

 EXECUTIVE – 14th January 2016		Agenda Item No. 16B
Title	Use of Emergency powers in respect of the adoption of the Local Enterprise Partnership's Planning Protocol	
For further information about this report please contact	Tracy Darke – Head of Development Services	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Coventry and Warwickshire City Deal, CWLEP Board and Business Group papers	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	20/12/15	Bill Hunt
Head of Service	Author	Tracy Darke
CMT	21/12/15	
Section 151 Officer	21/12/15	Mike Snow
Monitoring Officer	28/12/15	Andrew Jones
Finance	21/12/15	Mike Snow
Portfolio Holder(s)	21/12/15	Cllr Cross
Consultation & Community Engagement		
None The Planning Protocol proposed by the LEP has been amended in line with comments received from all the authorities within the CWLEP area.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report informs Executive of the use of the Chief Executive's Delegated Authority (CE4) to agree the adoption of the Coventry & Warwickshire Local Enterprise Partnership's (CWLEP) planning protocol to confirm the adoption, in line with all the other local planning authorities within the CWLEP area at the CWLEP Planning and Housing Business Group on 14th December 2015.

2. **Recommendation**

- 2.1 That Executive note that the decision of the Chief Executive, in consultation with the Group Leaders, under CE4 of the Constitution, to formally agree the adoption of the CWLEP Planning Protocol, as set out at Appendix One.

3. **Reasons for the Recommendation**

- 3.1 Under CE4 of the Officer Scheme of Delegation, set out in the Council's Constitution, the Chief Executive has delegated authority to deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to Executive at the next available opportunity.
- 3.2 The CWLEP had asked all local planning authorities within its area of operation to confirm that their formal adoption of the Planning Protocol that each had been informally operating for some time at its Housing and Planning Business Group meeting on 14th December 2015. Confirmation on that date would allow the CWLEP to advise its Board and relevant Government representatives that a commitment made as part of the Coventry & Warwickshire City Deal had been fully implemented. The date fell outside the normal cycle of Executive meetings hence the requirement to use delegated powers.

4. **Policy Framework**

- 4.1 The Planning protocol ensures that there are measures in place to monitor how successful the CWLEP area is in delivering the prosperity agenda through supporting development for economic growth. This is also in line with our Sustainable Communities Strategy meeting a number of the five key priorities, such as housing and prosperity. The planning protocol is designed to ensure that there is a collaborative approach to delivering good planning practice that is more consistent for customers in the sub-region and those wishing to invest in the area. This is in line with the Fit for the Future programme as it will ensure good service deliver for those within the district.
- 4.2 The adoption of the protocol did not result in any significant policy changes that would require an Equality Impact Assessment.

5. **Budgetary Framework**

- 5.1 The Planning Protocol requires Local Planning Authorities to provide free pre-application advice for employment proposals. The Council has previously agreed a Pre-application charging scheme which is in the process of being implemented. The approved scheme is in line with the requirements of the planning protocol, although the Council will have the opportunity to review this commitment when the pre-application charging scheme has been operational for some time when the financial impacts can be fully assessed.

6. Risks

- 6.1 There are no significant risks with adopting the planning protocol. WDC's planning practices are in line with the expectations of the planning protocol and far exceed the performance measures contained within.

7. Alternative Option(s) considered

- 7.1 There is no alternative option as this is a report on a decision made under delegated powers.
- 7.2 The Chief Executive, in consultation with the Group Leaders, could have chosen not to exercise these delegated powers and not adopt the protocol. This would have potentially affected relationships across the sub-region with regard to the Duty to Co-operate and the future development of the WDC Local Plan, given that the protocol contains a required commitment to joint working.
- 7.3 Additionally, it could have potentially resulted in the loss of inward investment within the district, as investors want a smooth and problem free service from planning authorities and for the services offered to be as cost effective as possible.

8. Background

- 8.1 The Planning Protocol had initially been prepared a few years ago by the CWLEP's then Planning sub-group, on which this Council was represented, in response to concerns about general poor performance of planning authorities from the private sector which was perceived to be impacting on the growth and prosperity agenda.
- 8.2 The planning system has changed considerably over the last few years and it has been recognised that there are improvements to be made by both local planning authorities and the private sector as we all contribute towards a better environment, attracting growth and attracting jobs to make the area prosperous. Consequently the initial protocol has been amended to ensure that there are clear performance measures in place to ensure that all planning authorities in the CWLEP area are performing well, but also that the private sector submit quality applications to enable them to do so. Reporting measures on performance will be done annually, and whilst there are no penalties, it is under-pinning good practice. There are now clear measures for the private sector to adhere to as well as those for local authorities. The amended protocol, which has now been adopted, is set out at Appendix One.
- 8.3 There is a commitment within the protocol for all sub-regional authorities to progress their Local Plan and to work jointly to develop a joint strategy. This work is already underway through the joint Memorandum of Understanding that has been developed on housing need, and other areas of work are also progressing jointly through the Duty to Co-operate group.
- 8.4 Finally, there is a requirement within the protocol aimed at ensuring that all employment proposals for 'B' class uses receive free pre-application advice. This had already been reflected in the design of the Council's pre-application charging scheme.
- 8.5 WDC's planning performance already far exceeds all the indicators identified, so there are no specific implications for our services, other than reporting back to

the CWLEP Planning and Housing Business Group which will monitor performance on behalf of the CWLEP. WDC officers attend the meetings of this group.

- 8.6 Planning committee will be advised of how we measure against the indicators in the form of an annual report.
- 8.7 The adopted planning protocol re-affirms the good practice expected by those involved in the planning process to ensure that the growth and prosperity agenda is supported and continue to make WDC a great place to live, work and visit.