

Development Management Division

Workloads and Resourcing

1. Contacts

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2. Executive Summary

This report outlines the need to (a) address temporary vacancies within the Development Management Division, which if unfilled will have an impact on the delivery of timely decision making and (b) provide further resourcing in order to defend three planning appeals arising from the Council's refusal of major planning applications.

3. Recommendation

3.1 That Cabinet recommends to Council to approve:

- i) The release of £56,600 from reserves to cover the cost of retaining temporary agency staff to address current staff vacancies, and**
- ii) The release of £74,225 from reserves to cover the cost of engaging specialist professional services to support the local planning authority in defending three planning appeals.**

4. Background

Staffing

- 4.1 In December 2021 the Manager of the Applications Team was seconded to the position of Divisional Manager for Development Management for a period of 6 months. In order to ensure continued effective management of the Applications Team the post has been filled by an agency planner. In addition, until 28 March 2022 there were 2 senior planning officer posts vacant (1 x 1FTE and 1 x 0.5 FTE) within the Majors & Business Team. In February 2022 Cabinet agreed to release £30,000 from reserves to fund until April 2022 three agency planners to cover vacant posts and to deal with a backlog of applications within the Applications and Majors Teams.

- 4.2 The 1 FTE Senior Planner post within the Majors & Business Team has been filled on a permanent basis since 28 March 2022, however the 0.5 FTE remains vacant. Efforts to recruit to the post are ongoing; however, it remains a difficult market. An agency planner (0.7 FTE) has been covering this post and dealing with appeal work arising from refused applications, primarily within the Majors & Business Team.
- 4.3 In order to ensure the ongoing effective management of the Applications Team and the handling of applications and appeals it is necessary to retain two agency planners (i.e., Development Manager for the Applications Team and 0.7 FTE Senior Planner in the Majors Team).

Planning Appeals

- 4.4 Where major applications have been refused planning permission it is often necessary for the Council to defend its case at appeal through costly and time-consuming Public Inquiries and/or complex Hearings. Prior to July 2020 the Council was able to demonstrate a 5-year housing land supply and therefore appeals mostly related to less complex matters and specialist advice was not frequently required. Between July 2020 and November 2021, the Council accepted that it was not possible to demonstrate a 5-year housing land supply, and consequently there was no need to defend the supply at appeal. However, since the publication of the updated position in November 2021 which states that the supply is 5.3 years, the Council has sought to robustly defend the 5-year housing land supply position, and this has resulted in the need for specialist consultants. In combination, the increase in the number of complex appeals and the need to defend the Council's 5-year housing land supply has resulted in an increase in spending on specialists to effectively defend the Council's case at appeal.
- 4.5 A significant and complex appeal taking place early in June 2022 is a Public Inquiry for 100 dwellings on land South of Clappers Lane, Earnley. In addition, a conjoined Public Inquiry for 2 major housing schemes which cumulatively comprise up to 200 dwellings on Land North of A259, Flat Farm, Main Road and Land East of Broad Road, Chidham is due to take place in August 2022. A further significant appeal due to take place in 2022 (date to be arranged) is a Hearing for 25 dwellings on land known as South Side of Church Lane, Birdham. These appeals require input from a range of specialist planning and related professionals.
- 4.6 The Clappers Lane appeal is expected to take 5 days and requires a number of specialist witnesses in defence of the Council's case. In addition to the cost of the Council's appointed barrister, the cost of defending this appeal will be approximately £37,050. The conjoined appeal in Chidham is expected to take 8 days, and in addition to the cost of the Council's appointed barrister the cost of defending the appeal will be approximately £33,525. The Church Lane appeal is expected to take 2 days and the cost of defending this appeal will be approximately £30,150. These costs are beyond the 2022/23 budget available for Professional and

Consultancy Services which is £26,500. Whilst this would contribute to the overall cost, a further £74,225 is required to cover the total cost.

5. Outcomes to be achieved

- 5.1 To ensure the necessary resources can be secured to engage appropriate specialist professional services to assist in the defence of planning appeals.
- 5.2 To secure temporary cover for existing vacant posts in the Development Management Teams to ensure the effective management of the Applications Team and the efficient management of planning appeals and applications within the Majors Team.

6. Proposal

- 6.1 It is proposed that £56,600 is released from reserves to extend the contract of the interim Applications Team Manager (1FTE) until August 2022 and the contract of the Senior Planning Officer (0.7 FTE) until December 2022, to assist with the management of the Applications Team and the handing of applications and appeals in the Majors Team.
- 6.2 It is proposed that £74,225 is released from reserves to ensure that the local planning authority is in a position to robustly defend the Land south of Clappers Lane, Land at Flat Farm and Broad Road, and Land South of Church Lane appeals, for which specialist services are required including legal, housing supply and landscape specialists.

7. Alternatives Considered

- 7.1 Consideration has been given to advertising the temporary Development Manager post rather than the use of a more expensive agency planner, however it is highly unlikely to be possible to fill the post with a suitable candidate without them needing to fulfil a lengthy notice period, and a short 5-month contract would not likely be attractive to planners not working through an agency agreement. It is therefore considered that retaining the appointed agency planner is the most effective means to ensure the continued efficient running of the Applications Team.
- 7.2 Consideration has been given to attempting to deal with the current Major planning applications within existing resources, without extending the contract of an agency planner. However, there is no capacity in the team to deal with the cases expediently alongside more recently submitted applications and the ongoing appeals. The repercussions of this are not only dissatisfaction by applicants, but also poor staff morale, and possibly greater staff turnover in positions that may be difficult to refill, and a greater number of appeals against non-determination, with the added cost that will arise as a result.
- 7.3 Consideration has been given to dealing with all of the existing planning appeals using in house resources only. However, Public Inquiries require

specialists to give evidence on some of the complex matters that the Planning Inspector will consider, for which expertise needs to be sought externally. Hearings require specialists to discuss complex matters and answer questions from the Planning Inspector hearing the case. Failure to engage these specialist services will significantly reduce the Authority's prospects of winning these forthcoming appeals.

8. Resource and Legal Implications

- 8.1 There are no further resource or legal implications, beyond those set out in the body of the report. There may be an impact on legal team workloads, and this will be monitored going forward.

9. Consultation

- 9.1 No consultation has taken place or is necessary.

10. Community Impact and Corporate Risks

- 10.1 The recommendations in this report are important to reducing the risks associated with the ability of the Council to deal with the planning applications submitted to it, and to be able to maintain a position where it is able to demonstrate a 5-year housing land supply.
- 10.2 Delays in the determination of planning applications can affect the viability of business as well as people's choices of how and where they live. It is therefore important that the Council deals with the determination of applications in an expedient manner.

11. Other Implications

Are there any implications for the following?	Yes	No
Crime and Disorder		x
Biodiversity and Climate Change Mitigation - Further resources will ensure proper consideration of these matters as part of the application determination process	x	
Human Rights and Equality Impact		x
Safeguarding and Early Help		x
General Data Protection Regulations (GDPR)		x
Health and Wellbeing – Workload levels are currently unsustainable for case officers. The proposed measures will reduce the risk of stress related illness.	x	

12. Appendices

- 12.1 None

13. Background Papers

- 13.1 None.