



INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE

Committee Report

Public

Date of Meeting: 26/01/06

Title: JOINT COMMITTEE FOR THE PREPARATION AND ADOPTION
OF SUPPLEMENTARY PLANNING DOCUMENTS
(WIND ENERGY AND LANDSCAPE CHARACTER)

Report of: Head of Planning Services

Report reference: P.02/06

Summary:

This report sets out the requirement to establish a Joint Committee in accordance with sections 29-31 of the Planning and Compulsory Purchase Act 2004. Members' views are sought on the process instigated by the need to produce two Supplementary Planning Documents on Wind Energy and Landscape Character.

Recommendations:

It is recommended that a Joint Committee be established to be given delegated planning authority decision making powers for the formation and adoption of the Wind Energy SPD and the Landscape Character SPD and the views of this Committee be referred to Executive.

Alan Eales
Head of Planning Services

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: PPS12, Planning and Compulsory Purchase Act 2004 and the Town and Country (Local Development) (England) Regulations 2004

1.0 Background

- 1.1 In September 2004 the Cumbria and Lake District Joint Structure Plan underwent an Examination in Public (EIP) by a Panel appointed by the Planning Inspectorate as part of the process of the structure plan review. Within the Structure Plan it made reference to the preparation of two supplementary planning documents (SPDs) and the EIP panel supported the proposed preparation of these documents.
- 1.2 The Cumbria and Lake District Joint Structure Plan (JSP) 2001-2016 Modifications September 2005, in response to the Panels report, makes reference to the preparation of an update to the Supplementary Planning Document on Wind Energy development in chapter 8. The current Wind Energy SPG was produced in July 1997 as a joint countywide document. This does require updating in light of the changes to national policy. In respect of the Landscape Character SPD this directly links to policy E37 of the JSP Modifications September 2005, paragraph 6.9 also sets out the need for a character-based approach when assessing development proposals.
- 1.3 The two documents referred to are of countywide importance – relating to wind energy development and landscape character. Due to this it was considered most appropriate by the Panel and the County Council and district authorities that the documents be prepared as joint district/County/LDNP supplementary planning documents enabling a more consistent and comprehensive approach to be taken in advising and decision making.
- 1.4 As required under the new planning act the SPDs have been included within the Local Development Scheme (LDS) for Carlisle City Council. The LDS for Carlisle City Council was reported to O&S Committee on 2nd December 2004. The Local Development Scheme sets out the work programme for the local plans section over for the period 2005-2008. The LDS may however be revised during this time period to accommodate necessary changes. The Council is assessed against the timetable set out within its LDS with its ability to achieve the targets set. A separate report (ref 06/06) on the LDS timetable will be presented to this Committee.

2.0 Joint Committee

- 2.1 Under the provisions of the Planning and Compulsory Purchase Act 2004 (Section 29) and the Town and Country (Local Development) (England) Regulations 2004 there is a mechanism for setting up a Joint Committee. This would have a representative member from each of the district authorities as well as the County Council forming a new Committee which would act as the decision making body with delegated planning authority powers.
- 2.2 Attached at Appendix 1 is a possible process by which a Joint Committee can be established. This report is the first stage towards establishing agreement for a Joint Committee and that Carlisle City Council will partake in the process. The process requires a local agreement which eventually progresses to a parliamentary Order to enable transference of the required functions. The reason for establishing a Joint Committee is to undertake the production of two joint Supplementary Planning Documents.
- 2.3 The County Council is taking the lead in drafting the two SPDs as well as the production of the documents and administration of the process. The Joint Committee would meet to comment and make decisions, at the relevant stages on the documents with Officer support, and subsequently adopt the documents, on behalf of the member authorities, at the end of the process. Decisions made by the Joint Committee will be binding on all the member planning authorities.
- 2.4 Whilst the Council will have an opportunity to input during the process of SPD production (Officer and appointed Member), the SPDs would not be reported through the Council's own Committee process.
- 2.5 Once the Joint Committee is established, Section 30 of the Planning and Compulsory Purchase Act 2004 enables the Joint Committee to take on other functions with agreement from constituent authorities were it considered to be an effective way of delivering services on a Joint basis. There is no intention at this stage that any additional functions are taken on by the Joint Committee. It is only the intention to undertake SPD production and adoption.

2.6 Section 31 of the Act covers the Dissolution of a Joint Committee. As the formation of the Joint Committee requires the provision of an Order. The dissolution would also require referral to the Secretary of State and the Order be rescinded or modified.

3.0 Other Options

3.1 Alternative options for the preparation and adoption on the two SPDs would be to take the documents through the usual committee cycle, this would however require a greater deal of work from each individual authority in relation to public consultation and the sustainability appraisals for the two documents. This process also raises the issue that the documents may not remain consistent between the authorities with a likelihood of the documents being adopted at different times by different Districts which decreases the value of producing the guidance on a joint countywide basis. Joint Committees are seen as cost effective way of streamlining this process.

4.0 Terms of Reference for the Joint Committee

4.1 A draft Legal Agreement containing the terms of reference for the Joint Committee has not yet been finalised and discussions are on going between legal representatives from member authorities. It is important that clear terms of reference are drawn up to restrict the function of the Joint Committee to act as the decision making body for the sole purpose of producing the two SPDs listed above.

4.2 It is important that the Joint Committee has credibility as a planning authority and hence high level representations would be appropriate. The nominated Member will be required to be the representative for the City Council for the duration of the preparation of the two supplementary planning documents. The final policy document adopted by the Joint Committee will become an SPD for each of the local planning authorities.

5.0 Conclusion

- 5.1 Officers consider that in order to ease preparation and work collaboratively on Cumbria wide issues a Joint Committee should be established to undertake SPD production and adoption on Wind Energy and Landscape Character.

6.0 Recommendation

- 6.1 It is recommended that a Joint Committee to be established to be given delegated planning authority decision making powers for the formation and adoption of the Wind Energy SPD and the Landscape Character SPD and the views of this Committee be referred to Executive.

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Joint Committee - Possible Process

Joint Planning Committee - Possible Process

- 1) Each LPA must itself have resolved to establish a Joint Committee (JC).
- 2) A Local Agreement must be established, which must be signed and approved by the Council of each constituent LPA. This local agreement must set out
 - the LPAs who will form the Joint Committee,
 - the matters for which the Joint Committee will be responsible; and
 - the area, set out on an ordnance survey map, for which the Joint Committee must be responsible

It may also set out arrangements for issues such as:

- membership of the Committee (numbers, and provisions for the disqualification of membership from the JC, substitutes);
 - tenure of office (appointment of Chairman and Vice-Chairman and period of time from which the Chair and Vice-Chair will hold office,);
 - time period in which any constituent authority member may be eligible to hold the office of chair and Vice-Chair; casual vacancy of Chair and Vice-Chair;
 - meetings and proceedings (number of members (quorum); who is responsible for presiding over the Joint Committee if Chair and Vice-Chair are absent; who is responsible for calling meetings and minimum period of notice, and adoption of standing orders);
 - staffing (secondment and appointment of staff, if applicable);
 - financial matters (operational costs and expenses; if staff are appointed directly the financing of such costs; accommodation costs of the JC; procurement of specialist advice); and
 - termination of the Local Agreement.
- 3) Once the constituent LPAs to the local agreement have each resolved to establish a Joint Committee, a request should be sent to the 1st Secretary of State, and GONW.
 - 4) When sending this request to GONW, the Authority should include a copy of the local agreement, the respective constituent authorities' approvals (i.e. the minute of the Council resolution) and any supporting information which the LPAs consider necessary.
 - 5) GONW will check the local agreement to ensure that it is satisfactory.
 - 6) GONW should forward details to the Plans, International Compensation and Assessment (PICA) Division, and should prepare a draft instruction to legal setting out the requirements of the Order. PICA will then check the necessary information and forward the request to Legal Division, who will then be responsible for preparing a project plan for the preparation of the Order. Copies of the Order will be circulated in accordance with the agreed project plan and sent to the constituent LPAs.
 - 7) GONW then prepares a draft submission to Ministers requesting for the order to be signed and the reason behind the need for the Order. It also prepares a press notice. Once GONW has prepared the draft submission and press notice, it should be sent to PICA who will liaise with Press Office to agree a date when the Order should be signed and subsequently laid before Parliament. An explanatory memorandum to accompany the Order will need to be prepared and GONW should provide PICA with an initial draft.
 - 8) The order is signed and laid before parliament and the Joint Committee is formed.