

**Extract from : New Council Constitutions: Guidance to English Authorities, with the relevant text highlighted.**

**This guidance is referred to the response from West Lancashire in Appendix 1. It was issued by the Office of the Deputy Prime Minister (ODPM) on 26<sup>th</sup> October 2000.**

### **Development control**

5.16 The Development Plan will form part of the local authority's policy framework described in chapter 2 of this guidance. The executive will be responsible for formulating the Development Plan in accordance with the Town and Country Planning (Development Plan) Regulations 1999. The different types and forms of Development Plan are set out in Planning Policy Guidance Note 12 Development Plans, together with guidance on their preparation. chapter 2 provides further guidance on the process of preparing and adopting the Development Plan.

5.17 By virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, development control decisions will not be the responsibility of the executive. Therefore implementation of the Development Plan through development control will continue to be exercised under delegations from the local authority in accordance with section 101 of the 1972 Act although some residual planning functions such as preparation of supplementary planning guidance, designation of conservation areas, areas of archaeological interest and nature reserves, removal of permitted development rights through Article 4 Directions and making compulsory purchase orders will be the responsibility of the executive.

5.18 The Secretary of State considers that full exchange of information between the executive and any committee which takes development control decisions is essential. The executive will need to ensure that there is effective two-way communication between them and any such committee and should consult any such committee on successive drafts of the Development Plan while policy is being formulated. In addition, local authorities should consider including a member of the executive, if possible with responsibility for the Development Plan, on one or more committees which take development control decisions although she or he should not normally be the chair.

5.19 In addition, the powers to require information as to interests into land in section 330 of the Town and Country Planning Act 1990 and section 16 of the Local Government (Miscellaneous Provisions) Act 1976 are specified in Schedule 2 to the Regulations as a local choice function.

5.20 Using the powers in section 13(4) and 13(5) of the Act a local authority's executive arrangements should provide that these functions to require information as to interests into land are not to be the responsibility of the executive except to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders.