

## BRECKLAND DISTRICT COUNCIL

**Report of:** Charles Carter, Executive Member for Growth and Commercialisation

**To:** Council - 15<sup>th</sup> September 2016

**Author:** Phil Mileham, Strategic Planning Manager

**Subject:** Supporting Neighbourhood Planning

**Purpose:** The purpose of this report is to seek Member views on the need to support Neighbourhood Planning activity on a long-term basis.

### **Recommendation(s):**

It is recommended that Council endorse the addition of 1.0 FTE to resource Neighbourhood Planning to the permanent establishment.

### **1.0 Background**

- 1.1 The concept of Neighbourhood Planning was introduced to the planning system through the Localism Act 2011, and the Act confirmed that local authorities have a statutory duty to support Neighbourhood Planning. Since 2011, Breckland has confirmed 10 Neighbourhood Areas within the district with Neighbourhood Plans now being prepared. Each Neighbourhood Plan is at a different stage in its progression and requires bespoke advice depending on the community's vision, level of professional understanding and potential interrelationship with the Council's own Local Plan. In terms of progress, Yaxham has completed its first consultation and is due to reach its pre-submission publication stage imminently, Attleborough is currently undertaking its first formal consultation and Mattishall due to commence their first consultation by the end of July.
- 1.2 At the time of writing, there are further expressions of interest for Neighbourhood Plans in the district albeit they have not yet formally commenced the process.
- 1.3 As Members will recall, in response to the Council's 2015 budget response, Members agreed a both a grant scheme to support Neighbourhood Planning and accompanying budget provision to support an Officer resource (£50K) reporting to the Deputy Planning Manager (as was). Members at the time were very clear that the role should fall within the Council's locus as Neighbourhood Planning was not covered by the externalised Planning and Building Control contract with Capita. The role requires a suitably qualified planning professional due to the need to provide bespoke planning policy advice to those preparing Neighbourhood Plans as well as undertaking other activities such as issuing screening determinations and scoping opinions under the Strategic Environmental Assessment Regulations in respect of Neighbourhood Plans. As such, a 1 year fixed term Neighbourhood Planning post was evaluated and advertised in appropriate planning media in Autumn 2015.

### **Need to review resource**

- 1.4 The 1 year fixed term role was advertised widely; however, there was limited interest in the role and despite a wide recruitment exercise no candidates were suitable for shortlisting. As such, the role was put to specialist planning recruitment consultants and after a considerable period of searching, an appointment made that was envisaged to resource the

majority of the term. Feedback from agency agencies indicated a lack of interest in the role due to a combination of factors, principally geography and length of role. Similar issues were raised to the Strategic Planning Manager during the initial recruitment exercise.

- 1.5 The departure of the previous incumbent in the role has left a vacancy with a balance of funding insufficient to secure anything other than further temporary solutions until approximately the end of the calendar year. An appointment for a 3 month period has been made via agency to provide much needed interim support who started work on 24<sup>th</sup> June. However, there is now an acute need to consider the role over the long term.
- 1.6 The role has a high degree of interaction with elected Members, community representatives as well as with key partners and statutory bodies. Therefore, the role has a degree of visibility and presence in the District. The role also requires close working with the externalised Planning and Building control provider when providing planning advice to communities on matters such as conformity with the Council's Local Plan. Therefore, such a post does not, from either a Member or public perception point of view, benefit from a significant 'churn' in personnel and requires long-term resourcing to provide both the capacity and consistency that is expected by Members.
- 1.7 The Government remains committed to Neighbourhood Planning and the Queen's Speech announced a new Neighbourhood Planning and Infrastructure Bill for the next session of Parliament. Neighbourhood Plans are therefore now firmly embedded as part of the planning system and will continue so in future. Case Law is also now confirming the significance of Neighbourhood Plans within the planning system and interest remains high in the area. All of these factors point to the need for a permanent resource that is able to provide planning advice on these matters.
- 1.8 In terms of wider planning recruitment, nationally and locally there remains an acute shortage of suitably qualified planning professionals. At the time of writing there are over 350 vacancies advertised nationally in dedicated online planning media alone. However, temporary fixed term posts are generally only attractive to agency contracts with associated higher costs.
- 1.9 In light of the above, and taking all of these key factors into account, this report seeks Member agreement to progress a permanent post to resource Neighbourhood Planning properly for the long term. A Proforma B has been prepared to accompany this report at Appendix A which indicates that at the current evaluated Grade (7), the costs of making a permanent appointment with on-costs would be approximately £41,000 after the remaining funds in the current year are used up.

## **Next Steps**

- 1.10 Subject to members' views, a report would be prepared for Full Council to seek an addition to the permanent staffing establishment. As this report relates to a request for a single permanent post, advice received from the HR team confirms that there are no additional requirements in terms of consultation or implications for reporting to LJCC.

## **2.0 OPTIONS**

There are essentially two options available, which are as follows:

- Option 1 - It is recommended that Members endorse 1.0 FTE to resource Neighbourhood Planning being added to the permanent establishment

- Option 2 – Do not agree further funding for Neighbourhood Planning and cease providing any dedicated resource.

### 3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 It is recommended that an increase of 1.0FTE to resource Neighbourhood Planning being added to the permanent establishment is agreed for a number of key reasons. The first is to provide adequate resourcing to support this high profile area of planning work which has statutory timescales for key activities and duties that the Council must carry out. Having a permanent Neighbourhood Planning post will provide certainty and continuity to both Members and those who are preparing NPs and provide an important source of guidance to those preparing Neighbourhood Plans. It will allow the Council to effectively discharge its duties in relation to Neighbourhood Planning from the planning discipline (noting other activity by the Council such as elections team). Securing a permanent post will also maximise the attractiveness of the role to potential applicants particularly amongst suitably qualified professionals having regard to the national picture of planning vacancies.
- 3.2 Further temporary solutions are not recommended as it is considered that whilst it may be a potentially more attractive approach than the current position and provides longer-term solution to the role, it does not resolve the long-term resourcing in an area of work that is likely to remain a significant part of the statutory planning process. Whilst taking this option would enable the Council's duties under the legislation to be fulfilled in the fixed term period, it would not have regard to the challenge of recruiting suitably qualified planners in this area in that a fixed term role is unlikely to be attractive enough to outweigh geographical or other factors. There is a further risk of having a fixed term role is also challenging as if an appointment is made that subsequently moves on, this could leave an unattractive balance of time left before funds are again used up with a likely difficulty in recruiting once again.
- 3.3 The option to not agree further funding for Neighbourhood Planning and cease providing any dedicated resource is also not recommended. Under this scenario, once the current funding has been used up around the end of the calendar year 2016, no dedicated resourcing for Neighbourhood Planning would be available within the Council and effectively fall to be delivered by the shared Strategic Planning Manager. Whilst Neighbourhood Planning could potentially be resourced by Capita (subject to negotiation as it is not covered by the contract) this would fail to provide an appropriate level of resourcing to deal with the statutory duty placed on Local Authorities. This is due to the nature of the shared Strategic Planning Manager's role and Capita's programme of work for the Council, under this scenario it is likely that Neighbourhood Planning would not be able to take precedence over other activity and there is a risk that backstop provisions in legislation may have effect (i.e. neighbourhood areas confirmed in default). There is a further risk of reputational damage through the Council failing to discharge its duties.

### 4.0 EXPECTED BENEFITS

The Localism Act 2011, and the NPPF require Local Authorities to support Neighbourhood Planning. This report seeks to ensure that the Neighbourhood Planning is appropriately resourced to allow the Council to discharge its duties in respect of Neighbourhood Planning.

### 5.0 IMPLICATIONS

#### 5.1 Carbon Footprint / Environmental Issues

5.1.1 It is the opinion of the report's author that there are no implications.

## 5.2 **Constitution & Legal**

5.2.1 There are no direct legal risks resulting from the contents of this report; however, Neighbourhood planning documents need to be prepared in accordance with relevant Neighbourhood Planning Regulations and Acts of Parliament, having regard to relevant considerations and case-law.

5.2.2 Employment of staff is a non-executive function, and therefore falls to be considered by Full Council.

## 5.3 **Contracts**

5.3.1 It is the opinion of the report's author that there are no implications.

## 5.4 **Corporate Priorities**

Neighbourhood Planning aligns with the following corporate priorities:

- Supporting Breckland to develop and thrive
- Developing the local economy to be vibrant with continued growth
- Enabling stronger, more independent communities

## 5.5 **Crime and Disorder**

5.5.1 It is the opinion of the report's author that there are no implications.

## 5.6 **Equality and Diversity / Human Rights**

5.6.1 The Council has suitable employment policies and procedures in place which are fully compliant with public sector equality, diversity and human rights implications.

## 5.7 **Financial**

5.7.1 This report seeks consideration of additional permanent resourcing of Neighbourhood Planning. Financial considerations are included in the report and in the accompanying Proforma B.

## 5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the report's author that there are no implications.

## 5.9 **Risk Management**

5.9.1 The risks are set out in the body of the report but can be summarised as follows; It is the opinion of the author that the failure to resource Neighbourhood Planning creates risks in terms of challenge by communities that the Council is not adequately fulfilling its statutory 'duty to support' Neighbourhood Planning. There is a further risk that newly defined statutory timescales for key Neighbourhood Planning activities are not met and backstop provisions take effect. There are risks that if alternative options are endorsed that the chances of recruiting an appropriate resource will not be maximised.

## 5.10 **Staffing**

5.10.1 This report seeks additional permanent resourcing for Neighbourhood Planning, and therefore has implications for the permanent staffing establishment. This would have an implication for a new permanent staffing contract with the protection afforded by relevant employment legislation.

## 5.11 **Stakeholders / Consultation / Timescales**

5.11.1 See body of report.

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All wards in Breckland have the potential to be affected by the role but the role currently impacts most on those 10 Parishes that have confirmed Neighbourhood Plans.

## 7.0 **ACRONYMS**

7.1 Acronyms include:

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### **Background papers:-**

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#### **Lead Contact Officer**

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#### **Director / Officer who will be attending the Meeting**

Name and Post: Phil Mileham – Strategic Planning Manager

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

#### **Appendices attached to this report:**

Appendix 1 - Proforma B