

SCOTTISH BORDERS COUNCIL
25 MARCH 2021
APPENDIX I

OPEN QUESTION

Question from Councillor Laing

To Executive Member for Enhancing the Built Environment and Natural Heritage

Planning conditions that are unenforced can lead to a loss of trust by communities in the decision-making and consultation process, to the extent that they are asking “What’s the point?” when it comes to expressing their views.

Can the Executive Member comment on this issue and give council some reassurance that enforcement of planning conditions becomes more robust?

Just as an example - although I am not asking you to comment on this specifically – there have been a lot of complaints about an unenforced planning condition in Ayton.

Reply from Councillor Mountford

The Council issues approximately 1000 planning decision notices a year that contain planning conditions, with permissions having between one and perhaps 30 or more conditions attached depending upon the complexity of the proposal. The responsibility for complying with these conditions rests completely with the developer undertaking the works and, in the bulk of cases, developers meet their obligations fully and satisfactorily.

I recognise, though, that there are occasions where developers may fail to meet that obligation, whether inadvertently or otherwise.

Where that happens, the Council has a robust system in place for pursuing all breaches of planning control and works without warrant. The Council’s Enforcement Service comprises a team leader and two enforcement officers to cover the whole of the Scottish Borders.

On average, the team receives 250 new cases each year involving both breaches of planning control and works without a warrant, among the other responsibilities they look after. The majority of these issues are dealt with successfully by the team and in doing so we rely on ongoing engagement with the public to highlight any concerns they may have with respect to non-compliance with planning conditions, unauthorised development, or works without a building warrant.

I want to reassure Cllr Laing that that we take our enforcement responsibilities seriously and will always undertake to investigate breaches where they are brought to our team’s attention. Enforcement staff will be happy, I am sure, for Cllr Laing to discuss the individual case to which she refers and to consider any steps necessary to address any concerns that have been raised.

Supplementary

Councillor Laing felt there was no mechanism for communities to raise such problems and asked that the Planning Working Group look at putting a process in place for the community when conditions remained unenforced. Councillor Mountford advised that he would be happy to look at that.