



MOTION TO EAST LOTHIAN COUNCIL
Tuesday 28 October 2025

Strengthening Planning Enforcement Powers

East Lothian is the fastest-growing county in Scotland. With this growth has come a significant increase in housing developments across the county. However, too often, developers appear to act with disregard for the planning conditions they have agreed to, leaving residents and Council officers to deal with the consequences.

There have been repeated instances where developers have failed to comply with planning conditions, have operated in breach of those conditions, or have sought retrospective permission after unauthorised works have already taken place. Such actions can cause major disruption to local communities, pose safety risks, and place considerable strain on Council departments including Planning and Roads.

One recent example includes construction traffic using residential streets rather than agreed access routes, creating risks and disturbance for residents. When such breaches occur, Council officers face the difficult task of enforcing compliance, often under the shadow of potential legal action and significant financial costs to the authority.

While local authorities in Scotland have access to a range of statutory planning enforcement powers – including Enforcement Notices, Breach of Condition Notices, Stop Notices, and Fixed Penalty Notices, these powers are often limited in practice by cost, complexity, and the potential for appeals. Scottish Government planning statistics show that in 2023–24 there were 5,991 enforcement cases across Scotland, resulting in just 634 notices served, six reports to the Procurator Fiscal, and only one prosecution.

There have been no significant changes to planning enforcement powers in recent years, nor are there current proposals to strengthen these powers at a national level.

Council is asked to:

1. Instruct the Chief Executive of the Council to write to the Scottish Government urging them to review and strengthen the planning enforcement powers available to local authorities;
2. Request that this review consider providing councils with greater ability to ensure compliance with planning conditions and deal effectively with breaches, without the constant fear of costly legal action from developers;
3. Instruct officers to review East Lothian Council's current approach to planning enforcement, including resources, response times, and communication with residents, and report back to Council with recommendations;
4. Request that the Council's Planning Enforcement Charter be reviewed and actively promoted to ensure residents understand how to report potential breaches and what actions the Council can take;
5. Request that an annual summary of enforcement activity be presented to the Planning Committee to improve transparency and oversight; and
6. Agree that East Lothian Council should work with COSLA and other local authorities to continue sharing best practice and support a coordinated call for stronger and more effective enforcement powers across Scotland.

Proposed by Councillor Donna Collins

Date: 14 October 2025

Seconded by Councillor George McGuire

Date: 14 October 2025

Received by Lel Gillingwater, Team Manager – Democratic & Licensing

Date of receipt: 14 October 2025