

Agenda Item No:	7	
Committee:	Employment Committee	
Date:	28 July 2023	
Report Title:	Planning Policy Team and s106	

1.0 Purpose / Summary

- 1.1 To request that Members consider and agree a staffing proposal in relation to the Planning Policy Team and s106 to enable the continuation of the Local Plan and s106 monitoring responsibilities following the ending of the service level agreement with Peterborough City Council.

2.0 Key Issues

- 2.1 Fenland District Council (FDC) and Peterborough City Council (PCC) had a long-standing service level agreement (SLA) for PCC to provide a range of services to FDC including planning policy services to develop our Local Plan and other associated policies, Section 106 management and monitoring, viability and ecology advice to planning and housing strategy and enabling services.
- 2.2 The SLA ended on 31 March 2023 and FDC have been considering how to deliver these essential services in the most cost effective and efficient manner going forwards. We have taken a different approach dependent on the service required.
- 2.3 This report concerns the resourcing of the continued development of the Local Plan and Section 106 Monitoring on behalf of the Council.
- 2.4 Members are in the middle of the development of a new Local Plan and have reached Draft Plan Stage. To develop this Draft Plan and move forward to Examination, staffing resources are required, which could in future, given the market, be sold to other Councils.
- 2.5 The Council receives Section 106 monies from developers through planning applications which are spent within the community on projects set out within the legal agreement. The Council is required to monitor the triggers within the legal agreements to ensure monies are received in a timely manner and allocated and spent within any terms as set out within the agreement.

3 Recommendations

- 3.1 To agree to the creation of 2 FTE - a Planning Policy Manager and Planning Policy Officer to continue the development of the Local Plan.
- 3.2 To agree to the creation of 1 FTE - S106 Monitoring Officer to ensure contributions from developers through planning applications are received and spent in a timely manner.

Wards Affected	All
Portfolio Holder(s)	Councillor Dee Laws, Portfolio Holder for Planning and Flooding

Report Originator(s)	Nick Harding, Head of Planning Dan Horn, Assistant Director Carol Pilson, Corporate Director
Contact Officer(s)	Nick Harding, Head of Planning Dan Horn, Assistant Director Carol Pilson, Corporate Director
Background Papers	N/A

1 BACKGROUND AND INTENDED OUTCOMES

Local Plan Staffing

- 1.1 The Council's Local Plan was adopted in 2014 and is now due for renewal. Council commenced the process of developing a new Local Plan in 2019 and has reached the stage whereby a Draft Local Plan has been agreed by Council and consulted on by the public.
- 1.2 On 31 March 2023, the SLA with Peterborough City Council ended. Due to local elections, the Local Plan process was paused to allow the new administration to take stock of how the Local Plan had progressed to date and we now have a steer to progress the Draft Local Plan to Examination Stage.
- 1.3 To reach Examination Stage, there is an estimated 12-18 months of preparation of the Local Plan for it to be fit to go through and pass an Examination in public.
- 1.4 Key tasks that are required for the Local Plan to be ready for Examination are:
 - There is a need to evaluate the new sites put forward as part of the consultation.
 - A new baseline for housing completions is needed to help inform the new housing numbers needed for allocation in the new plan. The information also forms part of our annual monitoring report and is used to complete government returns and respond to freedom of information requests.
 - Commission and contract manage a:
 - "Level 2" Strategic Flood Risk Assessment
 - Water Cycle Study
 - A more detailed transport study
 - Update on the viability study
 - Gypsy Traveller Accommodation Needs Assessment
 - Green infrastructure Plan
 - Further assessments needed including:
 - Sustainability
 - Habitat
 - Heritage Impact
 - More Duty to Cooperate evidence base statements are needed from adjoining areas.
 - An updated Statement of Community Involvement.
 - All of the above needs to be collated in order for a final draft version of the local plan for Full Council to consider.
 - A further round of consultation.

- Preparation for the Examination.
- Attendance at the Examination.

Without undertaking the above work, the plan will be found unsound by the examiner and would not be subject to full examination.

- 1.6 As well as the preparation of the Local Plan, there are a number of other planning policy related tasks that are required to be completed including statutory returns to government.
- 1.7 We know that there is a national recruitment challenge in relation to Planning officers. If we are able to recruit to these posts, and there is spare capacity in future, there is confidence that the Council could sell these services to other local authorities in the future.
- 1.8 Furthermore, if there was any spare capacity within these posts in future, the postholders could be directed to support the planning team and process planning applications.
- 1.9 The approval for the recruitment from this committee will be subject to the Council not being able to secure a further partnership with another Council to conclude the local plan at a cost that is cheaper than this staffing proposal.

Section 106 Monitoring

- 1.10 Once a section 106 agreement is in place, the build out of any development triggers contributions in the legal agreement at various points which need to be monitored to ensure the council receives and asks for what it should and also we spend it in accordance with the agreement in order for the funds not to be returned.
- 1.11 The process is about to become more onerous with the legislative changes being instituted in November 2023 in relation to Biodiversity Net Gain (BNG) alongside promotion and monitoring of Self Build Homes.

2 REASONS FOR RECOMMENDATIONS

- 2.1 To ensure we can meet our responsibilities and Member priorities in relation to finalising the Local Plan to Examination and for Section 106 monitoring.

3 CONSULTATION

3.1 The Council's Staff and Trade Union group have been consulted on this proposal as well as a consultation taking place with all staff.

3.2 The Portfolio Holder has briefed on these proposals.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 For the Local Plan staffing we have consulted with all neighbouring authorities to ascertain whether they have excess capacity to assist us in a similar way to PCC, however no LA has returned a positive response. We are expanding this search and placing an enquiry with the Planning Advisory Service to put a notification out to all local authorities in their network and we await a response.
- 4.2 For s106 staffing, we have made enquiries with other Councils to ascertain whether this service could be provided on our behalf but no Councils have come forward with a positive response.

5 IMPLICATIONS

5.1 Legal Implications

- 5.1.1 The Council has duties in these two areas which this staffing proposal will enable us to fulfil.

5.2 Financial Implications

- 5.2.1 We were paying PCC from our Local Plan reserve which can continue to be used to fund these new posts in the first instance.
- 5.2.2 If recruitment is successful, in future, we may be able to sell services to other Councils to offset the costs of these positions.
- 5.2.3 For s106 monitoring, again, we were paying PCC for this function but at a lower rate. Planning income can cover the additional cost of this necessary post.
- 5.2.4 The Planning Policy Manager role is suggested to be a Hay 2 (£52,000-£57,000) banding subject to job evaluation. The Planning Policy Officer is suggested to be a Band 7-9 (£32,000-£46,000) subject to job evaluation.

5.3 Equality Implications

- 5.3.1 These posts will be advertised widely and all FDC HR policies and procedures will be complied with for the appointments.