

Town and Country Planning Act 1990: Proposed New Powers for Local Planning Authorities to Enforce Compliance with Stop Notices.

The Institution fully supports the principle of strengthening planning authorities' powers to enforce compliance and is also in accord with the proposals for implementing this policy.

Though amenity is stated as the main beneficiary of these powers, wildlife and natural ecology could also benefit substantially. As natural environments can be irreversibly damaged by development activities (e.g. draining or dredging bodies of water, site clearance and tree felling etc.) powers to prevent such activity are essential for the effective protection of these areas as envisaged by their status in Local Authority Plans.

In pursuance of these objectives, we would propose the following recommendations for consideration:

1. That the powers be available to Local Planning Authorities in respect of any site subject to a stop notice. This would be necessary to prevent the sort of damage referred to above. Irreversible damage may be caused if the Planning Authority had to wait for a breach of the stop notices before acting.
2. That the grounds for exercising these powers should specifically include the protection of natural environments, habitats and wildlife as aspects of local amenity.
3. That Local Planning Authorities have the right to recover the costs of exercising these powers. This is both commensurate with the comparable default power to carry out the requirements of an enforcement notice (section 178 of the Town and Country Planning Act 1990) and necessary if authorities are to be enabled to use the new powers.