

MODIFICATIONS TO ARRANGEMENTS TO PROVIDE PLANNING ADVICE TO THE JOINT DEVELOPMENT CONTROL COMMITTEE

To: Cabinet

Date: 15th March 2011

From: Executive Director, Environment Services

Electoral division(s): All

Forward Plan ref: Not applicable

Key decision: No

Purpose: To enable Cabinet to comment on a draft Memorandum of Understanding concerning modified arrangements for the supply of planning advice on behalf of the local planning authorities to the Cambridge Fringes Joint Development Control Committee and the Northstowe Joint development Control Committee

Recommendation:

Cabinet is requested to comment and agree on:

1 - the draft Memorandum of Understanding between Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council regarding revised arrangements for the provision of planning advice to the Joint Development Control Committee for the Cambridge Fringes;

2 - the draft Memorandum of Understanding between South Cambridgeshire District Council and Cambridgeshire County Council regarding revised arrangements for the provision of planning advice to the Joint Development Control Committee for Northstowe.

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1.0 PURPOSE

- 1.1 The aim of this report is to enable Cabinet to comment on documents (Memorandum of Understanding) which have been drawn up in order to reflect the modified arrangements (principally due to new personnel) for the supply of planning advice on behalf of the local planning authorities to the Joint Development Control Committees for the Cambridge Fringes and Northstowe.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 In 2007 the three local planning authorities (Cambridge City Council, South Cambridgeshire District Council and Cambridgeshire County Council) acting in conjunction with Cambridgeshire Horizons entered into joint working arrangements by delegating the Council's respective development control functions in support of the delivery of sustainable new communities for major sites on the Fringes of Cambridge and at Northstowe
- 2.2 A Joint Planning Director (Growth Areas) was appointed to exercise planning and development control powers delegated under the Scheme of Delegations and to advise the JDCC, to negotiate with Developers and to liaise with Cambridgeshire Horizons and facilitate the release of grant funding. Since 2007 the Councils have worked collaboratively to implement major development proposals in accordance with the provisions of the Southern Fringe Area Development Framework, the Cambridge Local Plan 2006 and the South Cambridgeshire Core Strategy, Northstowe Area Action Plan and Development Control Policies DPD.
- 2.3 The Joint Planning Director retires at the end of March 2011. Given the current financial climate, it has been decided that this post will not be filled and that instead it is suggested that the planning advice to each of the Joint Development Control Committees will be provided by the Heads of Planning in Cambridge City Council and South Cambridgeshire District Council respectively.
- 2.4 To reflect this, a draft Memorandum of Understanding (MOU) between the relevant authorities has been drawn up to clarify how advice will be provided to each of the committees. These are attached as Appendices 1 and 2. Cabinet's views on these and endorsement of the approach is sought so the arrangements can be formally implemented from April 2011. At the Cabinet meeting held on 17th April 2007 the production of a Scheme of Delegation, to be approved at the first meeting of the Joint Development Control Committees, was delegated to the Lead Member for ECS and Deputy Chief Executive acting in consultation with the other councils. The current scheme will remain in force and will be reviewed in due course.

3.0 IMPLICATIONS

Resources and Performance

- 3.1 The provision of planning advice to the JDCC's as a result of the Draft MOU could reduce the level of resources needed to be expended by the County Council in support of the Joint Development Control Committee (JDCC) as the respective Heads of Planning Services are proposed to act as adviser on behalf of the council's and seek to fairly represent the views of each as they reflect the material considerations relating to land use planning.

Partnership Working

- 3.2 The draft MOU involves a modest revision of the joint working arrangements already in place between the three local planning authorities, including the County Council.

Engagement and Consultation

- 3.3 The three authorities have agreed the revised Draft Memorandum of Understanding (MOU) in order to clarify how advice will be provided to each of the committees over the forthcoming year. Cabinet's views on these and endorsement of the approach is now sought so the arrangements can be formally implemented from April 2011.

Source Documents	Location
<i>Cabinet paper on Joint Development Control Committee Arrangements April 17th 2007</i>	http://www2.cambridgeshire.gov.uk/db/reprack2009.nsf/c3cf865e3cc1131380256a6b0037e439/5b0bdf88d9e2aa60802572bb005d0f32?OpenDocument

APPENDIX 1 - Memorandum Of Understanding: Scope Of Responsibility Of the Lead Planning Officer Advising The Joint Development Control Committee

A Proposal to form the basis of a Memorandum of Understanding to be entered into by Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council (“the Councils”)

1. In 2007 the Councils delegated their development control functions relating to Major Developments on the Cambridge Fringes to a Joint Development Control Committee Cambridge Fringes (“JDCC”) since when the Councils have worked collaboratively to implement Major Development proposals in accordance with the Southern Fringe Area Development Framework and the Cambridge Local Plan 2006
2. A Joint Planning Director (Growth Areas) was appointed to exercise planning and development control powers delegated under the Scheme of Delegations and to advise the JDCC, to negotiate with Developers and to liaise with Cambridgeshire Horizons and facilitate the release of grant funding. With the completion of section 106 agreements and the subsequent issue of outline planning permissions for all the Southern Fringe sites these initial objectives have been successfully fulfilled and the post of Joint Director of Planning will be discontinued from 31 March 2011.
3. It is proposed that after 31 March 2011 the functions of overseeing and delivering the committed and planned growth through the planning system and the role of adviser to the Councils and the person to whom delegated authority is given under the Scheme of Delegations shall be the Head of Planning Services at Cambridge City Council (“ the Head of Planning Services “).
4. In the performance of these duties the Head of Planning Services shall consult with senior officers from the Councils as appropriate and where called upon will advise the JDCC accordingly. In so doing the Head of Planning Services will seek to fairly represent the views of each of the Councils to the JDCC but the recommendations to the JDCC will be based on the Head of Planning’s professional judgment
5. The Memorandum of Understanding will operate on an ongoing basis from 1st April 2011 and shall be reviewed each year in January to determine its effectiveness and whether or not it should be modified or replaced with any other arrangement. If the arrangements are working to the Councils’ satisfaction they shall continue until revoked or modified by the agreement of the Councils.

6. For the first year of this arrangement i.e. until 31/3/2012 the funding shall be from the residual budget currently held by Cambridgeshire Horizons. Thereafter the funding shall be discussed and agreed through the annual review process.

7. (For the avoidance of doubt) Major Developments has the same meaning as given in the Terms of Reference for the Joint Development Control Committee Cambridge Fringes ("TOR") as amended from time to time, Costs Sharing Protocol refers to Annex C of the TOR, and Scheme of Delegations refers to Annex D of the TOR. V.7 3/3/2011

APPENDIX 2 - Memorandum Of Understanding: Scope Of Responsibility Of the Lead Planning Officer Advising The Northstowe Joint Development Control Committee

A Proposal to form the basis of a Memorandum of Understanding to be entered into by Cambridgeshire County Council and South Cambridgeshire District Council (“the Councils”)

1. In 2007 the Councils delegated their development control functions relating to Northstowe to a Joint Development Control Committee (“JDCC”) since when the Councils have worked collaboratively to implement Major Development proposals in accordance with the Northstowe Area Action Plan.

2. A Joint Planning Director (Growth Areas) was appointed to exercise planning and development control powers delegated under the Scheme of Delegations and to advise the JDCC, to negotiate with Developers and to liaise with Cambridgeshire Horizons and facilitate the release of grant funding. New arrangements need to be put in place as the post of Joint Director of Planning will be discontinued from 31 March 2011.

3. It is proposed that after 31 March 2011 the person to whom delegated authority is given under the Scheme of Delegations shall be the Head of New Communities at South Cambridgeshire District Council (“the Head of New Communities”).

4. In the performance of these duties the Head of New Communities shall consult with senior officers from the Councils as appropriate and will advise the JDCC accordingly. In so doing the Head of New Communities will seek to fairly represent the views of each of the Councils to the JDCC but the recommendations to the JDCC will be based on the Head of New Communities’s professional judgment

5. The arrangements proposed in the Memorandum of Understanding will operate with an annual review to determine its effectiveness and whether or not it should be modified or replaced with any other arrangement. If the arrangements are working to the Councils’ satisfaction they shall continue for subsequent years until revoked or modified by the agreement of the Councils. Any party to this Memorandum of Understanding no longer wishing to operate under its arrangements may withdraw by giving 7 days written notice to the other Members.

8. (For the avoidance of doubt) Major Developments has the same meaning as given in the Terms of Reference for the Joint Development Control Committee Cambridge Fringes (“TOR”) as amended from time to time, Costs Sharing Protocol refers to Annex C of the TOR, and Scheme of Delegations refers to Annex D of the TOR. Senior Officer Board means

the overseeing Board of nominated Senior Officers from the three Councils or any successor group performing the same function.

v.3 1/3/2011