

Open Report on behalf of Andy Gutherson, Executive Director – Place

Report to:	Environment and Economy Scrutiny Committee
Date:	14 January 2020
Subject:	Introducing a Charging Policy for Archaeology Advice and Planning Services

Summary:

This report seeks Committee support for introducing a charging policy regime for the Planning Services team when providing services for other Councils and for use in Planning Performance Agreements (PPA). There have been longstanding arrangements with district councils to support the cost the County Council incurs in providing specialist advice on archaeology to the district councils in support of their planning services.

PPAs are a project management tool between the applicant and the Planning Authority that give certainty for the applicant that a decision on a planning application will be received within an agreed timescale. The costs of these PPAs have to date been levied on a somewhat ad hoc basis.

This paper sets out the need for a more formal arrangement to ensure that in due course all costs are fully recovered. The expansion of this service to providing archaeological advice to local authorities outside Lincolnshire has been a trigger to reviewing the charges applied for this work. The move of the Historic Places Team into Planning Services has precipitated the development of a formal charging framework for Planning Performance Agreements and the Committee is asked to consider the charging policy in the round.

Actions Required:

The Environment and Economy Scrutiny Committee is asked to:

1. Consider the current approach of charging for specialist advice within Planning Services;
2. Comment on the ability to recover costs and undertake fee-paying work in these specialist areas; and
3. Endorse the development and setting up of a formal charging regime for Planning and Archaeological advice.

1. Background

- 1.1 This paper sets out the opportunity the County Council has to raise revenue from its specialist services in planning. While this originated with the development of a charging policy for services on archaeology it has now been broadened in scope as set out below.
- 1.2 Since 1990 when the then government published Planning Policy Guidance Note 16, *Archaeology and planning*, the impact of development on archaeological remains has been a material consideration in the planning process. With expertise being available through the county Historic Places Team, since the early 1990s LCC has charged for its specialist advice on archaeology and planning.
- 1.3 Government policy has been reviewed continually since 1990 but has continued to set out the need for archaeological remains to be considered as part of the planning process. Most recently expressed in the National Planning Policy Framework, 2012 (updated 2018) government policy requires that heritage assets, whether designated or not, be considered within the plan making and development management aspects of planning. The Council provides advice on archaeology based upon the Historic Environment Record which is the definitive record of the county's heritage of archaeological sites, historic buildings and landscapes.
- 1.4 In two-tier counties like Lincolnshire most planning decisions are made at district level (apart from the County Council own developments, minerals and waste developments). In order for the district councils to make appropriate decisions according to the NPPF they are required to have access to the Historic Environment Record and expert advice. LCC provides this expert advice to East and West Lindsey and South Holland District Councils in Lincolnshire and Bassetlaw and Newark and Sherwood District Councils. Lincoln City Council has their own Archaeology Officer and the three other Lincolnshire district councils take advice from Heritage Lincolnshire on a long-standing arrangement. The County Council recovers costs by invoicing the local authorities and for the Lincolnshire districts this arrangement has been in place since the mid-1990s. A formula was devised at that time for calculating the cost based upon the average number of applications per district per annum. This arrangement has continued since that time.
- 1.5 In the light of the greater freedom government has given local authorities to recover the costs of service provision the Council has looked to review its charging for the specialist archaeological advisory service. Over the past eighteen months staff have been undertaking a number of exercises to investigate how the costing for these services might be better calculated. A paper was taken to Commissioning and Commercial Board in March 2019 and approved. This envisaged a two year implementation programme for moving towards the more realistic cost recovery procedure.

- 1.6 Following a senior management review of the Places Directorate the Historic Places Team joined with the Planning Services in June 2019. At that time it was decided to put a hold on progressing with the Historic Places charging regime whilst a similar exercise was undertaken for the Planning team so that the two charging regimes could progress together to ensure a consistent approach is applied to both without the need for duplication of taking these items separately through the Committee approval process.
- 1.7 Currently in its statutory role as County Planning Authority other than the prescribed fees that must accompany a planning application, fees for the discharge of planning conditions and fees for monitoring of minerals sites, there is no internal formal framework for charging out the time of Planning Officers when undertaking work in relation to Planning Performance Agreements.
- 1.8 The Council is able to enter into Planning Performance Agreements (PPA) with applicants seeking planning permission for developments. A PPA provides a mechanism for a project management tool for an applicant to enter into an agreement with the Council to ensure they receive a timely decision on a planning application and if permission is granted decisions on the discharge of planning conditions are received within a defined period. There is currently no formal fee for setting up a PPA or the charge out rate for the Officer time associated with undertaking this work. Consequently using a model that has been developed by the Council's Commercial team a rate has been calculated based on Officers pay and associated additional costs. Applying this model to the Planning Services team a figure of £55.63 per hour has been calculated to be used for PPAs and any other chargeable time for Planning Services such as when seeking costs in prosecution cases undertaken by the Council's Enforcement team. In addition when setting up a Planning Performance Agreement a flat rate fee of £400 will be charged for the administration costs of putting a PPA together.
- 1.9 This programme of charging has been delayed as the needs of the rest of the Planning Service are taken into account. In his review of the Directorate in the spring of 2019 the Executive Director of Place moved the Places Team into Planning Services and renamed it the Historic Places Team. There are a number of synergies created by the Historic Places Team coming under the Head of Planning Services. One such advantage is the opportunity to consider charging for planning related activities on a holistic basis. It is acknowledged there is a modest difference in the proposed charging rates between the two service areas. This is due to the model weighting applied to the costs of the staff undertaking the work. More senior planning officers are expected to undertake the work on PPAs which has resulted in a higher cost being calculated for this area of work.

2. Conclusion

- 2.1 The Committee is asked to support the development and setting up of a formal charging regime for Planning and Archaeological advice based on the Council's established internal model for calculating the full cost of

Officer's time in undertaking such work. For Planning Officers the suggested fee rate is £55.63 per hour and for Historic Places Team the suggested fee rate is £43.04 per hour.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

No

b) Risks and Impact Analysis

Risk that fee-paying clients get put off.

We become reliant upon fees being paid, there is always a risk of operating in a commercial market

There are no identified risks to the Council undertaking this work. There will be benefits to the heritage and historic environment team by reducing the threats faced.

Staff that are undertaking this commercial work can be recruited by those relying on this work.

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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