

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

Agenda Item No. 12

meeting date: TUESDAY, 19 NOVEMBER 2019
 title: LOCAL DEVELOPMENT PLAN EXAMINATION IN PUBLIC COSTS
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: COLIN HIRST, HEAD OF REGENERATION AND HOUSING

1 PURPOSE

- 1.1 To inform Members of the costs advised by the Planning Institute following the close of the Examination which are significantly greater than the fees anticipated. To consider an increase in the budget provision to fund the Housing and Economic Development Plan Document Inspector's fees.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – To deliver a coordinated approach to planning through up to date planning policies.
 - Corporate Priorities – To protect and enhance the existing environmental quality of the area and to match the supply of homes in our area through the identified housing needs.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 Members are familiar with the recent work in connection with the delivery of the Council's Housing and Economic Development DPD. The plan was recently adopted at Full Council on 15 October 2019 following receipt of the Inspector's report and a positive outcome to the Examination in Public.
- 2.2 Having issued the Inspector's report, the Council has now been advised by the Planning Inspector of the fees payable which were given as £79,465.30. This was based upon the following charging split advised by the Inspectorate.

43 days preparation - £42,699
 6 days hearings - £5,958
 Half a day Inspections - £496.50
 Travelling 3.5 days - £3,475.50
 26 days reporting - £25,818

In addition travel and subsistence costs of £1,018.30.

The daily fee is fixed in legislation through statutory instrument and is £993 per day.

Following clarifications with PINS around the actual number of hearing days and confirmation that additional days for refreshing as a result of the Inspector's return to work after his illness were not included, the Council has been advised that the charges have been reduced by 6 days giving a fee of £73,507.

- 2.5 As Members will be aware, the original number of days scheduled for the Examination was 2 with a limited number of issues having been identified by the Inspector from a relatively low number of respondents. This was not unrealistic given the very limited number of allocations proposed and the overall extent of the submitted plan. The initial budget provision included for the Examination Inspector's costs was estimated at

£20,000 which leaves a substantial shortfall against the fees now being invoiced. Whilst there is some capacity within the revenue budget for the preparation of the plan due to some costs savings, additional funding will be required to meet the invoice.

3 THE EXAMINATION

- 3.1 Following the appointment of the Inspector and the pre-Examination work, the original hearings were due to take place in December 2017 and January 2018. Unfortunately, the Inspector was taken ill, however the Council were advised that a different Inspector would be unlikely to be available before the summer and of course that Inspector would have to review the plan and may well determine differing issues or evidence requirements. As the Inspector was due to return to work by April 2018, the decision was taken to retain the appointed Inspector.
- 3.2 The Inspector returned to work in May with a view to holding the hearings in June and July, however during his period of absence, matters had moved on such that these had to be taken into account and in particular the revised circumstances around the Council's Local Plan evidence base, which warranted further consideration by the Inspector.
- 3.3 As Members will recall a number of critical factors relating to housing land supply emerged following a planning appeal in Longridge and a need to revisit the Council's evidence on housing land supply including the proposal of additional site allocations to avoid the risk of being found unsound at the Examination which was a significant change in circumstances. Hearing dates were consequently put back to December 2018, however in the light of the additional evidence that was published ahead of the hearings and concerns from participants that they would not have time to adequately prepare for the Examination, the hearings were further postponed to January with the addition of further hearing days as the Inspector felt the housing evidence warranted closer examination as it went to the heart of a number of issues he had identified.
- 3.4 These factors have been identified by the Planning Inspectorate as the basis why the extent of additional work was required. It has to be acknowledged that additional issues did arise as a consequence of the Council having to produce further evidence which would have required additional work by the Inspector. However there remains the concern that overall the amount of additional work and resulting days for report writing are excessive given the nature of the plan overall. This issue has been reiterated with the Inspectorate and any further response will be reported at Committee.
- 3.5 The issue remains however that the only known factor is the fixed daily charge and the programme sitting days. There is no comparative for individual Inspectors and related workloads or report writing time. This has long been a concern as it makes it impossible to budget accurately for the process. Each plan is different and Examinations are individual to the plans themselves. Comparisons with other local authorities are not recognised by the Inspectorate as being relevant, as there can be so many variables. However, it is clear that cost comparisons across two neighbouring authorities who have recently completed full Local Plan Examinations have varied significantly from one authority who had costs of £37,000 and another authority that had costs of £75,000. By comparison our own circumstances in relation to the Core Strategy Examination gave rise to a fee of £52,000. Each of these examples however including our own Core Strategy relate to full and extensive Core Strategy or Local Plan Examinations.
- 3.6 Pending any further response from the Inspectorate there is a need to meet the Inspector's costs. In addition to the £20,000 budget allocated, savings in the Local Plan budget against other areas of expenditure mean that the sum of £30,000 remains available within that budget to meet the costs requiring an additional £43,507 to meet the costs of the Inspector.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The Council is required to meet the costs of the Examination and the fees of the Secretary of State’s appointed Inspector as advised by Planning Inspectorate. An additional allocation of £43,507 is currently required to meet the costs being charged to the Council. It is suggested that the additional cost is financed from general fund balances as there are no earmarked reserves for this purpose subject to Members’ agreement.
- Technical, Environmental and Legal – The Council is obliged to meet the costs of the Inspector for the Examination.
- Political – There are no direct political implications.
- Reputation – None.
- Equality & Diversity – None.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the total cost of £73,507 for the Inspector’s fees for the HEDDPD Examination and that given the issues identified regarding the fee process, asks the Chief Executive to write to the Secretary of State to express Members’ strong concerns about the system for fee charging and the inability to plan expenditure.

5.2 Agree the additional budget of £43,507 is met from general fund balances.

COLIN HIRST
HEAD OF REGENERATION AND HOUSING

NICOLA HOPKINS
DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

For further information please ask for Colin Hirst, extension 4503.