

Appendices

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NORTHAMPTON
BOROUGH COUNCIL

Item No.

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CABINET REPORT

Report Title	ESTABLISHMENT OF A WEST NORTHAMPTONSHIRE JOINT STRATEGIC PLANNING COMMITTEE
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18 th October 2007
Key Decision:	N/A
Listed on Forward Plan:	No
Within Policy:	Yes
Policy Document:	Yes
Directorate:	People, Planning & Regeneration
Accountable Cabinet Member:	Councillor Richard Church
Ward(s)	All

1. Purpose

- 1.1 For Members to consider a proposal for a Joint Strategic Planning Committee responsible for production of joint Local Development Schemes and their joint Local Development Documents setting out strategic planning policy for Northampton Borough Council, Daventry District and South Northamptonshire District ; and to make an appropriate recommendation to Council.

2. Recommendations

- 2.1 That the Cabinet recommends to Council that they agree the establishment of a joint strategic planning committee responsible for joint planning policy formulation and adoption for purposes of Part 2 (Local Development) of the Planning and Compulsory Purchase Act 2004, to be known as the "West Northamptonshire Joint Strategic Planning Committee", and request the Secretary of State to make an Order under section 29 of the Act to effect this

- 2.2 That the draft Memorandum of Intent at Appendix A be agreed as the recommended basis for the operational arrangements of the Joint Strategic Planning Committee (including membership/voting): and that should there be any further revisions to the draft Memorandum of Intent these be agreed by the Chief Executive in consultation with the Leader and Portfolio Holder with the recommendation to Council being amended accordingly.
- 2.3 That the Council's employees within the Joint Planning Unit will serve the Joint Strategic Planning Committee when it is established.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Northampton Borough Council and the districts of Daventry (DDC) and South Northamptonshire (SNC) all adopted the same Joint Local Development Scheme in March 2007, following Government Office (GOEM) involvement and approval. This Scheme includes the formal "plans" that each council has agreed to produce as per planning legislation so as to comprise the Local Development Framework. Those plans guide environmental protection and development management, including handling the requirements of the national growth agenda in the West Northamptonshire, Milton Keynes and South Midlands sub-regional context.
- 3.1.2 The 3 councils identified 5 plans in the Scheme for joint preparation. The plans are the Core Strategy (currently at public consultation stage on Issues and Options), the Northampton Implementation Area plan, the Rural Areas plan, Development Control policies and Affordable Housing guidance.
- 3.1.3 In 2005 (with amendment in 2006), a memorandum of understanding was agreed between Council representatives to aid the preparation of the joint plans. This informally established the currently titled West Northamptonshire Joint LDF Steering Group. The Group is made up of representatives from NBC, DDC, SNC and Northamptonshire County Council (NCC), WNDC and GOEM although the Group does not have any former executive powers. Powers on agreed actions are conferred by each Authority subsequently seeking those powers from its respective Cabinet or Council. A Joint Planning Unit was also informally established which reports to the Group.
- 3.1.4 The Joint Planning Unit is the jointly resourced team of planning officers charged with bringing forward the 5 plans referred to in 3.1.2. In the summer of 2007, a JPU Manager was appointed to lead this technical work. The JPU is based at Cliftonville House and has its own office and identity. Staff from the three authorities are informally seconded to it.

3.2 Issues

- 3.2.1 The Joint Local Development Scheme has necessarily identified that each council will adopt each plan. Clearly there is the expectation of a healthy partnership to ensure mutual adoption. Also clearly, there is the possibility of inter-council disagreement and possible non-adoption of any of the 5 plans by one of the councils - unless decision-making is coordinated. How that coordinated decision-making is best achieved is now the issue. The solution being promoted is that of a joint strategic planning committee acting as the local planning authority for those plans, adopting them on behalf of those councils.
- 3.2.2 Other joint planning committees exist for North Northamptonshire and Luton and South Bedfordshire for example. Joint committees are established by Statutory Instrument made by the Secretary of State. The statutory instrument will contain various key details, which can be supplemented by a legal agreement between the member councils. In the present case the idea is that such agreement would be based on the Memorandum of Intent at Appendix A 3.2.3. Rightly, central and local authorities and agencies are expected to show joined-up thinking and joined-up delivery. Partnership working is an increasing feature of local government and the progress made to date on joint plan-making in West Northamptonshire, whilst problematic at times, has potential to help deliver a robust foundation for plan-making and plan testing at public inquiries. For the controversial areas of plan-making, residents, investors, developers, infrastructure agencies and other users all expect to see a coordinated approach so that there is certainty upon which they can make their own decisions.
- 3.2.3 Under the current arrangements, any recommendation on plans by council officers in the Joint Planning Unit go to four separate bodies (the Joint LDF Steering Group and then the three plan-making councils). This is time consuming particularly if one council wishes amendments. Amended reports have to go through another cycle of four meetings, and so on, attempting to avoid an impasse. This decision making process does not match up with the need to provide a timely and comprehensive planning framework to deliver growth in a sustainable way. Failure to provide such a framework will not stop growth as development may be allowed on appeal for example to meet existing and future needs. Such an outcome will be less satisfactory as it takes control away from the local planning authorities.
- 3.2.4 If any local planning authorities are unable to meet their plan making obligations the Secretary of State can use default powers to assume the plan making powers of those local planning authorities. It would be better for the various local authorities to come to agreement to ensure they can carry out their obligations and so retain their powers.

A Joint Strategic Planning Committee will provide the focus for demonstrating both to government and local communities that there is a genuine joined-up approach to decision-making particularly on cross-boundary issues. It can examine these as a democratic body but without reference to administrative boundaries. It will share what the area has in common rather than focussing on the differences. From this perspective it can act as the forum from which consensus is more likely to emerge than from the individual authorities going it alone. Importantly, it will also act as a mechanism for avoiding councils being played off against each other on key strategic decisions that will need to be made.

GOEM has made clear its view that a Joint Strategic Planning Committee is expected so as to deliver the Growth Agenda in west Northamptonshire. It is also seeking to act on a recommendation from the NBC Planning Sub Board to the NBC Government Monitoring Board, namely, *“That urgent action is taken with GOEM to establish a Joint Planning Board of NBC, SNC, DDC, and NCC with delegated powers from those Councils to take the necessary decisions to progress the joint Local Development Documents within the LDS. WNDC should also be invited to attend.”*

3.3 Choices (options)

Option 1 - Continue on an informal basis

3.3.1 For the reason given above, this is inefficient and puts at risk the delivery of the Joint Planning documents. GOEM have advised that if the three authorities are unable to agree a joint Committee then the Secretary of State might need to consider the use of her default powers.

Option 2 – Recommended Option

3.3.2 That the three authorities agree terms for establishment of a joint committee, also in agreement with Northamptonshire County Council on the basis of the Memorandum of Intent at Appendix A.

3.3.3 The Joint Strategic Planning Committee would determine in principle the allocations and directions of housing and employment growth, and the infrastructure that will be required. The authorities would be better able to resist ad hoc proposals for growth put forward by developers since the Councils will be seen to be delivering coordinated and planned sustainable growth.

By taking the initiative now in supporting a Joint Strategic Planning Committee, NBC, DDC and SNC can make it clear to central government how they want the joint committee to be constituted and what powers it should have. Without this initiative it is likely that Government will impose its own solution.,

Role of NCC

3.3.4 Standing members of the Joint Strategic Planning Committee would be those

appointed by NBC, DDC, SNC and NCC – the Partner Local Planning Authorities (PLPAs) as collectively referred to in the appended Memorandum. Whilst NCC does not have responsibility for the Joint Local Development Scheme, it clearly has a strategic role in planning particularly in view of its role as Local Highway Authority and Minerals and Waste Plan making authority. The County Council is also required to be a member of the joint committee under the terms of section 29 Of the 2004 Act.

Such full engagement of NCC in the decision-making process would carry with it a similar commitment to resourcing the Joint Planning Unit as NBC, DDC and SNC.

Role of WNDC

3.3.5 WNDC is proposed to be granted “observer” status, helping to link councils’ statutory plan-making with WNDC’s expected delivery of infrastructure-led growth under its separate powers.

Proposed Consultation Arrangements

3.3.6 The appended Memorandum of Intent is designed to, firstly, influence GOEM’s preparation of the Statutory Instrument and, secondly, govern the way the Joint Strategic Planning Committee would operate.

It is proposed that a Chairman is appointed by the joint committee at each annual meeting of the Committee for the ensuing year.

Voting rights are proposed for the standing members of the Committee only, not observers. It is best that the councils confirm the voting split to GOEM and the Secretary of State. It has been advised that it is not necessary to achieve political balance in forming such a committee, rather it is for each partner council to decide its Member contingent within its allocation.

Casting votes are proposed for the Chairman as per convention. A quorum would be a minimum 25% of Committee members.

Scrutiny of the work of the Joint Strategic Planning Committee is proposed to be conducted by each council’s regular O&S arrangements as they so wish, with an annual report from the Committee required to be submitted for such consideration.

To support the Committee, the existing Joint Planning Unit would conduct planning policy work on its behalf and report direct to it.

4. Implications (including Financial Implications)

4.1 Policy

4.1.1 The decision to establish a joint committee will affect the Councils powers for setting a strategic planning policy for the joint documents in West Northamptonshire. A Joint Strategic Planning Committee would enable improved joint sharing of resources with potential resource and cost savings for each authority. Should the Councils not agree to the establishment of a Joint Committee, then this could have significant impact on future resources from Central Government, both for the Councils and potentially for the area. There would also be risk of damaged reputation on both a local and national scale which could detrimentally affect all three authorities.

4.2 Resources and Risk

4.2.1 The accountable body would absorb the costs of administering the Joint Strategic Planning Committee. Venue costs and Member expenses are to be met by the relevant council. Resourcing of the Joint Planning Unit is already occurring but would need to be embedded in councils' budgets, with resource input in part proportionate to the voting rights finally granted. To date, much resource has been in the form of staff secondment and Planning Delivery Grant allocation. Continued investment is needed to produce robust plans under the current plan-making system and regulations. The Joint Planning Unit is addressing any resource requirements over and above existing commitments via a Resource Plan for subsequent presentation and consideration to the councils, to help form their financial and service planning cycles.

4.3 Legal

The provisions for joint committees for plan making functions are contained in the Planning and Compulsory Purchase Act 2004, Part 2, s.29-31, Such Committees need to be established by Statutory Instrument that will be drafted by central government lawyers

4.4 Equality

- 4.4.1 A jointly agreed proposal between the three authorities underpins the continuation of a democratic approach.
- 4.4.2 The West Northamptonshire Joint Strategic Planning Committee does not require an equality impact assessment to be carried out. However, the Local Development Scheme and Joint Development Documents that will be considered by the Joint Strategic Planning Committee, will be subject to an initial equality impact assessment.

4.5 Consultees (Internal and External)

4.5.1 The proposal has been discussed at length between the Leaders, respective portfolio holders and senior officers, up to and including Chief Executives.

4.6 How Proposals deliver Priority Outcomes

4.6.1 The preparation of the CAAP in accordance with the Joint Local Development Scheme affects the Council's Strategic Improvement Plan, the Corporate Plan and the allocation of Planning Delivery Grant to the Council.

Cabinet may decide to make amendments to CAAP Issues and Options Discussion Paper. However, significant changes would affect the ability to meet the timetable set out in the Joint Local Development Scheme.

5. Background Papers

5.1 From 3rd September 2007 Central Area Action Plan Cabinet and Joint Core Strategy paper

Title	Description	Source
Planning Policy Statement 12 – Local Development Frameworks	Sets out the policies that should be taken into account by local planning authorities in the preparation of local development frameworks and minerals and waste development frameworks.	Office of the Deputy Prime Minister (now Department for Communities and Local Government)
Regional Spatial Strategy for the East Midlands (RSS8)	The development strategy for the East Midlands for the period up to 2021 within which the Local Development will be prepared.	Government Office for the East Midlands
Draft East Midlands Regional Plan	Consultation draft replacement of the Regional Spatial Strategy for the East Midlands, covers the period to 2026.	East Midlands Regional Assembly
Northampton Local Development Framework – Revised Local Development Scheme	Report to Cabinet – 15 March 2007	Northampton Borough Council
Northampton Statement of Community Involvement	Sets out how the community will be involved in the preparation of local development documents and consulted on planning applications.	Northampton Borough Council

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CABINET REPORT

SIGNATORIES

Report Title	ESTABLISHMENT OF A WEST NORTHAMTONSHIRE JOINT STRATEGIC PLANNING COMMITTEE
Date Of Call-Over	18/10/2007

Following Call-Over and subsequent approval by Management Board, signatures are required for all Key Decisions before submitting final versions to Meetings Services.

Name	Signature	Date	Ext.
Monitoring Officer or Deputy			
Section 151 Officer or Deputy			