

Harlow and Gilston Garden Town Member Board

Approach to Cross-Boundary Planning Applications at East of Harlow

18 June 2018

1 Background:

Located within the Harlow and Gilston Garden Town, the East of Harlow site spans both the administrative areas of Harlow Council and Epping Forest District Council. Land located within the Harlow Council administrative area comprises the authority's only strategic site.

National guidance cautions against determining cross-boundary applications without joint working as it does not promote a coordinated approach to development management. Such an approach could risk inconsistency between the permissions granted by each LPA. It is therefore the purpose of this paper to consider the various determination options for cross-boundary applications, and to establish a mechanism for the East of Harlow site. This will play a key role in mitigating risk by ensuring a joined up approach is taken between Harlow Council and Epping Forest District Council. To this end, a brief is currently being prepared to procure external support to provide advice on ensuring that S106 negotiations undertaken by the developer and each respective local authority are coordinated.

2 Potential Options

The options set out below have been provided by Homes England and are based on strategic scale, cross boundary planning applications elsewhere in the country.

- **Option One:** Applicant submits two distinct planning applications to each LPA. Each application seeks consent for the development proposed within each LPA's administrative area.
- **Option Two:** One over-arching proposal is prepared within two identical applications submitted to each LPA. The LPAs then determine the part of the proposal relating to the land within their respective administrative boundaries.
- **Option Three:** Development Management functions are delegated to the LPA with the largest site area within their administrative boundary.
- **Option Four:** Joint Development Management Committee. As a further alternative, two or more authorities could decide to exercise functions jointly such as via a joint Development Management Committee.

3 The Preferred Option

Having discussed the various options set out above with representatives from Harlow Council at the April 2018 Garden Town Delivery Workstream meeting, colleagues from both Epping Forest District Council and Harlow Council stated a preference for Option Two. Broadly, the justification for pursuing this approach is:

- Whilst Option One is lawful it is not necessarily consistent with the paragraph 178 of the NPPF, or Paragraph 011 Reference ID: 14-011-20140306 of the Planning Practice Guidance, which states that for cross-border applications between LPAs identical applications should be submitted, one to each LPA, seeking planning permission for the development of land falling within each LPA's administrative area and identifying the relevant area on a site plan (as with Option 2).
- Local decision making: delegating decision making to a neighbouring authority may not be considered locally acceptable, and given the complexity of the site, Members may wish to exercise control in decision making.
- Establishing a Joint Development Management Committee would provide considerable consistency in decision making, however this may be challenging within the relatively limited time available before planning applications are submitted. There may also be some resource implications. There may be a role for such a committee in the future subject to ongoing work being undertaken through the Governance workstream.

In order to implement this approach, the following key considerations should be taken into account:

- The LPA which has the larger application boundary would receive the planning fee so the LPAs will need to consider how the fee will be allocated between Councils to reflect resources required and costs incurred.
- Both authorities should jointly prepare reports/material that can be used by both LPAs
- Both LPAs should seek to undertake joint meetings with the promoters to avoid duplication and assist in resolving potential conflicts.
- Both LPAs should seek to ensure that the conditions are common to both consents where possible to aid the developer through the discharge process.

4 Proposed arrangements

Recommendations:

It is recommended that the Garden Town Board notes and endorses the following approach:

- One over-arching proposal is prepared by the applicant for the East of Harlow site with two identical applications submitted to each local planning authority. The local planning authorities then determine the part of the proposal relating to the land within their respective administrative boundaries.

David Coleman, Garden Town Delivery Workstream Lead