



Minerals and Waste Site **Monitoring Plan**

September 2024

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1.0 INTRODUCTION

1.1 - Gloucestershire is an historic 'shire' County covering an area of over 1,000 square miles and is home to more than 600,000 people. As well as having a strong rural character, the County is also known for its distinctive heritage, environment and a dynamic, growing economy. The County requires ever improving infrastructure to uphold and improve the quality of life of its growing population, while protecting the environmental assets of those living, working, and visiting the area.

1.2 - From a County Council perspective, key interests are focused on resources and public infrastructure matters – such as the working of minerals; the disposal and future use of waste; maintenance of the local road network; and the upkeep and improvement of other local public sector facilities and assets. Any conflict this might bring to local amenity is minimised through appropriately siting development and controlling operations; this is regulated through the planning system.

1.3 - The monitoring of planning conditions imposed upon approved minerals and waste operations is an important and necessary part of the planning system, and is recognised in the Government's National Planning Policy Framework (2023), by Paragraph 59:

*“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. **This should set out how they will monitor the implementation of planning permissions**, investigate alleged cases of unauthorised development and take action where appropriate.”*

1.4 - The Government has published further advice on monitoring compliance with planning conditions within its [National Planning Practice Guidance](#), upon which provisions this Plan is based.

1.5 - The Council recognises the importance of upholding planning policy and planning decisions it has made, through regularly monitoring activity and addressing any breaches of planning conditions and wider planning regulations. This is important in safeguarding the County's built, natural and heritage environment, and protecting the quality of life of its residents.

1.6 - The purpose of this Plan is to explain how the Council does this, through providing an easily referenceable document setting out the areas of work covered by the County Planning Monitoring and Enforcement team, and its approach to monitoring. It sets out the level of service which operators, residents and other parties should expect to receive.

1.7 - The Council aims to provide a consistent and comprehensive approach to monitoring based on legislative requirements, Government guidance and good practice, which through their collective interpretation shape how decisions are made. Definitions of some of the technical planning terms used in this document are provided in the following [glossary](#).

1.8 - This Monitoring Plan comes into operation on 1st September 2024 and supersedes and replaces all earlier plans and documents.

2.0 THE COUNCIL'S MONITORING AND ENFORCEMENT FUNCTION

2.1 - This service is provided within the Council's Planning and Development Management Services team and consists of 3FTE Officers covering all monitoring and enforcement work.

2.2 - Monitoring Officers will actively monitor and assess:

- All extant mineral planning permissions (including extraction, restoration, and aftercare).
- Landfill site permissions.

- Selective waste sites.

to ensure permissions are being complied with

2.3 - The Planning Monitoring and Enforcement team will also work with other Council departments to monitor compliance with s106 Agreements, and Biodiversity Net Gain requirements, where they relate to planning permissions.

3.0 LEGISLATION

3.1 - The primary legislation governing the monitoring of mining and landfill sites is [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits \(England\) \(Amendment\) Regulations 2017 \('the Fees Regulations'\)](#).

3.2 - Where a site covered by the Fees Regulations is active, a maximum number of 8 chargeable site visits can be made per 12-month period. For inactive sites, only 1 chargeable site visit can be made per 12-month period. The relevant fees are listed in the current legislation.

3.3 - [Regulation 19 of the Waste \(England and Wales\) Regulations 2011](#) places a statutory duty upon the Waste Planning Authority to ensure that it conducts appropriate periodic inspections of sites carrying on disposal or recovery of waste within its control.

3.4 - Monitoring Officers have a legal right of entry onto land under [s196A-C of the Town and Country Planning Act](#) (as amended) and while visits will normally be undertaken with prior notice, sometimes they will be without the owner or operator being present. Willful obstruction of an Officer in the course of their duties will be considered a criminal offence. The Council is committed to ensuring the safety of its Officers, and will respond to any intimidation, abuse, or assaults on its staff with appropriate legal action.

4.0 SCOPE OF THE MONITORING PROGRAMME

4.1 - Under the Fees Regulations, only planning permissions related to the winning and working of minerals, and landfill operations, allow the County Planning Authority to charge a fee for monitoring site visits. Therefore, with limited resources available to conduct site visits, these sites and permissions are prioritised. Compliance with other planning permissions/planning regulations will also be checked at the same site, but do not attract a fee for doing so.

4.2 - The Planning Monitoring and Enforcement team aspires to visit every site covered by an extant and operating minerals permission at least once a year. Some sites will receive more than one visit annually, up to the maximum allowed by the Regulations, dependent on the following:

- the size and nature of the site.
- the number and complexity of conditions attached to the consent.
- the stage of operations currently at an individual site.
- emerging issues.
- compliance history.

4.3 - Inactive sites will receive periodic visits to check that any remaining restoration or aftercare requirements are met.

4.4 - Periodic monitoring visits will also take place at non-minerals sites, particularly those with a history of compliance issues, subject to operational priorities and as resources allow.

4.5 - Unpaid monitoring of sites and activity may also take place outside of the formal Monitoring Programme, in response to an enforcement complaint, to obtain the facts of the matter. The approach to this is set out in [Gloucestershire County Council's Planning Enforcement Plan](#).

5.0 SITE VISIT AND ASSESSMENT

5.1 - A programme of visits and assessments will be established annually, to determine priority sites and the number of visits over the forthcoming 12-month period, although this will be regularly reviewed during the year, and may be updated.

5.2 - Site visits will be pre-arranged with the operator. An additional preliminary unannounced site check might take place for those matters that could be managed on the day (e.g. wheel wash operational), to ensure the integrity and objectivity of the assessment.

5.3 - A full site visit will be conducted by the Monitoring Officer, normally with the site operator in attendance. The site visit will cover the entire area identified by the red line application boundaries, plus any land controlled by the operator to which other planning requirements apply.

5.4 - The site visit will involve a review of all conditions relating to the extant planning permission(s). Each condition will be checked to establish its status, whether it is being complied with, and if a breach of planning control has taken place, the nature of any breach, the degree to which it is happening, and its impact.

5.5 - The visits are also an opportunity for the operator to discuss any other planning matters with the Monitoring Officer. The Council's preferred approach is to work with operators to assist them in meeting the requirements of their planning permission.

5.6 - Following the site visit, a formal Site Assessment Report will be compiled and sent to the operator. The report will identify all pertinent planning permissions and individual conditions for the site and assess compliance against each. Any breaches, actions required, or points to be clarified will be identified within the document, together with appropriate options to address any issues which have arisen. The actions will be reviewed at the next site visit, and between visits where a more

immediate response is required.

5.7 – Where serious or persistent breaches of condition are taking place, or where co-operation or compliance is not achieved following a reasonable period, the matter will be escalated to the planning enforcement team. The approach to this is set out in [Gloucestershire County Council's Planning Enforcement Plan](#).

6.0 ACCOUNTABILITY AND REPORTING

6.1 - All Site Assessment Reports will be stored securely and electronically on-line within the County Councils' own systems. Operators and those with a legal interest will have access to reports concerning their site(s).

6.2 - If there is any reporting which may be of a confidential nature such as relating to breaches of planning control then all information requests will be considered on their own merits, and in line with the provisions of the General Data Protection Regulation and other relevant considerations.

6.3 - A report on progress will be prepared for each Planning Committee to update Members on visits undertaken, compliance across the sites assessed, and any other matters of interest relating to the Council's monitoring function. These reports can be found within the Planning Committee agenda and papers [here](#).

7.0 CONCLUSION

7.1 - This Plan sets out the way that the Council monitors planning compliance on mineral extraction and landfill operations and other selected waste sites within Gloucestershire. It is anticipated that over time, the County Council will obtain a contemporary and reliable record of the progress of each site and be able to assist operators with compliance or alternatively support any enforcement actions with evidence.

7.2 - Through its monitoring visits, the Planning Development and Management team hopes to create an early warning system for potential breaches to be raised with operators, thereby in many cases avoiding enforcement action in the long-term.

7.3 - This Plan will be reviewed periodically to ensure that it is 'fit for purpose' in the light of changing legislation, regulations, guidance, and good practice, as well as the operational characteristics of the County Council and any other circumstances that may affect its delivery.

7.4 - The Council welcomes feedback on our performance, and an opportunity to comment is available by contacting:

<mailto:planning.enforcement@gloucestershire.gov.uk>