

Regulatory Committee

Dorset County Council



Date of Meeting	4 January 2018
Officer	Service Director - Economy
Subject of Report	Delegation of powers to Bournemouth Borough Council to enable them to decide a planning application for the development of a new road junction and associated works on the A338 Wessex Way to provide a link to the Wessex Fields Business Park and the Royal Bournemouth Hospital.
Executive Summary	<p>Bournemouth Borough Council and Dorset County Council as joint planning applicants have submitted proposals to both Bournemouth Borough Council and Dorset County Council to seek permission for a new road junction on the A338. This is part of a package of proposals funded by the Dorset LEP and partners to promote economic growth along the Airport Corridor. The substantive part of the application lies within the administrative area of Bournemouth Borough Council. To avoid duplication of work and to reduce the potential risk of a challenge arising from two different planning authorities interpreting and carrying out planning procedures in a slightly different way it is proposed that County Council delegate the powers to determine the application to Bournemouth Borough Council. Since in normal circumstances the Regulatory Committee would determine the application under powers delegated from County Council the Regulatory Committee is being asked for its views on this matter.</p>
Impact Assessment: <i>Please refer to the protocol for writing reports.</i>	Equalities Impact Assessment: The report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The statutory and constitutional provisions to transfer planning powers has been fully examined.
	Budget: The County Council does not receive a fee for this application, the fee being made to Bournemouth Borough Council, in whose jurisdiction the substantive part of the application lies. Delegating the powers to determine the application to Bournemouth Borough Council therefore reduces the financial burden on the County Council who would otherwise have to bear all the costs of work itself.

	<p>Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied. However, as set out in the main body of the report the principle reason for seeking the delegation of powers to determine the planning application is to remove the potential risk of challenge that could arise from two planning authorities interpreting and carrying out planning procedures in a slightly different way.</p>
	<p>Other Implications: None</p>
Recommendation	<p>That Regulatory Committee advises the County Council that it supports the proposal to delegate the planning application for a new road junction on the A338 at Wessex Field to Bournemouth Borough Council to determine.</p>
Reason for Recommendation	<p>To avoid duplication of work and to reduce the potential risk of a legal challenge arising from two different planning authorities interpreting and carrying out planning procedures in a slightly different way.</p>
Appendices	<p>None</p>
Background Papers	<p>None</p>
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1. Background

- 1.1 The Bournemouth International Growth (BIG) Programme is a major economic growth plan focused on improving connectivity, easing congestion, protecting existing jobs and creating new ones in and around Bournemouth Airport and Wessex Fields.
- 1.2 A key part of the programme is major investment in road improvements at Blackwater, Hurn, Chapel Gate and Wessex Fields. Work is already nearing completion at Chapel Gate and is underway at Blackwater. An application for a new roundabout at Hurn was approved by Regulatory Committee on the 18 August 2016. To date this has not been implemented due to issues of land assembly and consideration is being given to a smaller scheme with reduced land take that could be constructed under Permitted Development Rights within the existing highway corridor.
- 1.3 An application has now been made for a new road junction and associated works on the A338 Wessex Way at Wessex Fields. This will open employment land at the Wessex Fields Business Park and provide better access to the Royal Bournemouth Hospital.
- 1.4 The site of the application covers land in the administrative areas of both Bournemouth Borough Council and Dorset County Council. The application has therefore been

made jointly by Bournemouth Borough Council and Dorset County Council to each of the two planning authorities in respect of the land in each authority's area. The substantive part of the application lies within Bournemouth Borough Council. Only a very small area amounting to approximately 10,000 square meters lies within Dorset. A plan at Appendix 1 shows the relative amounts.

- 1.5 Applications associated with growth are inevitably and rightly subject to scrutiny by interested parties. Having two authorities dealing with the proposal does, however, run the risk that procedures may be carried out slightly differently by each authority. For instance, each Authority will have its own Statement of Community Involvement which sets out the procedures for engaging with stakeholders and local people. These may require different people to be consulted and in different ways. A more consistent approach is best delivered by a single authority. This would significantly reduce the potential that a legal challenge could be made that local people were not being given the same opportunities to influence the process.
- 1.6 As the Authority considering the substantive part of the proposed junction improvement the planning fee is paid to Bournemouth Borough Council. No fee is paid to the County Council. It therefore makes sense that if delegation is being considered from one authority to another that it is Bournemouth Borough Council who take responsibility for processing and deciding the application.

2. Delegation

- 2.1 Section 101 of the Local Government Act 1972 makes provision to enable one local authority to delegate the discharge of its functions to another local authority.
- 2.2 The Regulatory Committee determines planning applications and other roads and rights of way matters under powers delegated to it from the County Council. A decision to delegate the authority for determining application to Bournemouth Borough Council must therefore be made by the County Council. It is thought proper that the Regulatory Committee makes its views known to County Council.
- 2.3 In circumstances such as this it is also essential that the receiving authority are happy to take the delegation. Officers have been in discussion with officers at Bournemouth Borough Council. In view of the local interest being shown in this proposal Bournemouth Borough Council would welcome the ability to determine the application in order to avoid any duplication of processes or decision making.

3. Implications for the County Council

- 3.1 The County Council sits on the LEP Board and has supported proposals for improving the airport corridor. The BIG programme represents a major government investment in road infrastructure funded through the Growth Deal which is locally administered through the LEP. It is sensible that the County Council takes what steps it can to reduce any risks associated with the delivery of the programme as unspent money would be returned to central government.
- 3.2 Whilst responsibility for determining the application would rest with Bournemouth Borough Council the considerations that apply would be identical. Any decision should therefore be the same. Clearly the County Council local members would still be consulted as part of the process and would have the same opportunity to make their views known.

4. Conclusion

- 4.1 Officers at both authorities have been working closely together to assess the risks associated with dealing with a split planning application. On balance, it is considered that delegating authority from Dorset County Council to Bournemouth Council to determine the application would carry less risk than should each authority deal with the applications separately in the normal way. Furthermore, there would be the added benefit that there would be less duplication in work and less of a financial burden on the County Council.

Matthew Piles
Service Director for the Economy
January 2018