

Ebbsfleet Development Corporation

Board Meeting Part One			
Date of meeting :	21/04/2015	Agenda item :	EDC / 15 / 012
Title of paper	Operation of Planning Functions in 2015/16		
Presented by	Nicky Linihan, Chief Planning Officer (Interim)		
Sub-committee	Not applicable		

1. Background:

The Development Corporation is being established on 20 April 2015. However, the planning functions are not transferring until 1 July 2015. The intention is that there should be a smooth transition period between the establishment of the Ebbsfleet Development Corporation (EDC) taking on its planning powers and the point at which it will be fully resourced to operate as the local planning authority.

2. Transitional Arrangements:

In order to ensure a smooth handover of the planning functions the EDC's planning services will be managed by the existing local planning authorities on behalf of the Development Corporation up until 4 January 2016. It should be noted however, that whilst the local authorities will be administering the planning service all planning decisions taken after 1 July 2015 will be made by the EDC by either the Planning Committee or Chief Planning Officer (through his/her delegated powers).

To facilitate this, the sponsor and the EDC have been working closely with the local authorities to put in place a Service Level Agreement which will enable the local authorities to administer the planning service for the Ebbsfleet Development Corporation for an interim period (currently up to 4 January 2016). The service level agreement will sit alongside a Memorandum of Understanding between the EDC and the three local authorities in respect of local planning authority functions only.

The Service Level Agreement (SLA) and Memorandum of Understanding (MoU) are in the process of being finalised and it is anticipated that the final versions of these documents will be presented to a future meeting of the EDC Board for approval.

The SLA and MoU will cover a range of matters relating to the operation of the planning service activities including:

- Pre-application matters
- Planning application
- Planning obligations
- Community Infrastructure Levy

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- Decision reports
- Provision of support for the EDC Planning Committee
- Determination and post-determination stages
- Planning appeals and legal challenges
- Planning Enforcement
- Statutory monitoring
- Sustainable Urban Drainage Systems (SuDS)
- Fees and costs
- Performance
- Complaints and Local Government Ombudsman
- Commitment to cooperate
- Planning Liaison Group
- Duty to Cooperate and working in partnership
- Planning policy and supplementary planning documents
- Planning committee and scheme of delegation.

3. Operation of Planning Committee and Scheme of Delegation

As set out above, whilst the local planning authorities will continue to manage planning services on behalf of the EDC the decision-making powers will be vested in the EDC with effect from 1 July 2015. Work has been undertaken to establish the composition and operation of the EDC Planning Committee and the Scheme of Delegation in respect of the decision-making powers of the Planning Committee and Chief Planning Officer.

4. Resources

Over the spring and summer of 2015 the EDC will be undergoing recruitment activities in order to ensure that it has the right resources in place to take over the operation of the EDC's planning functions. In addition it will be procuring and installing planning specific IT systems to facilitate the day-to-day management of planning casework and to provide public access to planning files and other relevant planning information (the latter being a statutory requirement). Both the resources and IT capability will need to be operational prior to the end of the transitional period (i.e. 4 January 2016).

5. Planning functions which have not been passed to the EDC

The main focus for the EDC, in terms of its planning activities, lies in the area of Development Management i.e. the determination of planning and other related applications and planning enforcement matters. The EDC does not have plan-

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making powers and therefore does not have the power to produce and adopt its own local plan, Supplementary Planning Documents or Community Infrastructure Levy Charging Schedule. In addition it is not able to consider activities relating to neighbourhood planning (including, for example, matters relating to Neighbourhood Plans or Community Right to Build Orders), or produce Statements of Community Involvement. The MoU establishes how the EDC and the local authorities will work together in partnership on planning functions which have not transferred to the EDC.