



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	11 NOVEMBER 2021
REPORT OF THE:	SERVICE MANAGER PLANNING AND DEVELOPMENT JILL THOMPSON
TITLE OF REPORT:	REPORT ON A MOTION REFERRED FROM COUNCIL. RYEDALE LOCAL PLAN REVIEW.
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The report provides a response to a motion referred to this Committee by Council. The motion relates to the delivery of the Local Plan review.

2.0 RECOMMENDATION

2.1 It is recommended that:

- (i) The motion is not supported and that the Local Plan review continues to be undertaken in-house with consultancy support for the production of technical evidence, as and when required.

3.0 REASONS FOR RECOMMENDATION

3.1 The Council has invested in increased staffing in the planning service to support the review; the work is already well underway and on track to agreed submission for examination at the end of 2022. At this stage:

- the actual/ detailed financial implications of outsourcing the plan review are not known
- the availability of consultants to do this work is not known
- the time required to establish detailed costs, secure authorisation to proceed and procure consultants would represent a significant proportion of the time that is available for the review
- the compilation of this information would divert existing staff resources from the review process
- the HR implications for existing staff are uncertain

3.2 Given all of these factors the recommendation is to continue to lead the work in house; there is no need to outsource the work.

4.0 SIGNIFICANT RISKS

- 4.1 The Council has experienced officers leading the review with a good understanding of the issues that matter to local members and communities. Members are aware that there are a range of risks inherent in the Local Plan process. These are recognised in the Council's Local Development Scheme and include for example, changes in national policy. The Council has made resources available to commission the necessary technical work. In addition, there has been investment in staff to resource delivery of the plan review. This together with the more limited scope of the review, means that the risk to delivery is mitigated in this respect.
- 4.2 At this stage, Officers are of the view that a decision to outsource the review work would represent a greater risk to delivery and a potential wider risk organisationally. The focus of activity would be diverted from the substantive work required to make progress on the review to the procurement of consultants. Officers would not be able to maintain substantive progress at the same time as undertaking all of the work required to successfully procure and appoint work from consultants. In the event that there is no appetite to do the work by consultants in the time available, or that detailed costs, once known are prohibitive, time will be lost and the review will not be completed in the time available.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Local Plan review is a corporate priority for the Council and a service specific priority.

6.0 REPORT

Background

- 6.1 At the meeting of Council on 9 September 2021, a motion proposed by Cllr Paul Andrews and seconded by Cllr Burr was referred to this committee. The motion reads as follows:

"The Council resolves to engage consultants to take the Council and the public through the revision of the Ryedale Plan, the consultant to be appointed by the Programme Director (Economic Development, Business and Partnerships) in consultation with the Chairs of Planning and P&R"

- 6.2 Members are aware that the Council is undertaking a partial review of the Local Plan. Two additional members of staff have been appointed to progress this work in house and resources are available to appoint consultants to prepare technical evidence. More recently additional resources have been made available to support the appointment of additional staff to increase capacity in Development Management in order to release the existing capacity to focus on the plan review. A new Senior Planning Officer and Planning Officer have accepted positions and will be in post before the end of the year.

Local Plan Review – Progress and key timeline

- 6.3 The partial review of the plan will focus on the identification of a future supply of housing land. Members will recall that the scope of the plan review was considered at a meeting of this Committee on 4 February 2020 and a targeted focussed review was considered to be appropriate in the context of local government reform. The key aim is to ensure that a planned housing land supply is maintained to the point that the new unitary authority is in a position to adopt its new development plan.

6.4 A summary of progress to date and forthcoming work is listed below.

To date:

- Consultation database completed
- 'Call for sites' consultation completed. 279 sites have been submitted for consideration.
- All sites mapped against constraints
- Strategic Flood Risk Assessment completed in draft form
- In-house evidence – Village Services Audit and Strategic Housing Land Availability Assessment (SHLAA) Part 1.
- Sustainability Appraisal Framework (update of supporting data)

Forthcoming work will include:

- On-going meetings with Duty to Co-operate bodies
- Commissioning of further evidence – including: Strategic Housing Market Assessment; Gypsy and Traveller Assessment; Viability Assessment; Habitat Regulation Assessment
- In –house evidence – SHLAA Part 1; Site Assessment; Infrastructure requirements and delivery
- Sustainability Appraisal Framework (consultation with specific bodies)
- Public Consultation – Strategic Option and initial sites consultation

6.5 Key milestones in the process relate to key decision making points and periods of public consultation. These are summarised as follows:

Public consultation (6 weeks) Strategic Options and initial sites consultation: November /December 2021.

Consultation material to be agreed at P&R: 11 November 2021

P&R: Agree key strategic decisions: March/April 2022

P&R: Agree site allocations and plan revisions for formal publication and submission for examination. September 2022

Publication Consultation: September/ November 2022

Submission: December 2022

6.6 The above timetable is ambitious and tight but it is not unrealistic in relation to the scope of the review. Members are aware that there are a range of risks to progress, including the ability of consultees to engage in the process; the appetite of consultants to undertake the necessary technical work and changes in national policy. Risk to progress internally can be mitigated with some flexibility over report lead in times and/or the use of special meetings of the Policy and Resources Committee if required.

6.7 The review process, whether undertaken in- house or led by consultants will not result in a revised plan progressing through the formal examination process before the new unitary council comes into being. Officers are working to a timetable which would allow this Council to agree the formal version of the document for submission for examination prior to the new authority. As part of Local Government Reform process, it will be important that agreements are in place to progress those plans that are well advanced through the process.

Outsourcing the Local Plan review to consultants

- 6.8 The motion seeks agreement to ‘outsource’ the review of the Local Plan. Any decision to outsource has resource, legal/procurement and HR implications. These matters are addressed in turn below, in so far as it is possible to do so at this stage.

Resources

- 6.9 Current staff resources committed to the Local Plan include x2 Planning Officers, x1 Senior Planning Officer and approximately one third of the time of the Service Manager. Three new additional posts have been agreed to increase capacity in development management. These include an additional Senior Planning Officer and two Planning Officer posts.
- 6.10 The Local Plan review was approved by Full Council in February 2020 as a growth item in the budget setting process and part of medium term financial plan. A revenue resource of £500k is in place to cover additional staffing resources (£79k pa for the x2 Planning Officers) and the costs of producing the plan – most notably the costs of required technical studies and the costs charged by the Planning Inspectorate for conducting the formal examination of the plan while noting that additional support from reserves would be required. The revenue funding has been allocated to the budget as a broadly profiled increase to the base of £125k per annum over four years.
- 6.11 Very few Local Authorities have outsourced plan making work in its entirety and there are no recent local examples to reference. In addition, it is difficult to source estimates from consultancy firms in the absence of a detailed specification of the work required. Officers have contacted the Planning Advisory Service, the Royal Town Planning Institute and the Planning Officers Society to source examples which would provide an indicative cost for the work. In addition, a number of consultancy firms have been approached. An update will be provided at the meeting if responses are received.
- 6.12 In the meantime, Officers are aware of only one council in North Yorkshire that has recently used consultants to lead on a specific development plan document – an area action plan. The work covered a similar time frame and costs included some technical work, including viability and design, together with consultation and engagement. It is understood that the initial estimated cost of the contract was in the region of £100,000 although it is understood that a greater amount was subsequently required and the project was brought back in house to complete.
- 6.13 If the Council outsources its plan work, funding would be needed to cover the consultant’s time (this would be at least one senior consultant and two consultants overseen by a director with average hourly rates varying from circa £95 per hour - £135 per hour). This would also need to cover the costs of technical evidence work that would otherwise be completed in house. This includes the Sustainability Appraisal, Strategic Housing Land Availability Assessment and Site Selection. The consultants would also need to quote for or commission the wider range of technical evidence that is needed to support the plan. These are the technical studies that will be commissioned in any event and which have been budgeted for.

Procurement

- 6.14 Advice has been sought from NYCC in terms of the procurement process. The Procurement Officer has estimated that the procurement process for a programme of work such as this would take between 3-6 months once a detailed specification has been compiled. A detailed specification for this work would need to be prepared and it is estimated would take up to 1-2 months to prepare.

- 6.15 The detailed cost of the work would not be known in advance of tenders being received. The timescale for procuring consultants would also need to factor in Council approval for the expenditure.
- 6.16 It is not unrealistic to assume that it would be towards the spring of 2022 before consultants would be in place to progress the work. That would leave approximately nine months for the work to be completed. Officers are of the view that this would not be sufficient time for the required work to be undertaken.

HR Implications

- 6.17 Outsourcing of the work will have implications for the existing staff within the team which would need to be properly costed and factored into the project if the Council decided to pursue this approach. Whilst there will be a need for RDC staff to oversee and manage the work of consultants this will not require all of the staff resources currently available. This may result in potential staff redundancies, occurring additional costs for the organisation, adding to overall expenditure.
- 6.18 Redeployment within the planning service or elsewhere in the Council would need to be considered in the first instance to mitigate any potential redundancies. Redeployment across the 7 other authorities that will form the new unitary would be a further option, in line with the agreed recruitment protocols introduced on 1st October 2021.
- 6.19 There may also be potential TUPE implications for existing staff, which would need to be identified before consultants were engaged. Associated works, such as due diligence, around any such TUPE transfer would need to be factored into the impact on delivering against the plan.
- 6.20 In addition, there would undoubtedly be a significant impact on the mental health and wellbeing of staff members within the team and the wider message that this would send across the organisation by reducing staff numbers in this area and replacing this internal resource with consultants.

Summary

- 6.21 Officers understand that the Local Plan review is a priority for the Council and fully appreciate the need for substantive progress to be made before the new Unitary Council comes into being. It is considered that continuing to undertake the review in house would ensure that progress continues to be made.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
Addressed in the main body of the report.
 - b) Legal
Addressed in the main body of the report
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
Addressed in the main body of the report

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Background Papers:
Council Meeting 9 September 2021

Background Papers are available for inspection at:
<https://democracy.ryedale.gov.uk/ieListDocuments.aspx?CId=114&MId=3449&Ver=4>