

Email thread Jean Fox to Robert Freeman, Dacorum  
"June 2022

*Hello Robert*

*I note that based on a majority of the works falling within BCC's jurisdiction, the Applicant for the above application has requested that the discharge of functions be moved from Dacorum to Buckinghamshire Council under Part 101 of the Local Government Act 1972.*

*What is Dacorum's official response to this and how will this affect the application and deadline for responses already submitted to the Council?*

*Dear Ms Fox,*

*The Council has not officially responded to this request and continues to process the application that has been submitted to them. **I am led to believe that the discharging of functions would be contrary to the wishes of our elected members.** I am likely to put up a site notice in relation to this case, which will provide a further 21 days for comments.*

*I note that as yet the application has not been registered with Bucks who I understand have a 2-3 week delay in their planning validation team. As they will also be determining an application on this site, I would encourage you to copy any objections that you may have to their planning team.*

*Robert Freeman  
Lead Planning Officer"*

In light of the fact that Buckinghamshire Council have a Local Plan and therefore robust policies in place etc., I would lobby elected members/planning committee to ask for a discharge of functions to Bucks. Or at the very least confirm that there will be a joint committee determining this application.

In circumstances where an application site crosses the administrative boundary between two Planning Authorities two identical applications may be submitted, one to each Planning Authority, seeking planning permission for the development of land falling within each Planning Authority's administrative area and identifying the relevant area on the site plan.

With cross boundary proposals it is possible for an applicant to submit two distinct planning applications to each Planning Authority where each application only describes and seeks consent for the development proposed with each Authority's administrative area. However, such an approach would be artificial since the Planning Authority would need to know details of the development proposed in the other Planning Authority's administrative area in order to make an appropriate determination of the application.

In practice, it is less time consuming and easier to administer if the applicant submits two identical planning applications, one to each Planning Authority, with each application describing the whole of the proposed development and making it clear that permission is only being sought from the Planning Authority for the development which will take place within that Planning Authority's administrative area.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two Planning Authorities making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. However, this is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each Authority may be inconsistent in terms of the conditions attached to them and the obligations entered into the related Section 106 Agreements. This is undesirable in terms of achieving a coordinated approach to delivering development.

Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a **joint committee**. In practice, this type of arrangement is usually established for larger applications.

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Alternatively, Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the **discharge of functions** by any other local authority. This provision could be relied on by a Local Planning Authority to delegate its development management functions to another Local Planning Authority in respect of a specific cross boundary planning application.

In this case Dacorum Borough Council could delegate its decision-making powers to Buckinghamshire Council in respect of this cross-boundary planning application. Buckinghamshire Council would then determine both the application submitted directly to it and the application recently submitted to Dacorum. If Buckinghamshire Council was minded to grant consent for the cross boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications.

In this case, given that the proposed development within Dacorum Borough Council's administrative boundary is only on a small fraction of the application site area and that the interests of this authority in consideration of the application have been appropriately addressed in its role as a consultee in the planning process, it would be appropriate to delegate its development control functions to Buckinghamshire Council.