

Portfolio Holder Report

The Portfolio Holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Michael Ryan Corporate Director of People and Places	Cllr Alan Vincent Resources Portfolio Holder	30 July 2015

Provision of specialist planning support to the Development Management and Planning Policy Teams

1. Purpose of report

- 1.1 To seek approval for the engagement of Urban Vision as the Council's preferred consultants to assist in the consideration and processing of planning applications and to assist in the preparation of the Wyre Local Plan providing strategic planning support.

2. Outcomes

- 2.1 Compliance with the Council's Financial Regulations and Financial Procedure Rules ensuring cost effective procurement.

3. Recommendation

- 3.1 That approval is given for the engagement of Urban Vision under the exemption to Contract Procedures contained within the Financial Regulations and Financial Procedure Rules on the grounds that exceptions may apply where "goods, works or services are of a specialised nature carried out by only one or a limited number of firms with no reasonably satisfactory alternatives available".

4. Background

Development Management

- 4.1 The Government sets performance targets relating to the determination of planning applications. For most applications the target is 8 weeks, and for all types of major applications (except where an Environmental Impact Assessment is required), it is 13 weeks. Unless a local planning authority agrees an extension of this period with the applicant, the applicant may appeal against the non – determination of the application after the expiry of this period. This takes the decision out of the hands of the Council and it then becomes a matter for the Planning Inspectorate to determine on behalf of the Secretary of State. Councils that are unable to maintain a performance of at least 40% of major applications determined within the 13 weeks face being designated by the Secretary of State on the basis of poor performance. If

designated in this way, an applicant would have the right to ask the Secretary of State (The Planning Inspectorate) to determine their application rather than the local planning authority. In such cases the local planning authority would still be required to carry out the requisite consultations etc. at its own cost, but would not receive a fee. In the recent (July 2015) HM Treasury publication published 'Fixing the foundations: Creating a more prosperous nation', the Government announced that they will legislate to extend the performance regime to minor applications, so that local authorities processing those applications too slowly will be at risk of designation.

- 4.2** It is thus considered important that we are able to maintain and improve our performance in relation to the determination of applications within the requisite timescales, but this is made difficult in times when workload is high. Such circumstances have come about as a result of an increase in the number of applications, which may be put down to the Government's Growth Agenda, the publication of new Government Planning Policy (the National Planning Policy Framework) which encourages sustainable development, and the emergence of the economy from a long period of recession. Whilst the number of applications so far is less than at the same time last year, fee income at the end of the first quarter was £21,000 above that received by the same time last year, indicative of larger and more complex applications. These factors have, unfortunately been combined with the departure, on 22 May, of the Temporary Planning Assistant, who was not able to be allocated new work from 24 April. This post is unlikely to be filled until the end of August at the earliest.
- 4.3** It is therefore considered to be an urgent identified need to bring in temporary and flexible agency cover to assist us in dealing with the high number of applications being submitted until such time as the backlog (from the beginning of May 2015) has been dealt with and the present Development Management team are able to manage the workload. Urban Vision has experience in supporting Local Authorities in the processing and consideration of planning applications by providing such 'agency' cover. The Urban Vision employees work as an officer of the Council rather than as a consultant. They are different from other commercial planning consultancies in that almost all their work is for Local Authorities.

Planning Policy

- 4.4** The preparation of the Local Plan is a lengthy and complex process involving a number of interrelated work streams. This requires officers involved in the process to work flexibly as a team to ensure that evidence in different work areas align. This is important in finding the Local Plan sound at examination. Strategic planning policy making is a specialist area of work within Planning and involves a number of distinct specialist areas.
- 4.5** Urban Vision has experience in supporting Local Authorities in the preparation of their Local Plans by providing 'agency' cover. Once appointed Urban Vision employees will work as an officer of the Council rather than as a consultant, albeit they are part of the team structure. They are different from other commercial planning consultancies in that almost all their work is for Local Authorities. On that basis Urban Vision were commissioned to assist on the preparation of the Wyre Local Plan last January (following approval by the Revenue Portfolio Holder, 18 December 2014) and they have been

working on a number of work areas including Infrastructure Planning, Highways evidence, SFRA II, housing requirement and Duty to Cooperate.

5. Key issues and proposals

- 5.1** The need is essentially for 'agency' cover comprising qualified planners with experience in Development Management and Strategic Planning. This is different to commissioning a planning consultant to undertake a specific piece of work. Whilst for most of the time the appointed persons work remotely, they need to be acting as additional planning officers and are treated as temporary members of staff (i.e. they have staff badges and are included as members of staff on the council's IT system). They are also needed to be available for internal and external meetings as required and liaise directly with applicants, agents and external organisations. This way of operating is crucial to this area of work.
- 5.2** With regards to Development Management the support from Urban Vision will be required for an approximate period of 6 months (July 2015 – Jan 2016) or until the temporary planning assistant post has been filled and the workloads have returned to a manageable level, i.e. that which allows most applications to be determined in accordance with the Government's timescales.
- 5.3** Urban Vision fees are charged on the basis of a fixed price of 80% of the application fee for minor planning applications for the "core services" and an hourly rate for additional services as may be required. This price excludes VAT, travel and car parking expenses. For householder applications the price is £130 per application compared to a fee income of £172. For some planning applications there will be negotiations with parties, and for these activities there would be an hourly rate. The time spent would be agreed in advance.
- 5.4** It is anticipated that in total, they will deal with mostly household and minor and other category applications totalling approximately 200-300 applications. The total (and proposed maximum) cost is estimated at about £55,000 which would represent about 77% of the fee income received from those applications (e.g. fee income of around £71,500). It is envisaged that this cost will be covered by an increase in Planning Fee income.
- 5.5** With regards to Strategic Planning, urban vision will be required to assist until the initial draft Local Plan has been prepared. This is anticipated to be at the end of this calendar year. The cost of Urban Vision between January and June 2015 has been £19,291.43 out of an approved budget of £24,380. It is proposed that the costs associated with this extension will be covered by bringing forward an element of the 2016/17 Local Plan budget to 2015/16.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following Executive Function delegated to the Resources Portfolio Holder (as set out in Part 3 of the Council's Constitution): "To consider departures from Rules relating to financial and contractual matters if appropriate".

Financial and legal implications	
Finance	<p>The cost of the support for planning policy will be borne out of existing budgets with the rephasing of expenditure in relation to consultancy. An element of the 2016/17 (£24,380) will be brought forward to 2015/16 and the updated estimates will be amended accordingly.</p> <p>The £55,000 cost associated with the Development Management work will be covered by an equivalent increase in Planning Application income and 2015/16 revenue budgets will be amended accordingly.</p>
Legal	The appointment of Urban Vision complies with the exceptions set out in the constitution for the appointment of consultants and an agreement for services will be entered into.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

implications	✓ / x
community safety	X
equality and diversity	X
sustainability	X
health and safety	X

risks/implications	✓ / x
asset management	X
climate change	X
data protection	X

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List of background papers:		
name of document	date	where available for inspection
N/A		

LIST OF APPENDICES

n/a

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