

SCHEME OF DELEGATION FOR LOCAL PLAN AND OTHER PLANNING POLICY DOCUMENTS

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Wards Affected: All

PROPOSED DECISION

That the Committee consider the proposed Scheme of Delegation for Local Plan and other Planning Policy documents and provides comments to Cabinet for its consideration.

Corporate Implications

1. The Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008 and the Town Country Planning (Local Planning) (England) Regulations 2012 provide the statutory basis for the preparation of Local Plans and certain other planning documents such as supplementary planning documents.
2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as since amended, make provisions as to which decisions are to be made by the Executive and non-Executive arms of the Council including decisions relating to the preparation of a Local Plan and its final adoption.
3. Having a clear scheme of delegation reduces risks of subsequent challenges to the process of preparing a plan or related document.
4. There are significant financial implications associated with preparing Local Plans. Key costs include technical work for the evidence base to underpin the plan, consultation costs, and the cost of the independent examination process including the cost of the planning inspector. Funds are in place through a combination of the remainder of the Housing and Planning Delivery Grant and an annual £100,000 from the general fund, and this is kept under careful review.

Executive Summary

5. The Council's Constitution currently reserves decisions on the Local Plan, including draft proposals for consultation, to Full Council to determine. It is also silent on the approval process for certain other related planning policy documents. This report proposes a new scheme of delegation that provides a more streamlined approach to preparing such documents to facilitate their timely production, whilst also ensuring that the main decisions are taken at the right level.

Sustainable Community Strategy/Council Priorities - Implications

6. The preparation of the Local Plan and other key planning policy documents is a statutory requirement and helps to deliver the sustainable development priority of the Council. They are prepared with considerable public involvement and engagement, in line with legislation and the “people” priority.

Background and Issues

7. The Council’s Constitution sets out the respective roles of Council, Cabinet and the Cabinet Member in the decision making on the Local Plan/Development Plan. It indicates that:

“The adoption of Development Plan including approval of draft proposals for public consultation purposes associated with preparation of alterations to, or the replacement of the Development Plan.”

is reserved for decision at Council (see Constitution 2B-1).

8. This means that agreeing consultation documents and draft material for consultation purposes is all required to be agreed at Full Council.
9. At its meeting in March 2015 Cabinet agreed a new timetable for preparing the new Local Plan. This included preparation of the main Local Plan but also preparation of two Area Action Plans (mini Local Plans) for Princes Risborough and Saunderton. Preparation of these documents will involve a significant amount of consultation and several stages in their preparation. It is imperative that timely progress is made with these plans in order to get a statutory planning framework in place to manage the development of the District. As such, a more streamlined and flexible approach than that currently set out in the constitution is required to progress these plans, one that does not require referral to Council on each occasion.
10. In addition, there are other related documents where the Constitution is currently silent on the approval process. This includes the approval of the Local Development Scheme (which is the statutory work programme for the Local Plan), the Statement of Community Involvement, the preparation of supplementary planning documents and non-statutory guidance, and also any changes being proposed to the CIL Charging Schedule. Also, with the introduction of the Duty to Co-operate as part of the preparation process for the Local Plan, a mechanism is required to agree inter-authority agreements or agreements with other agencies such as memoranda of understanding. Such agreements are important in demonstrating compliance with the Duty to Co-operate to the planning inspector at the public examination stage of each Local Plan.
11. Appendix A sets out a proposed new scheme of delegation for decisions on Local Plans and related documents. These seek delegation of early consultation stages to the Cabinet Member, but the approval of the formal “publication” version of the Plan and its final adoption is still reserved for Council following recommendation from Cabinet, and indeed this is required under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The delegation of decisions on the approval of the Local Development Scheme will ensure that it is easier to keep the programme up to date and on track. The approach to agreeing supplementary planning

documents and non-statutory guidance is consistent with general current practice.

12. Whilst Appendix A sets out the delegation of decisions on certain stages to say the Cabinet Member, there is always the ability for the Cabinet Member to refer that stage up to full Cabinet if it is felt that it should have wider exposure and decision by the whole Cabinet.

Consultation

13. No wider consultation has been carried out on these proposals but this Committee is being asked to comment on them prior to their consideration at Cabinet on 20 July and subsequent recommendation to Council.

Options

14. The alternative is to not amend the constitution and retain the existing arrangements. This would mean a less streamlined process for preparing plans and related documents in a timely manner and increased risk of failing to meet deadlines.

Conclusions

15. There is a need to provide a more streamlined approval process for preparing Local Plans and other related planning documents and indeed to set out an approval process for certain statutory documents that are currently not covered in the constitution. This report sets out a proposal for doing this.

Next Steps

16. The decision will be referred Cabinet, and then a recommendation to Full Council will follow in July.

Background Papers

Wycombe District Council Constitution.

Appendix A Proposed Scheme of Delegation for the Local Plan and other planning policy documents

The proposed scheme of delegation is set out below. This also applies to any partial changes/alterations to the document types set out below.

Local Plan

This covers the District-wide Local Plan, Area Action Plans and any other Plans prepared by the Council that are part of the statutory development plan.

Stage of preparing Local Plan	Relevant Legislation	Recommended level of decision making
Approval of main consultation documents– e.g. Issues and Options,	Regulation 18 Development Plan Regulations 2012	Cabinet Member for Planning and Sustainability
Full draft Plan for consultation	Regulation 18 Development Plan Regulations 2012	Cabinet Member for Planning and Sustainability
Publication of Proposed Submission Plan and its subsequent submission	Regulations 19, 20 and 22 Development Plan Regulations 2012.	Cabinet recommendation to Council
Proposed pre-hearing changes recommended by the Council to the Inspector	n/a	Cabinet Member for Planning and Sustainability
Agreeing to publish post hearing modifications for consultation that are recommended by the examination inspector	Section 20(7C) of Planning and Compulsory Purchase Act 2004.	Cabinet Member for Planning and Sustainability
Adoption of the Plan	Section 23(2) and “23(3) of PACPA. Regulation 26 of the Development Plan Regulations 2012.	Cabinet recommendation to Council
Approval of inter-authority or inter-agency agreements (e.g. Memorandums of Understanding)	Pursuant to Duty to Cooperate - Section 33A, Planning and Compulsory Purchase Act 2004	Cabinet Member for Planning and Sustainability

Statement of Community Involvement

This is the document that sets out how people can get involved in the planning process.

Stage of preparation	Relevant legislation	Recommended level of decision making
Publication of draft Statement of Community Involvement for consultation	Section 180 of Planning and Compulsory Purchase Act 2004	Cabinet Member for Planning and Sustainability
Adoption of Statement of Community Involvement	Section 180 of Planning and Compulsory Purchase Act	Cabinet recommendation to Council

Local Development Scheme

This is the statutory work programme setting out the programme for preparing the Local Plan and other documents that form part of the Development Plan.

Stage of preparation	Relevant legislation	Recommended level of decision making
Agree revised Local Development Scheme and to bring it into effect	Section 15 of Planning and Compulsory Purchase Act 2004	Cabinet Member for Planning and Sustainability

Supplementary Planning Documents

These set out guidance to elaborate on policies in the adopted development plan. They can include guidance on specific topics or guidance on particular sites including development briefs.

Stage of preparation Supplementary Planning Documents	Relevant legislation	Recommended level of decision making
Publication of Draft Supplementary Planning Document for consultation	Regulations 12 and 13 of the Development Plan Regulations 2012	Head of Planning and Sustainability in consultation with Cabinet Member for Planning and Sustainability
Adoption of Supplementary Planning Document	Regulation 14 of the Development Plan Regulations 2012	Cabinet Member for Planning and Sustainability

Non-Statutory Guidance Documents

These also set out specific guidance on particular topics or sites, and can include development briefs. They tend to be used where there is not a relevant policy in the adopted development plan.

Stage of preparation	Relevant legislation	Recommended level of decision making for inclusion in revised constitution
Publication of draft non-statutory guidance for consultation	None	Head of Planning and Sustainability in consultation with the Cabinet Member for Planning and Sustainability
Adoption of guidance	None	Cabinet Member for Planning and Sustainability

Community Infrastructure Levy (CIL) Charging Schedule

This sets out the charging schedule for securing funding from development for infrastructure.

Stage of preparation	Relevant legislation	Recommended level of decision making for inclusion in revised constitution
Publication of preliminary draft CIL Charging Schedule for consultation	Community Infrastructure Regulations 2010 – regulation 15	Cabinet Member for Planning and Sustainability
Publication and submission of draft CIL Charging Schedule	Community Infrastructure Regulations 2010 – regulations 16 and 19	Cabinet and Council
Adoption of Charging Schedule	Community Infrastructure Regulations 2010 – regulation 25	Cabinet and Council