

EXPLANATORY MEMORANDUM TO
THE CENTRAL LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE
ORDER 2009

2009 No. 2467

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. **Description**

This Order establishes a joint committee to be the local planning authority for the City of Lincoln, the district of North Kesteven and the district of West Lindsey for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (the 2004 Act). The Order reflects an agreement made between the councils of those areas and Lincolnshire County Council.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Background**

- 4.1 Part 2 of the 2004 Act provides for local development plans in England. Local planning authorities prepare local development documents consisting of development plan documents and supplementary plan documents. Development plan documents, taken as a whole, together with the relevant regional spatial strategy (RSS) 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.
- 4.2 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. The Secretary of State may by order constitute a joint committee to be the local planning authority for the purposes of Part 2 of the 2004 Act for such areas and make provision in relation to such matters as the constituent authorities agree.
- 4.3 The joint committee established by this Order will exercise the functions of a local planning authority under Part 2 of the 2004 Act in relation to the preparation, submission and revision of a joint local development scheme – which is in effect a “project plan” for the preparation of development plan documents – and local development documents.

5. **Territorial Extent and Application**

This instrument applies in relation to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Part 2 of the 2004 Act established a new local development planning system in England. Under the previous system local authorities prepared local plans. These set out the policies and proposals for the development and use of land in the authority's area. There were extensive requirements as to consultation and for objections to be taken into account in the plan preparation and adoption process. Although plans do not have to be rigidly adhered to, they provide a firm basis for rational and consistent planning decisions. They give everyone concerned with development in an area an indication of what kind of development will and will not be permitted during the plan period.
- 7.2 Under the system established by Part 2 of the 2004 Act, local planning authorities prepare local development documents, which consist of development plan documents and supplementary planning documents. Development plan documents, taken as a whole, together with the Regional Spatial Strategy (RSS) (the preparation of which is governed by the provisions in Part 1 of the 2004 Act), constitute the development plan for the area. The new system aims to promote greater integration between the various strategies produced by local authorities and other agencies and the land use planning system. This will be achieved through the production of spatial plans, which will involve a wider range of policies than has normally been included in development plans.
- 7.3 The City of Lincoln and the districts of North Kesteven and West Lindsey (known as "Central Lincolnshire") cover an area of around 2116 sq. km. The area has a population of approximately 277,000. Policy 17 of the East Midlands Regional Plan (EMRP) makes it clear that the Government expects joint development plan documents to be prepared across areas designated as "Housing Market Areas". Central Lincolnshire is such an area. The EMRP states that 40,600 new dwellings will be required in the Central Lincolnshire Housing Market Area by 2026. The EMRP acknowledges the significant amount of cross-boundary growth that will be needed on the edge of the Lincoln urban area. Lincoln is a designated growth point (an area supported by the Government's 'Growth Points' scheme set up in 2005) and the local planning authorities are working together with Government to deliver growth in a sustainable manner. Gainsborough in West Lindsey is a provisional growth point pending the outcome of the review of the EMRP.
- 7.4 In order to facilitate this growth in an effective, cohesive and sustainable manner, the local planning authorities responsible for the local development documents that will accommodate and allocate growth in Central Lincolnshire are committed to working together to produce development plans. To assist with the delivery of the required growth, the local planning authorities and Lincolnshire County Council have asked the Secretary of State to establish a joint committee to enable

the authorities to prepare a local development scheme and all necessary development plan documents.

8. Consultation outcome

There has been no public consultation on the Order. The Order has been drafted to reflect the agreement between the constituent authorities to establish a joint committee and they have been consulted on the draft Order at various stages of the drafting process.

9. Guidance

No guidance will be provided on this instrument.

10. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no new impact on the public sector. The expenditure of the constituent authorities is not expected to increase as a consequence of the Order.

11. Regulating small business

The legislation does not apply directly to small business.

12. Monitoring & review

There is no intention to review the Order.

13. Contact

Graeme Foster at the Government Office for the East Midlands (tel: 0115 9712533 or e-mail: graeme.foster@goem.gsi.gov.uk) can answer any queries regarding the instrument.