

**Open Report on behalf of Richard Wills, Executive Director (Development Services)**

Report to:	<b>Executive</b>
Date:	<b>02 November 2010</b>
Subject:	<b>South East Lincolnshire Joint Planning Committee</b>
Decision Reference:	<b>01796</b>
Key decision?	<b>Yes</b>

**Summary:**

This report provides the background and justification for the creation of a new statutory South East Lincolnshire Joint Planning Committee. This body's purpose will be to produce a Local Development Framework to guide development in South East Lincolnshire in accordance with statutory requirements. The new committee will be a partnership of the three local authorities comprising South East Lincolnshire i.e. Lincolnshire County Council, Boston Borough Council and South Holland District Council. Each authority is being asked to agree a Memorandum of Intent which will enable CLG to draft the necessary statutory instrument for parliamentary approval. Should the recommendation be agreed, Full Council will need to nominate 3 Members to represent the Joint Committee.

**Recommendation(s):**

That Members

Approve the content of the Memorandum of Intent (attached as Appendix A) and request that a Statutory Instrument be placed before Parliament to establish a Joint Planning Committee for South East Lincolnshire

**Alternatives Considered:**

1. A non-statutory alternative would prevent Lincolnshire County Council from exercising any strategic influence in the location and amount of development in SE Lincolnshire, making the co-ordinated delivery of infrastructure more difficult to achieve.

**Reasons for Recommendation:**

The constitution of a Joint Planning Committee is considered to be the only effective means of achieving the benefits that have been identified in connection with the preparation of a Joint Local Development Framework (LDF).

## 1. Background

1.1 A Local Development Framework (LDF) is the collection of statutory documents which decides where, when and how much development should be provided over a period of approximately 15 years. It will replace existing District Local Plans. Most LDFs are prepared for individual districts but the nature of the issues and growth pressures facing SE Lincolnshire necessitate a collaborative and integrated approach covering a larger geographical area.

1.2 In order to produce a LDF, a number of procedural steps have to be followed and crucial to achieving this is the agreement of a Memorandum of Intent (MOI) by the participating authorities. This is the political commitment which binds the authorities together. This document is attached as Appendix A. It will subsequently be used by CLG to draft a Statutory Instrument (SI) for approval in Parliament. This will provide the statutory power on which a Joint Committee (JC) can base its decisions.

### Memorandum of Intent

1.3 This document (Appendix A) explains in detail how the JC will be constituted regarding responsibilities, membership, voting rights, meetings, procedures and administration. Three Members from each authority will provide equal representation. The MOI establishes a Shared Policy Unit (comprised of district officers) directly accountable to the Joint Committee, guided by a LDF Officer Steering Group, drawn from the three authorities. This Steering Group will identify how the joint planning work is to be resourced and managed. In essence, this involves the two Districts sharing the financial costs with the County Council contributing staff time from existing posts. There will be no additional cost to the County Council. South Holland is recommended to be the accountable and auditing body for the JC

### Legal Implications

1.4 Part 2 of the 2004 Planning and Compensation Act provides for local development plans in England. Under the system, local planning authorities prepare local development documents consisting of development plan documents and supplementary planning documents. Development plan documents, taken as a whole, under Part 1 of the Act constitute the development plan for the area. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.5 Section 29 of the 2004 Act makes provision for one or more local planning authorities to agree with one or more county councils to establish a Joint Committee (JC). The Secretary of State may by order constitute a JC to be the local planning authority (LPA) for the purposes of Part 2 of the 2004 Act for such areas and in relation to such matters as the constituent authorities agree. Once this is enacted all development plan making powers will transfer from the District authorities to the JC. There is no intention of transferring development control powers to the JC and each individual District will be able to grant or refuse planning permission based on the content of the LDF as currently under extant

policy documents. The creation of the Joint Committee will require amendments to the constitutions of each of the three Councils, regarding appointment of Members to joint committees.

### Role of the County Council

1.6 Although the County Council is not directly responsible for the production of LDFs (other than Waste and Minerals), it is considered essential to have the strategic authority involved as a partner because of its role in infrastructure provision and its background in providing strategic planning expertise. The County Council can provide support with regard to infrastructure delivery, developer contributions, housing and monitoring.

## **2. Conclusion**

2.1 The practice of joint working to produce statutory development plan documents is well established across the former East Midlands region, including Central Lincolnshire. The acknowledged benefits include:

- Significant cost savings arising from the non-duplication of work e.g. sharing evidence and paying for only one Examination in Public rather than two;
- The ability to manage growth over a wider area and deal with any cross-boundary issues more effectively; and,
- More efficient use of existing staff resources and budgets in a period of significant financial restraint

### **3. Legal Comments:**

Section 29 of the Planning and Compulsory Purchase Act 2004 stipulates that one or more local planning authorities can agree with a county council in relation to an area of the county in which there is a district council to establish a joint committee to be, for the purposes of Part 2 of the Act, the local planning authority for that area. This is strictly for matters specified in the Agreement. This decision is therefore lawful and within the remit of the Executive.

### **4. Resource Comments:**

Approval of this report does not commit the Council to any direct expenditure except for some minor administrative costs of servicing the new Committee; these additional costs will be offset by efficiency saving gains from joint working.

## 5. Consultation

### a) Has Local Member Been Consulted?

Yes

### b) Has Executive Councillor Been Consulted?

Yes

### c) Scrutiny Comments

n/a

### d) Policy Proofing Actions Required

n/a

## 6. Appendices

These are listed below and attached at the back of the report	
Annexe A	Memorandum of Intent

## 7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Phil Hughes, who can be contacted on 01522 554806 or [phil.hughes@lincolnshire.gov.uk](mailto:phil.hughes@lincolnshire.gov.uk).