual or apprehended breach of planning or listed building control to be restrained, it can apply to the Court for an injunction.
- 4.49 Such action would normally only be sought if the breach was particularly serious or protracted and was causing, or was likely to cause, exceptional harm to the local environment. Failure to comply with an injunction may result in imprisonment.

Direct Action

- 4.50 Is when the Authority can also enter the site and carry out the works required by the Notice in default and then seek to recover its costs from the owner/occupier.
- 4.51 Where 'direct action' occurs, the authority will register a charge on the land in question in order to recover costs incurred.

Prosecution

- 4.52 In instances where a criminal offence has been committed (non-compliance with the above notices; unauthorised works to listed buildings; unauthorised hedgerow removal,

unauthorised works to trees; unauthorised display of advertisements), consideration will be given to prosecution.

Enforcement appeals

4.53 Section 174(2) of the 1990 Act, sets out seven different grounds under which an enforcement appeal may be lodged, with these grounds being:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged
- (b) that those matters have not occurred
- (c) that those matters (if they occurred) do not constitute a breach of planning control
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters
- (e) that copies of the enforcement notice were not served as required by Section 172
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach
- (g) that any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

Part 5: Complaints

5. Any complaints regarding the manner in which an investigations or enforcement action has been undertaken will be investigated in accordance with the Authority's complaints procedures. Investigations and enforcement action are a proper part of the Authority's planning function and therefore complaints made purely on the basis that an investigation has taken place, or purely on the basis that formal enforcement action has been undertaken, will therefore not be investigated.

Part 6: Data Protection, Environment Information Regulations and Freedom of Information Requests

6. The Authority will manage information received in investigating alleged breaches of planning control in accordance with information set out in its planning privacy policy ([PCNPA-Planning-Privacy-Notice-2023-1.pdf](#).) , as set out above information about complainants identify will be treated as confidential.

7. Where an investigation is ongoing and there is a live enforcement case PCNPA will not release information with regards to the case which could compromise legal proceedings.

Part 7: Appendix - Useful information and contacts

Useful links:

- [Town and Country Planning Act 1990 \(As amended\)](#)
- [The Town and Country Planning \(General Permitted Development\) Order 1995](#)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Wales\) Act 2015](#)
- [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 14 and Saving\) Order 2015](#)
- [Future Wales: the national plan 2040](#)
- [Planning Policy Wales](#)
- [Development Management Manual](#)
- [Development Management Manual Section 14 Annex: Enforcement Tools](#)
- [Circular 24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements](#)
- [PCNPA Planning Enforcement](#)
- [PCNPA Planning Enforcement Guide](#)
- [Planning Enforcement Complaint Form](#)
- [Planning & Environment Decisions Wales \(PEDW\)](#)

Contact Details:

Planning Enforcement Team

Pembrokeshire Coast National Park Authority
Llanion Park
Pembroke Dock
Pembrokeshire
SA72 6DY

Tel: 01646 624 800

Fax: 01646 689 076

Email: dc@pembrokeshirecoast.org.uk

Web: www.pembrokeshirecoast.org.uk

Part 8: Appendix – Policy Control

Change Level: New Policy or Change requires NPA Approval

Consultation: Management Team (Insert Date)

Assessments: N/A

Approval: National Park Authority

Version History:

Version – V2

Active Date –

Summary of Changes – New Policy

Review:

Version – V2

Active Date –

Document Owner – Principal Planning Officer (Environment)

Review Date Trigger – 3-year review cycle

PCNPA Full Integrated Assessment Template

Title of what is being Assessed: **Planning Enforcement and Compliance Policy**

Is this a staged Integrated Assessment: No

This document is a multi-purpose tool ensuring the appropriate steps are taken in our plan, policy and decisions making processes to:

- Comply with the Public Sector Equality Duty (we are required to assess equality impacts under the Welsh Specific duties)
- Demonstrate that we have shown due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage when taking strategic decisions under the Socio-economic Duty
- Ensure we are considering impact on health impacts, including wider determinants of health.
- Ensure that are action to not undermine Human Rights and public bodies duties under Human Rights Act 1998
- Ensure we are considering impacts on promotion of Welsh language and comply with requirements within our Policy Making Welsh Language Standards
- Ensure we are considering the Section 6 Biodiversity Duty and wider carbon emission and carbon storage considerations in our plans and decision making processes
- Ensure we are considering the Well-being Goals for Wales, 5 Ways of Working under the Well-being of Future Generations Act and any relevant future trends/ horizon scanning information

Benefits of undertaking an Integrated Assessment:

- Gain a better understanding of those who may be impacted by the plan, decision, policy or practice
- Better meet differing needs and become more accessible and inclusive
- Enable planning for success – identifies potential pitfalls and unintended consequences before any damage is done

- Prevent poor decisions, or worse, having to reverse decisions, thus avoiding cost and reputational implications
- Demonstrate decisions are thought through and have taken into account the views of those affected
- Enable us to manage expectations by explaining the limitations within which we are working (e.g. budget)
- Help avoid risks and improve outcomes for individuals
- Remove inappropriate or harmful practices and eliminate institutional discrimination
- Opportunity to explore mitigation options where negative impact are identified
- Ensure we put the Welsh and English language on an equal footing
- Ensure we are embedding biodiversity and decarbonisation considerations in everything that we do

Please refer to Full Integrated Assessment Guidance for further information on completing and assessment.

Section 1 – Details of the Strategic Plan, Policy or Decision

Name of Strategic Plan, Policy or Decision being assessed	Planning Enforcement and Compliance Policy
Department/ Service Area	Placemaking
Officer Responsible for Impact Assessment	Name: Sara Morris Title: Director of Place and Engagement Department: Placemaking
Responsible Senior Manager	Name: Kate Attrill Title: Development Management Manager
Reason Trigger Document Identified Need for Completion of Full Assessment	Because of the changes to the policy in relation to identified reasonable adjustments for those engaging with the enforcement function who have health issues.
Timetable for the Assessment	February 2025
Monitoring and Review of Assessment	As part of cyclical review of the policy.
Chief Executive Sign Off – Completed Assessment and Summary/ Recommendations	Sign off date:

Section 2 – Aims and Overview of the Strategic Plan, Policy or Decision

What is its proposed purpose?
This document sets out the Authority's policies and procedures towards dealing with planning enforcement and compliance issues with priorities in place for serious and time-sensitive breaches.
Is it new or existing and under review?
This is an existing document that was created originally in 2011 and is being reviewed.
What will change as a result of it and/or what changes are being proposed?
The document includes updates necessary as a result of legislative updates introduced since 2011. Changes include references to Enforcement Warning Notices (specific to Welsh legislation), GDPR compliance, complaints procedures, and that illnesses or personal circumstances will not preclude this authority taking enforcement action, however reasonable adjustments for those facing health issues in how investigations are undertaken and potential times for enforcement action will be considered. The updated information within the document also reflects advice and approaches advocated by the Welsh Government Development Management Manual which was published in 2017
What are its anticipated notable outcomes (positive and negative)?
Positive: Greater clarity for those with health issues or disability around what type of reasonable adjustments will be considered by the Authority both at investigation and (if necessary) at enforcement action stage. Negative:
Detail the budget implications relating to it?
The policy does not change budgetary implications for the Authority or for complainants or those subject to an investigation.
Indicate which groups of people will be, or potentially could be, impacted upon by its implementation (e.g. service users, employees, volunteers, people living in particular communities)?
Please include any equality or socio-economic disadvantaged groups or Welsh language groups likely to be affected and identify if proposal involves people living in a sensitive or significant area in terms of the Welsh language.

The policy will be available bi-lingually and should have no negative impact on Welsh Language.

As set out in Policy 2 the Authority is happy to receive complaints regarding alleged enforcement breaches in either English or Welsh.

As the policy is in relation to an Enforcement and Compliance area of work any individuals across the National Park may be impacted by its implementation, either in a role as a complainant who is reporting a suspected planning breach or as a site or landowner who has responsibility for a breach which is being investigated. This could include people from across protected characteristics, in particular those who may require reasonable adjustments during the planning enforcement process.

Is the policy related to, influenced by, or affected by other policies or areas of work (internal or external) and any assessments carried out on them?

The policy relates to planning enforcement and national planning legislation which underpins this. It also relates to the implementation of the Local Development Plan which was adopted by the Authority and had a number of assessments undertaken to support its development including an Equalities Impact Assessment.

Section 3 – Considering the Evidence and Assessing Impact

This section considers what data, information, consultation and engagement feedback has been reviewed as part of the plan, policy or decision development process. Relevant information will then be used to assess potential impact of the plan, policy or decision and potential mitigating action needed. Gaps in data and knowledge are also noted.

Equality/ Socio Economic Disadvantage and Inequality of Outcomes/ Health Inequalities and Outcomes/ Human Rights

Depending on what is being assessed you can either take a thematic approach or a group focused approach, please speak to the Performance and Compliance Officer to find out what approach will best suit what you are assessing. The following tables may be modified slightly when used for larger strategic plans.

If it is not suitable to include detailed evidence information, data and engagement/ consultation feedback in the table itself, please attach this information as an Appendix and make summary reference to them in the table when needed.

Thematic focused impact approach

<p>Do you have evidence or reason to believe that what is being assessed will or may impact on</p> <ul style="list-style-type: none"> • People/ Groups with Protected Characteristics (Age, Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual Orientation, Marriage and Civil Partnership) • Socio Economic Disadvantage and Inequality of Outcomes • Health and Well-being Outcomes and Inequalities in terms of thematic areas (including wider determinants of health) • Intersectionality¹ considerations • Human Rights? <p>Consider both positive and negative impacts. Including identifying any opportunities to increase positive impacts.</p> <p>Thematic areas should be identified through considering relevant evidence and information from engagement feedback.</p>	<p>Response/ Mitigation/ Any additional actions needed</p>
<p>Thematic Area to consider: Policy 10 within the document states <i>“In considering whether to take enforcement action, the National Park Authority will not give weight to non-material planning considerations, but will consider human rights and its duties under equalities</i></p>	<p>As set out in the policy reasonable adjustments from the Authority will include potentially having a friend or advocate</p>

¹ 'Intersectionality' acknowledges and examines how a combination of more than one protected characteristic and socio-economic factors can lead to or perpetuate distinct forms of discrimination or disadvantage.

<p>legislation both during investigations and in decisions around undertaking enforcement action.”</p>	<p>present for a meeting or site visit or communicating only with an appointed planning agent.</p>
<p>Affected Groups: All individuals with protected characteristics</p> <p>Evidence/ Engagement/ Consultation Feedback: The Human Rights Act 1998 makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision making process for the LPA to assess the effects that a development will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to remain or proceed subject to planning permission. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.</p> <p>Those with significant health impacts or certain disabilities may find an investigation into a breach particularly stressful or difficult. As a result some disabled people may require reasonable adjustments to be made during the enforcement process, in terms of accessible communication or additional support in terms of navigating and interacting with the process. Ombudsman Wales Equality and Human Rights Casebooks identify a number of cases relating to reasonable adjustments. Under the Equality Act, service providers must make reasonable adjustments to disabled people.</p> <p>Equality Act 2010 Code of Practice – Services, public functions and associations statutory code of practice – chapter 7: Disabled People: reasonable adjustments.</p> <p>In some cases additional support may be needed in terms of the process due to a reason connected to an individual’s disability to prevent discrimination arising from disability, in particular where matter arising has impact on behaviour of individual during enforcement process in terms of when engaging with the Authority. In these cases enabling individual to</p>	<p>Action: Amend terms suitable to reasonable adjustment to align with terminology in legislation.</p> <p>Action: Ensure guidance/ training is provided to Enforcement Officers in terms of use reasonable adjustments in planning enforcement process including use of friend/ advocate or meeting accessible communication needs and also ensure understanding around discrimination arising from disability.</p>

<p>have an advocate/ friend present for a meeting or site visit or communicating only with a planning agent may help in terms of ensuring effective communication is in place to prevent issues escalating to use of the unacceptable behaviour policy.</p> <p>Equality Act 2010 Code of Practice – Services, public functions and associations statutory code of practice – chapter 6: Discrimination arising from disability</p> <p>Impact: The following text in the policy provides for reasonable adjustments to be made alongside the LPA undertaking its legislative duties in relation to enforcement:</p> <p>Where the Authority is made aware of a disability or illness affecting an individual who is the subject of an investigation or enforcement action then the Authority will if appropriate and necessary make suitable adjustments where these are compatible with its legal duties. These adjustments may include having a friend or advocate present for a meeting or site visit or communicating only with a planning agent. The mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary undertaking enforcement action where required.</p> <p>Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.</p> <p>Note: Current wording within the policy uses suitable adjustment, suggest this is amended to reasonable adjustment to align with obligations under the Equality Act.</p>	
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Group focused impact approach

Protected Characteristics/ Socio Economic Disadvantage and Inequality of Outcomes/ Health and Well-being Outcomes and Inequalities	Do you have evidence or reason to believe that what is being assessed will or may impact on <ul style="list-style-type: none"> • People/ Groups with Protected Characteristics • Socio Economic Disadvantage and Inequality of Outcomes/ • Health and Well-being Outcomes and Inequalities in terms of thematic areas (including wider determinants of health) • Intersectionality² considerations? <p>Consider both positive and negative impacts. Identify any opportunities to increase positive impacts.</p> <p>Thematic areas should be identified through considering relevant evidence and information from engagement feedback.</p>	Response/ Mitigation/ Any additional actions needed
Age	Reason/ Evidence/ Engagement/ Consultation Feedback: Older people whose age has resulted in a disability or health issue may struggle to understand what is required from them or the process involved with an enforcement investigation. Older people with significant health impacts or certain disabilities may find an investigation into a breach particularly stressful or difficult. As a result some disabled people may require reasonable adjustments to be made during the	As set out in the policy reasonable adjustments from the Authority will include potentially having a friend or advocate present for a meeting or site visit or communicating only with an appointed planning agent.

² 'Intersectionality' acknowledges and examines how a combination of more than one protected characteristic and socio-economic factors can lead to or perpetuate distinct forms of discrimination or disadvantage.

	<p>enforcement process, in terms of accessible communication or additional support in terms of navigating and interacting with the process. Ombudsman Wales Equality and Human Rights Casebooks identify a number of cases relating to reasonable adjustments. Under the Equality Act, service providers must make reasonable adjustments to disabled people.</p> <p>Older people in need of adapted property may take longer to find a suitable property, due to challenges around availability of adapted/ accessible housing.</p> <p>Impact: They may not be able to fully engage in the process. Provision of reasonable adjustments can help people navigate and understand the enforcement process. Enforcement timescales – may take longer to find suitable alternative accommodation if enforcement action results in them becoming homeless due to need for accessible/ adaptive property.</p> <p>Note: Current wording within the policy uses suitable adjustment, suggest this is amended to reasonable adjustment to align with obligations under the Equality Act.</p>	<p>Action: Amend terms suitable to reasonable adjustment to align with terminology in legislation.</p> <p>Action: Ensure guidance/ training is provided to Enforcement Officers in terms of use reasonable adjustments in planning enforcement process including use of friend/ advocate or meeting accessible communication needs and also ensure understanding around discrimination arising from disability.</p> <p>As noted in paragraph 3.22 where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements</p>
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<p>Disability</p>	<p>Reason/ Evidence/ Engagement/ Consultation Feedback: Those with a disability may struggle to understand what is required from them or the process involved with an enforcement investigation. Those with significant health impacts or certain disabilities may find an investigation into a breach particularly stressful or difficult. As a result some disabled people may require reasonable adjustments to be made during the enforcement process, in terms of accessible communication or additional support in terms of navigating and interacting with the process. Ombudsman Wales Equality and Human Rights Casebooks identify a number of cases relating to reasonable adjustments. Under the Equality Act, service providers must make reasonable adjustments to disabled people.</p> <p>Equality Act 2010 Code of Practice – Services, public functions and associations statutory code of practice – chapter 7: Disabled People: reasonable adjustments.</p> <p>In some cases additional support may be needed in terms of the process due to a reason connected to an individual’s disability to prevent discrimination arising from disability, in particular where matter arising has impact on behaviour of individual during enforcement process in terms of when engaging with the Authority. In these cases enabling individual to have an advocate/ friend present for a meeting or site visit or communicating only with a planning agent may help in terms of ensuring effective communication is in place</p>	<p>As set out in the policy reasonable adjustments from the Authority will include potentially having a friend or advocate present for a meeting or site visit or communicating only with an appointed planning agent</p> <p>Action: Amend terms suitable to reasonable adjustment to align with terminology in legislation.</p> <p>Action: Ensure guidance/ training is provided to Enforcement Officers in terms of use reasonable adjustments in planning enforcement process including use of friend/ advocate or meeting accessible communication needs and also ensure understanding around discrimination arising from disability.</p> <p>As noted in paragraph 3.22 where the Authority is aware that enforcement action may result in an individual becoming</p>
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	<p>to prevent issues escalating to use of the unacceptable behaviour policy. Equality Act 2010 Code of Practice – Services, public functions and associations statutory code of practice – chapter 6: Discrimination arising from disability.</p> <p>Disabled people in need of adapted property may take longer to find a suitable property, due to challenges around availability of adapted/ accessible housing.</p> <p>Policy notes that where FOI/ EIR are received information will be redacted to comply with Data Protection Regulations. Under UK GDPR data concerning health is considered special category data, this would include disability related data.</p> <p>Impact: They may not be able to fully engage in the process. Provision of reasonable adjustments can help people navigate and understand the enforcement process. Enforcement timescales – may take longer to find suitable alternative accommodation if enforcement action results in them becoming homeless due to need for accessible/ adaptive property. Protection of sensitive category data in line with UK GDPR.</p>	<p>homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.</p> <p>Action: Amend reference to General Data Protection Regulations 2018 to UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.</p>
Gender Reassignment	Reason/ Evidence/ Engagement/ Consultation Feedback:	As noted in paragraph 2.9 If the complainant also appears to be motivated by issues other than

	<p>There is the potential that malicious complaints could be made against someone undergoing gender reassignment as part of a victimisation.</p> <p>Impact: This would result in discrimination.</p>	<p>planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>As noted in point 3.18 action will only be undertaken on sound planning grounds.</p>
Pregnancy and Maternity	<p>Reason/ Evidence/ Engagement/ Consultation Feedback: There is a potential that taking enforcement against someone who is pregnant which results in homelessness would create additional pressure at a vulnerable point in time.</p> <p>Impact: Potential health risks.</p>	<p>As noted in paragraph 3.22 where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements</p>
Race	<p>Evidence/ Engagement/ Consultation Feedback: There is the potential that malicious complaints could be made against someone on the basis of their race as part of a victimisation.</p> <p>Policy notes that where FOI/ EIR are received information will be redacted to comply with Data Protection Regulations. Under UK GDPR data concerning racial or ethnic origin is considered special category data.</p> <p>Impact: This would result in discrimination. Protection of sensitive category data in line with UK GDPR.</p>	<p>As noted in paragraph 2.9 If the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>As noted in point 3.18 action will only be undertaken on sound planning grounds.</p>

		<p>Action: Amend reference to General Data Protection Regulations 2018 to UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.</p>
Religion or Belief	<p>Evidence/ Engagement/ Consultation Feedback: There is the potential that malicious complaints could be made against someone on the basis of their religion as part of a victimisation.</p> <p>Policy notes that where FOI/ EIR are received information will be redacted to comply with Data Protection Regulations. Under UK GDPR data concerning religious or philosophical belief is considered special category data.</p> <p>Impact: This would result in discrimination. Protection of sensitive category data in line with UK GDPR.</p>	<p>As noted in paragraph 2.9 If the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>As noted in point 3.18 action will only be undertaken on sound planning grounds.</p> <p>Action: Amend reference to General Data Protection Regulations 2018 to UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.</p>
Sex	Evidence/ Engagement/ Consultation Feedback:	As noted in paragraph 2.9 If the complainant also appears to be motivated by issues other than

	<p>There is the potential that malicious complaints could be made against someone on the basis of their sex as part of a victimisation</p> <p>Impact: This would result in discrimination</p>	<p>planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>As noted in point 3.18 action will only be undertaken on sound planning grounds.</p>
Sexual Orientation	<p>Evidence/ Engagement/ Consultation Feedback: There is the potential that malicious complaints could be made against someone on the basis of their sexual orientation as part of a victimisation</p> <p>Policy notes that where FOI/ EIR are received information will be redacted to comply with Data Protection Regulations. Under UK GDPR data concerning sexual orientation is considered special category data.</p> <p>Impact: This would result in discrimination. Protection of sensitive category data in line with UK GDPR.</p>	<p>As noted in paragraph 2.9 If the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>As noted in point 3.18 action will only be undertaken on sound planning grounds.</p> <p>Action: Amend reference to General Data Protection Regulations 2018 to UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.</p>
Marriage and Civil Partnership	<p>Evidence/ Engagement/ Consultation Feedback: No potential impacts are envisioned in relation to this group.</p>	

<p>Socio economic disadvantage and inequalities of outcome</p>	<p>Evidence/ Engagement/ Consultation Feedback: Some groups may feel less confident in making an enforcement complaint or may be afraid of retribution from the person they have complained about.</p> <p>Those with less financial resources may find it harder to find alternative accommodation and be at higher risk in terms of homelessness.</p> <p>Impact: Potential for some groups not to engage in raising concerns about planning breaches. Enforcement timescales – may take longer to find suitable alternative accommodation if enforcement action results in them becoming homeless due to having reduced options as a result of their financial/ other resources.</p>	<p>Whilst the Authority will not typically investigate anonymous complaints paragraph 2.10 notes that where complainants are concerned about their identity being revealed at any time, they may seek to direct their complaint through their local councillor or community/town council.</p> <p>As noted in paragraph 3.22 where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.</p>
<p>Health and Well-being Outcomes and Inequalities</p>	<p>Evidence/ Engagement/ Consultation Feedback: In issuing Enforcement Notices relating to individuals homes the Authority will need to consider appropriate timescales for situations where someone with a significant health condition may become homeless.</p>	<p>Paragraph 3.20 states Where the Authority is made aware of a disability or illness affecting an individual who is the subject of an investigation or enforcement action then the Authority will if</p>

	<p>Impact: Those with significant health impacts may find an investigation into a breach particularly stressful or difficult. Provision of reasonable adjustments can help people navigate and understand the enforcement process.</p>	<p>appropriate and necessary make suitable adjustments where these are compatible with its legal duties. These adjustments may include having a friend or advocate present for a meeting or site visit or communicating only with a planning agent. The mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary undertaking enforcement action where required.</p> <p>Paragraph 3.22 states Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.</p>
Wider determinants of health	<p>Evidence/ Engagement/ Consultation Feedback: The National Park has an ageing population which is likely to mean a higher than average proportion of those involved with enforcement fall within this category.</p> <p>Impact: Potential for more complainants / investigations to involve older people.</p>	See comments under Age.

<p>Unintended consequences for Health and Well-being and wider determinants of health</p>	<p>Evidence/ Engagement/ Consultation Feedback: Potential for stress to individuals who are subject of investigations. Impact: Additional stress can exacerbate existing health conditions.</p>	<p>The Authority will put reasonable adjustments in place for those with health or disabilities where informed of these. As set out in the policy reasonable adjustments from the Authority will include potentially having a friend or advocate present for a meeting or site visit or communicating only with an appointed planning agent</p> <p>Action: Amend terms suitable to reasonable adjustment to align with terminology in legislation.</p> <p>Action: Ensure guidance/ training is provided to Enforcement Officers in terms of use reasonable adjustments in planning enforcement process including use of friend/ advocate or meeting accessible communication needs and also ensure understanding around discrimination arising from disability.</p>
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<p>Intersectionality considerations</p>	<p>Evidence/ Engagement/ Consultation Feedback: False complaints could be raised against individuals on various grounds as a form of victimisation. Impact: Increased harassment.</p>	<p>As noted in paragraph 2.9 If the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>As noted in point 3.18 action will only be undertaken on sound planning grounds.</p>
<p>Human Rights</p>	<p>Evidence/ Engagement/ Consultation Feedback: The Human Rights Act 1998 makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision making process for the LPA to assess the effects that a development will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to remain or proceed subject to planning permission. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.</p> <p>Policy notes that where FOI/ EIR are received information will be redacted to comply with Data Protection Regulations and provides link to privacy notice. Impact: Policy considers impacts in terms of homelessness.</p>	<p>Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.</p> <p>Action: Amend reference to General Data Protection Regulations 2018 to UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.</p> <p>Action: Amend Privacy notice link to Planning privacy notice</p>

Public Sector Equality Duty Considerations

<p>How does what is being assessed promote equality of opportunity?</p>	<p>Anyone may make a complaint where they have reasonable grounds to suspect a planning breach and planning breaches will be investigated independently and without bias.</p> <p>Consideration has been made of where reasonable adjustments may need to be implemented within the enforcement process.</p> <p>The policy specifically includes reference to the Human Rights Act and its duties under Equalities legislation. This element of the policy has been introduced and is not within the original 2011 version.</p>
<p>How does what is being assessed promote good relations?</p>	<p>Clearly sets out to the public how the Authority's enforcement policy. This is important as breaches of enforcement can cause tensions within communities.</p>
<p>Does what is being assessed have the potential to cause unlawful direct or indirect discrimination?</p>	<p>There is a risk that the Planning Enforcement function could be used maliciously to victimise individuals, however there are checks built into the policy that mean that if the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate.</p> <p>Consideration has been made of where reasonable adjustments may need to be implemented within the enforcement process</p>
<p>Does what is being assessed have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?</p>	<p>No. Consideration has been made of where reasonable adjustments may need to be implemented within the enforcement process.</p>

<p>Will any of what is being assessed by wholly or partly carried by contractors or in partnership with other organisations. If yes, what steps will you take to comply with the General Equality Duty in regard to procurement and/ or partnerships?</p>	<p>No</p> <p>If yes what steps will you put in place:</p> <p>(Additional information on what Procurement steps could include:</p> <ul style="list-style-type: none"> - Setting out clear equality expectation in tendering and specification documentation, showing how promotion of equality may be built into individual procurement projects - On what you based your decisions in the award process, including consideration of ethical employment and supply chain codes of practise - Ensure contract clauses cover Equality Act 2010 obligations - Performance and Monitoring measures are include to monitor compliance, managing and enforcing contracts)
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Data/ Engagement Gaps

<p>Do you have any data/ engagement gaps?</p>	<p>No</p>
<p>If yes, can further information be obtained or additional engagement to fill any of these data gaps?</p>	<p>However, it would be beneficial to review the effectiveness of application of reasonable adjustments within the enforcement process on an ongoing basis and to engage with other Authority's via POSW in terms of development of best practice in this area.</p>

Equality/ Socio Economic Disadvantage and Inequality of Outcomes/ Health Inequalities and Outcomes - Summary/ Recommendation from Assessment to be included in Committee/ Management Team Report

<p>Equality Summary/ Recommendation from Assessment:</p> <p>The policy specifically includes reference to the Human Rights Act and its duties under Equalities legislation. This element of the policy has been introduced and is not within the original 2011 version. The policy now notes that the Authority will make</p>

reasonable adjustments where necessary in the course of investigating complaints where it is made aware of a disability or illness affecting an individual who is responsible for an alleged planning breach, including for example having friends or advocates present for meetings or communicating only with a planning agent. However, the mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary undertaking enforcement action where required.

Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.

Socio Economic Disadvantage and Inequality of Outcomes Summary/ Recommendation from Assessment:

Opportunities to use Town and Community Council's to report suspected breaches are available for individual's who may not be confident to report a breach directly to the Authority. Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.

Health Inequalities and Outcomes Summary/ Recommendation from Assessment:

The policy specifically includes reference to the Human Rights Act and its duties under Equalities legislation. This element of the policy has been introduced and is not within the original 2011 version. The policy now notes that the Authority will make reasonable adjustments where necessary in the course of investigating complaints where it is made aware of a disability or illness affecting an individual who is responsible for an alleged planning breach, including for example having friends or advocates present for meetings or communicating only with a planning agent. However, the mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary undertaking enforcement action where required.

Where the Authority is aware that enforcement action may result in an individual becoming homeless it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.

Human Rights Summary/ Recommendation from Assessment:

The *Human Rights Act 1998* makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The planning system by its very nature respects the rights of the

individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the LPA to assess the effects that a development will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to remain or proceed subject to planning permission. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.

Policy notes that where FOI/ EIR are received information will be redacted to comply with Data Protection Regulations and provides link to privacy notice.

Welsh Language

Depending on what is being assessed you can either take a thematic approach or a Welsh Language Area of Influence focused approach, please speak to the Performance and Compliance Officer to find out what approach will best suit what you are assessing. The following tables may be modified slightly when used for larger strategic plans.

If it is not suitable to include detailed evidence information, data and engagement/ consultation feedback in the table itself, please attach this information as an Appendix and make summary reference to them in the table when needed.

Thematic focused impact approach

Do you have evidence or reason to believe that what is being assessed will or may impact on	Response/ Mitigation/ Any additional actions needed
<ul style="list-style-type: none"> • Welsh Language Groups <ul style="list-style-type: none"> ○ Welsh Language Speakers/ Learners ○ Welsh Language Speakers/ Learners in one geographical area ○ Welsh Language Speakers/ Learners in a specific cohort (e.g. children, young people, adults) 	

<ul style="list-style-type: none"> ○ Welsh Language Speakers/ Learners in particular sector or group (e.g. members of clubs and associations) ○ Welsh Language Sensitive Communities ○ Welsh Language Speakers/ Learners in the workplace or education settings ○ Welsh Language Speakers/ Learners volunteering or using our services ○ Other groups specific to what is being assessed ● Welsh Language Areas of Influence/ Factors <ul style="list-style-type: none"> ○ Number of Welsh Speakers ○ Welsh Language Transmission ○ Welsh in the Workplace ○ Use of Welsh Language Services ○ Social Use of Welsh ○ Visibility of Welsh ○ Social, economic and cultural infrastructure of Welsh-speaking communities ○ Opportunities to learn Welsh ○ Use of Welsh in the digital and technological field ○ Opportunities to study through medium of Welsh ○ Language Planning ○ Efforts to Protect and Promote the Welsh Language ○ Other areas of influence/ factors specific to what is being assessed <p>Consider both positive and negative impacts. Identify any opportunities to increase positive impacts.</p> <p>Thematic areas should be identified through considering relevant evidence and information from engagement feedback.</p>	
<p>Thematic Area to consider: Availability of the policy</p>	<p>Policy will be available bilingual</p>

<p>Welsh Language Groups/ Areas of Influence Affected: Welsh speakers</p> <p>Evidence/ Engagement/ Consultation Feedback: Policy itself must be available bilingually.</p> <p>Impact: Neutral if translated</p>	
<p>Thematic Area to consider: Ability to make a complaint in Welsh.</p> <p>Welsh Language Groups/ Areas of Influence Affected: Welsh speakers</p> <p>Evidence/ Engagement/ Consultation Feedback: It is important that any complaints received in Welsh are treated on an equal basis to English. Where enforcement action is being undertaken site visits and engagement should be available in medium of Welsh for Welsh speakers.</p> <p>Impact: Neutral if service is available bilingually.</p>	<p>Complaints can be received in both English and Welsh as clarified in the policy. Any complaints received in Welsh will receive Welsh responses. One of the two Enforcement officers is Welsh speaking and the Authority has other planning officers who are also Welsh speakers should a specific site visit in Welsh be requested.</p>

Welsh Language area of influence focused impact approach

Area	Do you have evidence or reason to believe that what is being assessed may impact on the Welsh language in any of the following areas? Consider both positive and negative impacts. Including identifying any opportunities to increase positive impacts.	Response/ Mitigation/ Any additional actions needed
	<p>Thematic areas should be identified through considering relevant evidence and information from engagement feedback.</p>	

<p>Number of Welsh Speakers</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Generally ○ In one geographic area ○ In a specific cohort (e.g. children, young people, adults) ○ In a particular sector or group (e.g. members of clubs or associations) ○ Other factors] 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Impact: No anticipated impact</p>	<p>No anticipated impact</p>
<p>Welsh Language Transmission</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Early years support in helping transmission between parent/ carer and child ○ Moving from education into workplace environment ○ Other factors] 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Impact: No anticipated impact</p>	<p>No anticipated impact</p>
<p>Opportunities to learn Welsh or Study through medium of Welsh</p>	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Impact: No anticipated impact</p>	<p>No anticipated impact</p>

<p>[Consider:</p> <ul style="list-style-type: none"> ○ Early years ○ Education Offer ○ Learning Offer for Adults <p>Other factors]</p>		
<p>Use of Welsh-language services</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Ability to provide Welsh service by default ○ Ability to make proactive offer to use Welsh ○ Promotion of Welsh Language Services ○ Service providing environment ○ Requirements of Welsh Language Standards ○ Other factors] 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>It is important that any complaints received in Welsh are treated on an equal basis to English. Where enforcement action is being undertaken site visits and engagement should be available in medium of Welsh for Welsh speakers.</p> <p>Impact: Neutral if service is available bilingually.</p>	<p>Complaints can be received in both English and Welsh as clarified in the policy. Any complaints received in Welsh will receive Welsh responses. One of the two Enforcement officers is Welsh speaking and the Authority has other planning officers who are also Welsh speakers should a specific site visit in Welsh be requested.</p>
<p>Social Use of Welsh</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Among children, young people and adults ○ In the workplace and for volunteers ○ Outside of work 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Impact: No anticipated impact</p>	<p>No anticipated impact</p>

<ul style="list-style-type: none"> ○ Organised events and activities ○ Visitors ○ Digital media ○ Other factors] 		
<p>Welsh in the workplace</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Informal and social opportunities ○ Internal communications ○ Structure of Teams/ Departments ○ Technology and resources (e.g. proof reading software, device interface) ○ Language awareness among staff <p>Other factors]</p>	<p>Evidence/ Engagement/ Consultation Feedback: The service is available bilingually. Impact: Authority needs to ensure it can deliver the service bilingually.</p>	<p>Complaints can be received in both English and Welsh as clarified in the policy. Any complaints received in Welsh will receive Welsh responses. One of the two Enforcement officers is Welsh speaking and the Authority has other planning officers who are also Welsh speakers should a specific site visit in Welsh be requested</p>
<p>Visibility of Welsh Language</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Place names (e.g. fields, ancient monuments, towns, villages, streets, new housing developments, Authority facilities) 	<p>Evidence/ Engagement/ Consultation Feedback: The service is available bilingually. Impact: Promotes Welsh language use of our services.</p>	<p>Complaints can be received in both English and Welsh as clarified in the policy. Any complaints received in Welsh will receive Welsh responses. One of the two Enforcement officers is Welsh speaking and the Authority has other planning</p>

<ul style="list-style-type: none"> ○ Organisation's internal and external information signs ○ Signs by private businesses and institutions ○ Material on public display ○ Visibility of Welsh Language in tourism offer ○ Other factors] 		<p>officers who are also Welsh speakers should a specific site visit in Welsh be requested</p>
<p>Efforts to protect and promote the Welsh language</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Mentrau Iaith Activities ○ Community Initiative Activities ○ Promotional and facilitation activities ○ Statutory linguistic requirements ○ Grants ○ Other factors] 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Policy supports enforcement action of breaches of planning control contrary to the policies in the Local Development Plan. Policy 13 in LDP 2 relates to Development in Welsh Language-Sensitive Areas. Enforcement Policy can also support action on breaches of planning conditions. Section 4.77 of LDP2 notes in terms of Welsh Language - Mitigation measures may need to be applied to any permission either through conditions attached to a planning permission or through section 106 obligations.</p> <p>Impact: Help support compliance with LDP2 which includes policy relating to Welsh Language.</p>	
<p>Social, economic and cultural infrastructure of Welsh Speaking Communities/ Language Planning</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Land use / Tan 20 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Policy supports enforcement action of breaches of planning control contrary to the policies in the Local Development Plan. Policy 13 in LDP 2 relates to Development in Welsh Language-Sensitive Areas. It also supports wider policies in Local Development Plan that have impact on social, economic and cultural infrastructure of Welsh Speaking Communities.</p>	

<ul style="list-style-type: none"> ○ Community development and sustainability ○ Economic development ○ Welsh Language Sensitive Communities – Sustainability in areas with a high density of Welsh Speakers ○ Promoting language acquisition and use ○ Social equity ○ Other Factors] 	<p>Enforcement Policy can also support action on breaches of planning conditions. Section 4.77 of LDP2 notes in terms of Welsh Language - Mitigation measures may need to be applied to any permission either through conditions attached to a planning permission or through section 106 obligations.</p> <p>Impact: Help support compliance with LDP2 which includes policy relating to Welsh Language.</p>	
<p>Use of Welsh in the digital and technological field</p> <p>[Consider:</p> <ul style="list-style-type: none"> ○ Social media ○ Mapping information ○ Transcription and subtitling software ○ Bilingual options within software and systems ○ Artificial Intelligence ○ Other factors] 	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Impact: No anticipated impact</p>	
<p>Welsh Language Standards</p>	<p>Evidence/ Engagement/ Consultation Feedback:</p> <p>Standards met.</p> <p>Impact: No negative impact</p>	<p>Policy available bilingually. Officers will treat complaints made in English or Welsh on an equal basis.</p>

Other considerations	Evidence/ Engagement/ Consultation Feedback: N/A	
	Impact:	

Welsh Language Areas of Influence Considerations

How does what is being assessed promote numbers and/ or percentages of Welsh speakers/ use of Welsh language.	The service is available in Welsh as well as English, complainants may raise issues in Welsh or English with the Authority.
How does what is being assessed support opportunities to promote the Welsh language	The policy is available bilingually and complaints will be treated on an equal basis whether made in English or in Welsh. Where enforcement action is being undertaken site visits and engagement will be available in medium of Welsh for Welsh speakers.
How does what is being assessed support compliance with Welsh language Standards and the treating of the Welsh language, no less favourably than the English language.	The policy is available bilingually and complaints will be treated on an equal basis whether made in English or in Welsh. Where enforcement action is being undertaken site visits and engagement will be available in medium of Welsh for Welsh speakers.
How does what is being assessed support the sustainability of Welsh language in communities	The service is available in Welsh as well as English, complainants may raise issues in Welsh or English with the Authority. Supports compliance with LDP2.

Data/ Engagement Gaps

Do you have any data/ engagement gaps?	No
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If yes, can further information be obtained or additional engagement to fill any of these data gaps?	
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Welsh Language - Summary/ Recommendation from Assessment to be included in Committee/ Management Team Report

<p>Welsh Language Summary/ Recommendation from Assessment:</p> <p>The policy will be available bi-lingually and should have no negative impact on Welsh Language.</p> <p>As set out in Policy 2 the Authority is happy to receive complaints regarding alleged enforcement breaches in either English or Welsh.</p>

Section 6 Biodiversity Duty and Carbon Emissions

If it is not suitable to include detailed evidence information, data and engagement/ consultation feedback in the table itself, please attach this information as an Appendix and make summary reference to them in the table when needed.

Please include any options appraisal

Please note: For National Park Management Plan and Local Development Plan separate Sustainability Appraisal (incorporating Strategic Environmental Assessments) are required.

Area	Do you have evidence or reason to believe that this will or may impact on the Biodiversity or Decarbonisation in any of the following areas?	Response/ Mitigation/ Any additional actions needed
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	<p>Consider both positive and negative impacts. Identify any opportunities to increase positive impacts.</p> <p>Thematic areas should be identified through considering relevant evidence and information from engagement feedback.</p>	
Natural Environment - Biodiversity	<p>Evidence/ Engagement/ Consultation Feedback: Planning breaches may harm biodiversity. The Authority seeks to prevent this through its effective use of planning enforcement.</p> <p>Impact: Positive</p>	Positive impact expected
Natural Environment – Air, Land and Water Quality	<p>Evidence/ Engagement/ Consultation Feedback: Planning breaches may harm the natural environment. The Authority seeks to prevent this through its effective use of planning enforcement.</p> <p>Impact: Positive</p>	Positive impact expected
Natural Environment – Access to Open and Green/ Blue Spaces	<p>Evidence/ Engagement/ Consultation Feedback: Planning breaches may harm the natural environment. The Authority seeks to prevent this through its effective use of planning enforcement.</p> <p>Impact: Positive</p>	Positive impact expected
Built Environment – Built Heritage	<p>Evidence/ Engagement/ Consultation Feedback: Planning breaches may harm built heritage. The Authority seeks to prevent this through its effective use of planning enforcement.</p> <p>Impact: Positive</p>	Positive impact expected
CO2e Emissions or Mitigations	<p>Evidence/ Engagement/ Consultation Feedback: No evidence</p>	Neutral impact expected

[For large scale projects please provide projected carbon emissions/ carbon emission reductions expected because of the project]	Impact: Neutral	
Co2e Sequestration / Storage	Evidence/ Engagement/ Consultation Feedback: No evidence Impact:Neutral	Neutral impact expected
Adapting to the effects of Climate Change	Evidence/ Engagement/ Consultation Feedback: Planning breaches may harm the natural environment and sources of carbon sequestration which may indirectly contribute to climate change. The Authority seeks to prevent this through its effective use of planning enforcement. Impact: Positive	Positive impact expected
Resources Use – Energy efficiency and consumption	Evidence/ Engagement/ Consultation Feedback: Planning breaches may result in unauthorised and increased use of resources. The Authority seeks to prevent this through its effective use of planning enforcement. Impact: Positive	Positive impact expected
Resources Use – Prevention, reduction, re- use,	Evidence/ Engagement/ Consultation Feedback: Planning breaches may result in unauthorised and increased use of resources. The Authority seeks to prevent this through its effective use of planning enforcement	Positive impact expected

recovery or recycling waste	Impact: Positive	
Resource Use – Socially Responsible and Sustainable Procurement	Evidence/ Engagement/ Consultation Feedback: No evidence Impact: Neutral	Neutral impact expected
Transport – Sustainable Modes of Transport (including accessible transport provision)	Evidence/ Engagement/ Consultation Feedback: Planning breaches may result in unauthorised uses in unsustainable locations which are not supported by national or local planning policy. The Authority seeks to prevent this through its effective use of planning enforcement Impact: Positive	Positive impact expected
Just Transition	Evidence/ Engagement/ Consultation Feedback: No evidence Impact: Neutral	Neutral impact expected
Any other considerations	Evidence/ Engagement/ Consultation Feedback: Impact:	

Data/ Engagement Gaps

Do you have any data/ engagement gaps?	No
If yes, can further information be obtained or additional engagement to fill any of these data gaps?	

Section 6 Biodiversity Duty and Carbon Emissions - Summary/ Recommendation from Assessment to be included in Committee/ Leadership Team Report

Section 6 Biodiversity Duty and Carbon Emissions Summary/ Recommendation from Assessment:

Planning breaches may result in unauthorised uses in unsustainable locations with negative impacts on the natural environment including biodiversity. The Authority seeks to prevent this through its effective use of planning enforcement. If an application is required following enforcement investigation, then Biodiversity enhancements are expected to be provided within planning applications, including those that are retrospective in line with legislation and both local and national planning policy. Planning Policy Wales 12 (Edition 12, February 2024) states that a scheme of enhancements must be provided for each application to ensure a net benefit for biodiversity. Enforcement action may also be taken in order to prevent habitat loss or clearance that constitutes development or harm to trees with a tree preservation order or trees within a Conservation Area.

Consideration of 7 Well-being Goals for Wales and 5 Ways of Working under the Well-being of Future Generations (Wales) Act and any relevant future trends/ horizon scanning information

If it is not suitable to include detailed evidence information, data and engagement/ consultation feedback in the table itself, please attach this information as an Appendix and make summary reference to them in the table when needed.

Well-being Goals/ Ways of Working	How have the following been considered? Reference relevant evidence and information from engagement feedback.	Response/ Mitigation/ Any additional actions needed
A Prosperous Park/ Pembrokeshire/ Wales: “An innovative, productive and low carbon society which	See summary below	

<p>recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing fair work.”</p>		
<p>A Resilient Park/ Pembrokeshire / Wales: “A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).”</p>	<p>See summary below. Also see section on biodiversity/ decarbonisation impacts above.</p>	
<p>A Healthier Park/ Pembrokeshire / Wales: “A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.”</p>	<p>See summary below. Also see section on equality/ socio economic disadvantage and health impacts above.</p>	
<p>A More Equal Park/ Pembrokeshire / Wales: “A society that enables people to</p>	<p>See summary below. Also see section on equality/ socio economic disadvantage and health impacts above.</p>	

fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).”		
A Park/ Pembrokeshire/ Wales of Cohesive Communities: “Attractive, viable, safe and well-connected communities.”	See summary below	
A Park/ Pembrokeshire / Wales of Vibrant Culture & Thriving Welsh Language: “A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.”	See summary below. Also see section on Welsh Language impacts above.	
A Globally Responsible Park/ Pembrokeshire / Wales: “A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.”	See summary below	
Long Term	Planning breaches if not addressed may have a long term negative impact on the PCNPA environment.	
Prevention	Enforcement is a preventative measure.	

Integration	The Planning Enforcement function forms part of a wider Development Management Function which ensures delivery of the Local Development Plan's vision.	
Collaboration	The Authority will liaise with other public bodies as necessary.	
Involvement	The public are involved in reporting suspected breaches.	
Horizon Scanning – Future Trends Considerations		

WFG: 7 Well-being Goals for Wales / 5 Ways of Working and Future Trends/ Horizon Scanning summary/ recommendation from Assessment:

<p>WFG: 7 Well-being Goals for Wales / 5 Ways of Working and Future Trends/ Horizon Scanning Summary/ Recommendation from Assessment:</p> <p>The adopted Local Development Plan sets out a vision for the National Park of how land uses will be distributed, to achieve sustainable development and support the goals set out in the Well Being of Future Generations (Wales) Act 2015. The Planning Enforcement function forms part of a wider Development Management Function which assist in delivering that vision and ensuring that development which takes place is in accordance with that vision and delivers on the Well-being goals for Wales and in accordance with sustainable development principles.</p>
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Section 4 – Follow up Actions – for inclusion in Integrated Assessment Log for Monitoring

Action	Responsible Officer	Timescales	Status
Amend terms suitable to reasonable adjustment to align with terminology in legislation.	Head of Placemaking, Decarbonisation and Engagement	Before revised policy goes to NPA for approval	

Ensure guidance/ training is provided to Enforcement Officers in terms of use reasonable adjustments in planning enforcement process including use of friend/ advocate or meeting accessible communication needs and also ensure understanding around discrimination arising from disability.	Head of Placemaking, Decarbonisation and Engagement	2025/26 – ongoing training for officers (take account of changes in personnel and learning following implementation of policy)	
Amend reference to General Data Protection Regulations 2018 to UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.	Head of Placemaking, Decarbonisation and Engagement	Before revised policy goes to NPA for approval	
Amend Privacy notice link to Planning privacy notice	Head of Placemaking, Decarbonisation and Engagement	Before revised policy goes to NPA for approval	

Please forward completed integrated assessments for central record keeping to mairt@pembrokeshirecoast.org.uk

Template Control Sheet

Version	Active Date	Document Owner
1	TBA	Performance and Compliance Officer

Template Active from: 18/10/24

Approved by	Name	Date
Management Team	Tegryn Jones	15/10/24

Review	All Templates should be reviewed annually
Date last reviewed	15/10/24. Next review October 2025.

Publication

Template forms must be co-ordinated through the Performance and Compliance Team for compliance, auditing and control purposes. Please send all new or reviewed Templates once approved to mairt@pembrokeshirecoast.org.uk for formal publication to staff.

Publication	Date
Published on Sharepoint Corporate Operational Procedure and Template Hub	18/10/24