

Agenda Item No:	16	
Committee:	Council	
Date:	23 February 2026	
Report Title:	Planning Policy – s.113 Agreement	

1 Purpose / Summary

- 1.1 To recommend Council approve entry into a Section 113 agreement with Uttlesford District Council for provision of services to progress the development of a new Local Plan for Fenland.

2 Key Issues

- 2.1 Council approved on the 15th December 2025 to commence the production of a new Local Plan under the new system to be completed by March 2028 that will cover the period 2025 to 2050 once new plan making regulations are published.
- 2.2 The Council's Planning Policy Manager left the authority to join Uttlesford District Council in February 2026
- 2.3 As a result, the Council went out to recruit a replacement during December and January and despite an attractive package, no applications were received.
- 2.4 Therefore, discussions have been held with Uttlesford District Council to utilise their planning policy team resource to help keep the momentum going with the production of our new local plan.
- 2.5 The agreement will be subject to governance processes at Uttlesford and be in place until the new Local Plan is agreed with the opportunity for both Councils to end the arrangement with reasonable notice during that period.
- 2.6 The arrangement will include the opportunity to use a range of Officer expertise from Uttlesford Council to help support our local plan development within the budget thresholds set in the new Council budget considered at this same meeting.

3 Recommendations

- 3.1 That Council approve entry into a Section 113 agreement with Uttlesford District Council for the provision of services to deliver a new local plan and planning policy work.
- 3.2 That the drafting and final approval of the section 113 agreement is delegated to the Monitoring Officer in consultation with the Portfolio Holders for Finance and Planning.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Chris Boden, Leader of the Council Councillor Dee Laws, Portfolio Holder for Planning
Report Originator(s)	Daniel Horn – Assistant Director
Contact Officer(s)	Carol Pilson – Corporate Director Daniel Horn – Assistant Director Matthew Leigh – Head of Planning
Background Papers	Draft Council Report - Local Plan CP.pdf

4 BACKGROUND AND INTENDED OUTCOMES

- 4.1 The Council has a statutory responsibility for Plan making as well as a number of other Planning Policy functions.
- 4.2 With the Planning Policy Manager leaving, we need to put in place appropriate resourcing to ensure our statutory responsibilities continue to be fulfilled.
- 4.3 The Council conducted a recruitment exercise seeking a direct replacement for the postholder, however this has proved unsuccessful.
- 4.4 This arrangement via Uttlesford District Council provides continuity of knowledge from the previous post holder as well as access to a range of other skills to ensure we deliver on the new Local Plan on the current timetable.
- 4.5 Section 113 of the Local Government Act 1972 enables a Local Authority to enter into an agreement as follows:

“a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.”

5 REASONS FOR RECOMMENDATIONS

- 5.1 The revised timetable for the new local plan making system is just 30 months. Therefore it is imperative that appropriate resourcing is put in place in the short term to meet this requirement

6 CONSULTATION

- 6.1 There are no specific consultation requirements associated with the recommendations set out in this report.

7 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 To try again to recruit in the short term. However to do this leaves a significant reduced resource available in the short term and would delay the delivery of the local plan beyond the life of this Council
- 7.2 The other option is to look for an agency appointment. However this would be the most expensive option and there is no guarantee as to the ability to find a suitable candidate available to work in the short term.
- 7.3 The proposed way forward is seen as the most efficient way to maintain the drive and focus required to deliver a new local plan.

8 IMPLICATIONS

8.1 Legal Implications

- 8.2 Section 113 of the Local Government Act 1972 enables a Local Authority to enter into an agreement as follows:

“a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.”

- 8.3 Paragraph 2.2 of Article 11 of the Constitution provides that Fenland District Council may, establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions.

8.4 Financial Implications

- 8.5 The proposed arrangements can be met within existing service budget provisions which is met by a variety of sources.

8.6 Equality Implications

- 8.7 No specific equality implications are engaged by this report.