

EXPLANATORY MEMORANDUM TO
THE SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE
ORDER 2011

2011 No. 1455

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 borough of Boston and district of South Holland 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 strategy under Part 1 of the Act constitute the development plan for the area. The Localism Bill contains provision to repeal regional strategies. Subject to the passage of the Bill through Parliament, and on commencement, regional strategies will no longer be part of the development plan. 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 The local development planning system in England is set out in Part 2 of the 2004 Act. Under the system local planning authorities prepare their local plans, which consist of one or more development plan documents. Supplementary planning documents provide additional advice and guidance where needed. Together these set out the policies and proposals for the development and use of land in the authority's area. Although local 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 The borough of Boston and the district of South Holland (known as "South-East Lincolnshire") cover an area of around 1100 sq. km. The area has a population of approximately 138,000. In order to plan for future development in an effective, efficient cohesive and sustainable manner, the local planning authorities responsible for the local development documents, that will accommodate and allocate growth in South-East 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

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

10.2 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 unless the three authorities collectively agree an alternative proposal to plan for cross boundary issues, and present it to the Secretary of State for consideration.

13. Contact

Martin Bridgman at the Department for Communities and Local Government (tel: 03034441652 or e-mail: martin.bridgman@communities.gsi.gov.uk) can answer any queries regarding the instrument.