

Tendring District Council Planning Enforcement

HARM ASSESSMENT – PRIORITISATION SCHEME

Purpose

This document sets out the Council's Harm Assessment procedure to prioritise the investigation of alleged breaches of planning control. It assesses the degree to which the breach is perceived to cause harm and provides a process for the closure of minor breaches of planning control.

One of the Council's responsibilities is to protect the public and prevent harm to the environment. There may be occasions when a breach of planning regulations will justify enforcement action. Any such action will only be taken in accordance with the law and the relevant policies and guidance and after due consideration has been given to any Rights under the Human Rights Act 1998 that may be affected by such action. However, the Council's resources are limited and this assessment of harm will assist in maximizing the use of available resources.

Harm Assessment

The Harm Assessment Scheme is applied to breaches of planning control following a site inspection. The scheme grades the "harm" of that breach against a series of scored planning criteria. The agreed level of harm (the score) to take enforcement action is 6 and above.

Where the cumulative score is 5 or less it will generally not be considered expedient to take action as the impact on public amenity or public interest will be negligible. The case will be closed and advisory letters will be sent to both the offender and complainant. The land owner/occupier will also be advised of the need to rectify the situation, most usually through the submission of a retrospective planning application, or the compliance with any conditions attached to a planning approval. The submission of an application will not, however, be monitored or pursued. Once all parties have been notified no further action will be taken.

This will not apply to those cases with a Harm Assessment Score of 5 or less where it is agreed by the Assistant Director (or equivalent authorised officer) that the breach would not receive an unconditional grant of planning permission. In these instances the breach will be pursued to a successful conclusion. Breaches of planning control which score 6 or more will be pursued until matters are resolved either by negotiation or by taking formal action.

Harm Assessment will be applied to all incidents involving development. Fifteen planning "harm" factors are set out in the harm assessment form dealing with factors such as, the nature of the breach, safety issues, policy matters, degree of harm etc.

Operational Aspects

The Harm Assessment Form will be completed by the enforcement officer within 20 working days of receipt of an incident. Where the alleged breach of control relates to a change of use of land the investigator should visit the site a minimum of three times in that twenty day period (if necessary) to establish if a breach of control is occurring (if the initial or second visit are inconclusive). The result of the harm assessment by the twentieth day will allow the decision on "harm" to be incorporated in the Service's normal 21 day letter to complainants informing them of the Services findings and intended action or, where applicable, that no additional action is to be taken.

Conclusion

The Harm Assessment scheme provides:

- A quantitative and qualitative assessment of harm to public amenity/interest

- A procedure that is open and transparent
- Quick and effective processing of incidents
- A flexible system to make efficient use of resources
- Equality of treatment of dealing with incidents

The harm assessment criteria and scoring is an effective means of identifying minor/trivial breaches of planning control, as well as providing an opportunity for it to be used in prioritising of other breaches of planning control to be investigated.

TENDRING DISTRICT COUNCIL

PLANNING SERVICES - HARM ASSESSMENT FORM

TO BE COMPLETED BY OFFICER WHO HAS INSPECTED SITE

Each new complaint will be allocated a score as set out below to assess its degree of harm. The priority of each case will be based on the total score.

Where no breach of planning control is found, the file will be closed.

Points Allocation		Score
1	Urgency - Is the breach:	Ongoing (1) Getting worse(2) Stable (0)
2	Highway safety issues:	Yes (2) No (0)
3	Danger to public safety:	Yes (2) No (0)
4	Does it cause a statutory or serious environmental issue	Yes (2) No (0)
5	Complainant:	TDC Member (2) Member of public (2) Statutory agency (2) Member of staff (1) Parish Council (2) Anonymous/malicious(0)
6	Timescale ie, (period left before enforcement action can no longer be taken and lawful use rights exist)	Less than 6 Months (2) More than 1 year (1) Less than 3 months old (0) Not applicable (0)
7	Contrary to Local Plan policy:	Yes (2) No (0)
8	Extent of harm:	Widespread(2) Local(1) None (0)
9	Is harm irreversible?	Yes(2) No (0)

10	Intensity of activity	High(2) Low (1) Negligible (0)	
11	Breach of planning condition	Yes(1) No (0)	
12	Impact on amenity	Long term (2) Short term(1)	
13	Previous enforcement action/planning history	Yes(1) No (0)	
14	Safety hazards (specify)	Yes(1) No (0)	
15	Undesirable precedent (please provide details)	Yes(1) No(0)	
Case Officer	Sign..... Date.....		
TOTAL POINTS (HARM SCORE)			