

Harborough District Council



Report to Cabinet Meeting of 12th February 2024

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| Title: | Approval of 5 Contracts over £50,000 to enable preparation of the new Harborough Local Plan and Granting Extended Delegated Authority to the Director of Planning, in Consultation with the Planning Portfolio Holder, to award future such contracts, unless there is a timely Cabinet meeting available to approve them. |
| Status: | Public |
| Key Decision: | Yes |
| Report Author: | David Atkinson (Director of Planning) |
| Portfolio Holder: | Cllr Simon Galton (Portfolio Holder for Planning) |
| Appendices: | Appendix A |

Summary

- i. This report seeks approval from Cabinet to award five contracts with a value of between £50 000 and £100,000 to service providers, as detailed in the exempt appendix, to enable the efficient preparation of the new Harborough Local Plan. The report also seeks extended Chief Officer delegated authority to be granted to the Director of Planning in consultation with the Planning Portfolio Holder, to approve further Local Plan related contracts up to a value of £100,000 for a temporary period up to June 2026, unless there is a timely cabinet available to approve them. This is to minimise the delay in procuring key evidence studies and specialist technical support to enable the new Local plan to be prepared and submitted in accordance with the approved Local Development Scheme.

Recommendation

It is recommended that Cabinet:

1. Approve the award of the contracts set out in Appendix A.
2. Delegates authority to the Director of Planning, in consultation with the Portfolio Holder, Planning, to approve the award of Local Plan preparation related contracts up to the value of £100,000 for a temporary period up to the end of June 2026, unless there is a timely Cabinet meeting available to approve those contracts.
3. Delegates to the Director of Planning, in consultation with the Portfolio Holder, Planning and the Head of Legal Services, authority to negotiate and finalise the contracts, including minor variations.

Reasons for Recommendation

- i. To minimise delays in procuring key evidence studies and specialist technical support required to prepare the new local Plan in accordance with the programme set out in the approved Local Development Scheme. Approving the five contracts recommended in this report and delegating authority to the Director of Planning in consultation with the Planning Portfolio Holder to approve similar contracts with a value of up to £100,000, unless there is a timely cabinet meeting available to approve them, will ensure delays to plan making are minimised.

1. Purpose of Report

- 1.1 This report seeks approval by Cabinet for approval of five contracts related to the preparation of the Local Plan, and the temporary amendment of Chief Officer delegated authority to allow the Director of Planning, in consultation with the Planning Portfolio Holder, to approve Local Plan related contracts from the current value of up to £50,000 to up to £100,000, unless there is a timely Cabinet meeting available to approve such contracts.

2. Background

- 2.1 Full Council at its meeting on 18th December 2023 approved the preparation of the new Local Plan. An intensive procurement exercise is currently underway to commission several key evidence studies and the temporary specialist technical support needed to meet the challenging local plan preparation programme. The programme is challenging because it is generally accepted that the normal amount of time required to prepare a local plan to the point of submission for examination is around 30 months. The Council are aiming to complete this work in a much shorter timescale, and so supporting processes need to be as streamlined and efficient as possible to enable this timescale to be met. Preparing the new local plan in a shorter timescale is necessary to ensure that the Council submit the new local plan under existing plan-making Regulations by June 2025: a government-imposed deadline.
- 2.2 Following approval by Full Council at its meeting on 18th December 2023 to proceed with the preparation of the new Local Plan, an intensive procurement exercise is currently

underway to commission several key evidence studies and the temporary specialist technical support needed to meet the challenging programme to Submit the new local plan under existing Regulations by June 2025.

- 2.2 The Council's appropriate procurement procedures are being followed with the majority of study costs estimated to fall within current Chief Officer delegated authority to award contracts up to the value of £50,000. However, a number of studies and technical support are estimated to cost more than £50,000 which would be above the Chief Officer delegated authority limit and which would normally have to be referred to Cabinet for approval.
- 2.3 The studies and technical support to which this currently applies and approval by Cabinet is being sought are:
- The Harborough District Infrastructure Delivery Plan (IDP);
 - The procurement of 3 no. specialist local plan preparation consultants; and
 - The procurement of a specialist local plan programme manager.
- 2.4 It is possible that, as the local plan progresses, other procurements could fall into this category and the essential speed of plan preparation would be maintained by granting the delegated authority recommended in this report.
- 2.5 Given the urgent need to progress procurement of studies and support packages the need to seek approval from Cabinet each time to award contracts above £50,000 when there is no convenient Cabinet meeting scheduled, would lead to delay, due to the urgent nature of the programme, which will significantly impact the Local Plan preparation. It is for this reason that delegated authority is sought in this report to the Director of Planning, in consultation with the Portfolio Holder for Planning to award such contracts unless a timely Cabinet meeting is available to approve them. This will ensure that delays to the preparation of the local plan can be minimised.
- 2.6 The current Scheme of Delegation set out in the Council Constitution allows the Director of Planning to approve contracts up to the value of £50,000. Approval is being sought to amend the Scheme of Delegation for Chief Officers in respect to the award of contracts to give delegated authority to the Director of Planning, in consultation with the Planning Portfolio Holder, and when there is no convenient Cabinet meeting scheduled, to approve contracts required for the preparation of the new Local Plan up to the value of £100,000 for a temporary period up to June 2026. This is to enable this programme for the preparation of the Local Plan to be met within the urgent timescales, and for subsequent Examination support to be commissioned in a timely manner.

4. Implications of Decisions

Corporate Priorities

3.1 The temporary amendment to the Scheme of Delegation will help reduce delays in awarding essential contracts for key evidence required to prepare the new Local Plan, which will help deliver the following corporate priorities:

- CO1: There will be an adequate supply of housing to meet local needs across all tenures and price ranges and reducing the potential for homelessness.
- CO2: Our local plan will ensure growth in the area is balanced with employment opportunities and ensure that transport and infrastructure needs are met.
- CO3: The rural nature of the district will be recognised, and our heritage and cultural assets are preserved.
- CO4: Engagement of our local communities, the voluntary and charitable sector and ensuring they actively manage their own localities and shape their own places.
- CO5: The district will be shaped through good design, that addresses local needs and promotes healthier life choices.

The policies of the new local plan will set out how these corporate priorities are to be met and achieved. The new policies will be assessed in the light of these corporate priorities to ensure they meet the aims and objectives of the Council's Corporate Plan.

Consultation

3.2 As this is an internal council governance matter there is no need for consultation.

Financial

3.3 No additional resources are required.

Legal

3.4 Procurement will be undertaken in accordance with the provisions set out in the Council's Constitution.

Environmental Implications

3.5 The revised delegation arrangements will reduce potential delays to the preparation of the new Local Plan. The new Local plan will have implications in relation to the spatial planning of the district, it will guide the delivery of development in a plan-led way and coordinate environmental protection. The wider environmental implications of the scale and distribution of development and associated supporting infrastructure will be assessed through the Sustainability Appraisal of the Local Plan, which incorporates the requirements of the SEA Directive. The SEA Directive is important to the preparation of the local plan. It is one of the key documents that ensures that the spatial strategy of the plan is sustainable and that the plan thereby delivers sustainable development. This will ensure that the plan provides the best possible benefit to the district because development planned for, through the plan, will be delivered in a way that minimises its impact.

Risk Management

3.6 The temporary amendment to delegated authority will help minimise delays and enable the Local Plan to be prepared in accordance with the timetable set out in the approved Local Development Scheme. The local plan preparation timetable is challenging and cabinet approving recommendation two in this report will mean that repeated reports to cabinet would not be needed when urgent contracts of up to a value of £100,000 need to be entered into to enable the plan to be prepared, and a suitably timed cabinet meeting is not available. This will enable the efficient preparation of the local plan within the fixed time

available. Cumulatively this will save significant time and ensure that the process of preparing the local plan is as efficient as possible and will support meeting local plan preparation deadlines. This will support being able to submit the local plan for examination by the government deadline of June 2025. In so doing, this serves to ensure the local plan remains up to date and enables risks associated with not having an up-to-date local plan to be managed and mitigated.

- 3.7 Not meeting the government deadline to submit the new local plan by 30 June 2025 would mean that preparation of the new local plan would suffer a hiatus whilst the new national planning system is introduced. This would impose a significant delay on plan making. If the June 2025 deadline for the submission of the new plan for examination is not met, a new plan would need to be prepared under a new national planning system being introduced by the government, about which little is known. In the new plan making system, the government would essentially control the local plan preparation timetable and because the council has a good plan-making record to date, this would be likely to result in the council being unable to submit a plan for examination until potentially 2027. This is because it is understood that under the new plan-making system, the Government will invite councils with poor plan making records to submit plans for examination first, with Harborough District being invited to do so later. The result of this would be likely to be that the council would not be able to adopt a new local plan until potentially 2029, or around that time, taking into account the time needed for examination and adoption procedures. Not achieving a new adopted plan until around 2029 would be likely put the district at risk of being unable to resist unplanned, speculative and potentially unsustainable development in the period when no up-to-date local plan would be in place, which could amount to several years. This is why it is important to progress a new local plan under the existing plan making regulations and submit the new plan for examination by the Government's deadline of June 2025. Cabinet approving recommendation two in this report will facilitate this being achieved.

Equalities Impact

- 3.8 An Equalities Impact Assessment (EIA) for the Local Plan will be prepared and updated at key stages of the Local Plan making process. In addition, an EIA will be prepared for each public consultation stage.

Data Protection

- 3.9 Where appropriate consultants undertaking evidence studies and technical specialists will be required to meet the provisions of the UK General Data Protection Regulations and the Data Protection Act 2018 in respect to any data handling.

5. Alternative Options Considered

- 4.1 Option 1: Not to amend the current Scheme of Delegation in the manner sought in recommendation two of this report, and rather to seek approval from Cabinet to the approval of contracts above £50,000 on every occasion, whether there is a timely meeting of Cabinet available or not. This is not Recommended because the time this would take would prevent delivery of the local plan in accordance with Local Development Scheme timelines. In the light of the need to avoid the scenario indicated in paragraph 3.7 above, and for the council to adopt a new local plan as quickly as possible to ensure a plan-led approach to the delivery of sustainable development is maintained across the district, it is important that the local plan preparation timetable set out in the approved Local Development Scheme is met. In

order to do this the council need to prepare and submit a new local plan for examination by June 2025. It is for this reason that the timelines in the Local Development Scheme are tight. By approving recommendation two of this report cabinet will be supporting the efficient preparation of the new plan through enabling decision making on entering into contracts up to £100,000, to support the preparation of the new plan, to be as efficient as possible. By delegating authority to enter into such contracts to the Director of Planning, in consultation with the Planning Portfolio Holder, if a conveniently timed cabinet meeting is not available, will ensure efficient progress on the preparation of the new plan will be maintained and Local Development Scheme timelines can be met.

6. Recommendations

6.1

It is recommended that Cabinet:

- 1. Approve the award of the contracts set out in Appendix A.**

- 2. Delegates authority to the Director of Planning, in consultation with the Portfolio Holder, Planning, to approve the award of Local Plan preparation related contracts up to the value of £100,000 for a temporary period up to the end of June 2026, unless there is a timely Cabinet meeting available to approve those contracts.**

- 3. Delegates to the Director of Planning, in consultation with the Portfolio Holder, Planning and the Head of Legal Services, authority to negotiate and finalise the contracts, including minor variations.**

7. Background papers

7.1 There are no background papers to accompany this report.