

## **Appendix B**

### **CITY OF LONDON ENFORCEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT**

#### **CONSULTATION STATEMENT AND SCHEDULE OF PROPOSED CHANGES MAY 2017**

The City of London Corporation is preparing an Enforcement Plan Supplementary Planning Document (SPD) which sets out the City's approach to planning enforcement including trees. The legislation requires a Consultation Statement to be produced referring to any consultation carried out before the adoption of the draft SPD and a Schedule of Proposed Changes. Two rounds of consultation have been undertaken in compliance with regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and is in accordance with the City of London Statement of Community Involvement.

#### **Consultation Statement**

Details of the two consultations carried out are set out below.

#### **First Consultation**

This was an informal consultation carried out with 4 key members of the Built Environment User Panel and took place between 28 June 2016 and 5 July 2016.

The consultation triggered three responses. The representations were reviewed and appropriate changes were made to the Enforcement Plan.

#### **Responses**

Two consultees were of the view that the draft SPD had been pitched at the right level. The first consultee stated that the proposed User Panel liaison sounded like a good idea. The second consultee requested that, in the introduction, 'businesses' should be separated out from the reference to stakeholders as they are the largest group affected by planning decisions. The text has been amended accordingly.

The Third consultee commented that in general the draft seemed fine and sets out expected protocol on enforcement action. They listed a number of points which they stated did not raise anything significant.

- Lack of paragraph numbering to the introduction  
Response: It is not intended to number the introduction.
- Examples of breaches that can be addressed through other legislation would be helpful  
Response: Readers will be guided to the City of London web page.
- Further clarification of planning permission required for demolition of unlisted buildings in conservation areas and non-compliance with conditions

- Response: It would be up to an individual to seek further legal advice
- Examples should be provided of Notices that can end up on a property search  
Response: Property searches are a separate issue
- Need to explain that complainants would be given precise instructions as to what they would be asked to monitor to avoid snooping  
Response: A sentence has been added to deal with this point
- Clarification needed as to when an application relating to the retention of works can be amended  
Response: A comment has been added to deal with this point
- Helpful to state that the content of an advertisement can't be controlled  
Response: This amount of detail is not a matter for the draft SPD
- Need to explain what a CPO is.  
Response: A sentence has been added to deal with this point
- Noted an absence of managing expectations as to timescales involved in enforcement  
Response: The City will monitor its own performance by preparing an annual report which will review priorities and targets and scope for charging. This has been noted in the draft SPD

In response to comments received the amendments were made to the Draft Enforcement Policy and reported to the Planning and Transportation Committee on the 26 July 2016.

### **Second Consultation**

The draft SPD was made available for public consultation for a six week period from 31<sup>st</sup> October 2016 until 12<sup>th</sup> December 2016. The following measures were taken to consult the public on the draft SPD during the consultation period:

- **Website.** The SPD, the SPD documents and a statement of the SPD matters were made available in the City Corporation's web site. Information and a link were provided on the home page of the City's website and on the planning page.
- **Inspection copies.** A copy of the SPD, the SPD documents and a statement of the SPD matters were made available at the information desk at the Guildhall and the Guildhall, City Business, Barbican, Artizan Street and Shoe Lane public libraries.
- **Leaflet.** A leaflet was produced inviting comment on the Draft Enforcement Plan SPD copies of which were distributed to the public libraries at Guildhall, City Business, Barbican, Artizan Street and Shoe Lane.
- **Notifications.** Letters and emails containing information about the SPD and inviting comments were sent to relevant specific and general consultation bodies. The City Corporation maintains a database of all those who have expressed an interest in the Local Plan and letters or emails were also sent to all those on the list (about 1,350 in total). Direct email notifications were sent to a small number of additional individuals likely to have an interest in this SPD, including officers with responsibility for licensing issues at the City of London Police and adjoining local authorities.

- **Meetings.** A presentation on the SPD was given to the Conservation Area Advisory Committee

## **Responses**

The consultation triggered three responses comprising:

Natural England - who did not wish to comment  
Transport for London - who had no comments  
Director of Open Spaces - who commented as follows:

- Should loss of shelter/wind mitigation be mentioned as a form of ‘harm’ (paragraph 2.23)
- Is there any scope for monetary compensation as part of a negotiated settlement? In some circumstances it may be impossible to put in a replacement tree following loss of a tree. Also any replacement is likely to be far less mature and take many years (if ever) to have the same benefit in a location. It is possible to calculate the monetary value of the amenity, etc. provided by a tree, e.g. using the CAVAT system. Does this come under ‘enforcement’?

### **Schedule of Proposed Changes in Response to the Second Consultation**

The representations were reviewed and in response to the Director of Open Spaces comments appropriate changes were made to the Enforcement Plan:

- Wind mitigation was added to the list of planning harm as set out in paragraph 2.23 of the draft Enforcement Plan
- The issue of CAVAT was addressed as follows by the addition of two paragraphs in the draft Enforcement Plan:

4.17. In all cases the City will consider and may pursue compensation and replacement costs to the full Capital Asset Valuation for Amenity Trees (CAVAT).

4.18. CAVAT is a system of expressing the value of individual trees according to their public amenity value which enables compensation and replacement costs to be awarded at a more realistic level. Information can be found on CAVAT at the following link: <http://nato.org.uk/cavat>