

RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).

The form must be completed and passed to the Chief Officer Legal and Democratic Services no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 days have passed and the Chief Officer Legal and Democratic Services has confirmed the decision has not been called in.

1. Description of decision

To accept the award of £100,000 from the Department for Levelling Up, Housing and Communities (DLUHC) Planning Skills Delivery Fund.

2. Date of decision

14 February 2024.

3. Reasons for decision

The funding grant will provide £80,000 to be spent on the appointment of temporary contractors to deal with planning decisions backlogs, and for £20,000 to be spent on experts to devise a guidance note for planners on the new Environmental Net Gain regulations.

Backlogs in planning decisions slows down decision-making, resulting in a lowering of quality of service and increased uncertainty for both developers and the community relating to the delivery of development.

The emerging Bedford Borough Local Plan 2040 has provided the opportunity to develop and promote a new policy to require Environmental Net Gain.

4. Alternatives considered and rejected

All local authorities were encouraged to apply for the bid. There is no alternative source of funding available.

5. How decision is to be funded


From DLUHC's Planning Skills Delivery Fund

6. Conflicts of interest

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).

The Mayor has been consulted on this decision

Not Applicable

Signed 

Date: 14 February 2024

Name of Decision Taker: Tom Wootton

This is a public document. A copy of it must be given to the Chief Officer Legal and Democratic Services as soon as it is completed.

Date decision published:14February2024.....

Date decision can be implemented if not called in:26February2024.....

(Decision to be made exempt from call in.....NO.....)

Bedford Borough Council – Report to the Mayor

Date of Meeting: 14 February 2024

Report by: Chief Officer for Planning, Infrastructure & Economic Growth

Subject: Acceptance of Planning Skills Delivery Fund Grant Award.

1. EXECUTIVE SUMMARY

- 1.1 The report seeks approval for the Council to accept the Department for Levelling Up, Housing and Communities (DLUHC) “Planning Skills Delivery Fund” (PSDF) award of £100,000 in two parts.
- 1.2 The first element will be for £80,000 to be spent on the appointment of temporary contractors to deal with planning decisions backlogs.
- 1.3 The second element will be for £20,000 to be spent on experts to devise a guidance note for planners on the new Environmental Net Gain regulations.

2. RECOMMENDATIONS

- 2.1 **That the Mayor approves the acceptance of the award of £100,000 from DLUHC’s Planning Skills Delivery Fund.**

3. REASONS FOR RECOMMENDATIONS

- 3.1 Backlogs in planning decisions slows down decision-making, resulting in a lowering of quality of service and increased uncertainty for both developers and the community relating to the delivery of development.
- 3.2 The emerging Bedford Borough Local Plan 2040 has provided the opportunity to develop and promote a new policy to require Environmental Net Gain.

4. THE CURRENT POSITION

- 4.1 Backlog Funding: A backlog of outstanding planning applications built up during the COVID period. Whilst this backlog decreased when a backlog team was established to deal with outstanding applications, this work did not include 'discharge of conditions' applications (known as AOCs).
- 4.2 The Council has been successful in recruiting permanent staff more recently, effectively replacing temporary staff, and performance in dealing with minor and major applications is now well above government targets. However, the number of outstanding AOCs (which is not subject to a government target), has remained higher than desired. The funding made available by the government is, therefore, welcome in allowing us to further improve performance in this area.
- 4.3 Skills Funding: The Council, together with other authorities in the Oxford to Cambridge (OxCam) Arc, prepared and endorsed environmental principles (in 'Shared regional principles for protecting, restoring and enhancing the environment in the Oxford to Cambridge Arc' March 2021) which include seeking to achieve not just Biodiversity Net Gain but Environmental Net Gain alongside growth. The document explains that Environmental Net Gain is an ambition in line with Government's 25 Year Environment Plan (2018).
- 4.4 The emerging Bedford Borough Local Plan 2040 has provided the opportunity to develop and promote a new policy to require Environmental Net Gain. The Council has been supported by partners in the Local Nature Partnership and other Arc authorities, as well as the DEFRA led group that prepared the OxCam Local Natural Capital Plan.
- 4.5 The Council currently has no in-house biodiversity officer capacity and is, therefore, looking for ways to provide practical guidance to both development management case officers and applicants to assist with the application of the policy. The government funding will be utilised to employ consultants to prepare this guidance.

5. DETAILS

- 5.1 In September 2023, Bedford Borough was invited by DLUHC to apply for up to £100,000 from the Planning Skills Delivery Fund. The Scheme had two strands:
- Backlog Funding, and
 - Skills Funding.
- 5.2 Applicants would receive a maximum grant of £100,000 which could be split across the two strands or focus wholly on one or the other. After discussions with Planning managers, it was decided to apply for £80,000 for Backlog Funding, and £20,000 for Skills Funding.

- 5.3 In December 2023, Bedford Borough Council received notification that it had been successful in its application and would receive the full amount requested.
- 5.4 In January 2024, DLUHC issued the Memorandum of Understanding that would, when signed off, signal the commencement of project activities.

6. ALTERNATIVES CONSIDERED AND REJECTED

- 6.1 The only other alternative at the time the funding scheme was publicised was to continue without funding from this source. As there were significant benefits to Planning performance and future planning decisions, it was decided that the fund was suitable to apply for.

7. KEY IMPLICATIONS

<p>7.1 Legal Issues</p>	<p>Bedford Borough Council will receive £100,000 (in two instalments) under the UK Government’s Planning Skills Delivery Fund. The grant payments will be made under Section 31 of the Local Government Act 2003.</p> <p>The legal details about the award are available in Appendix A – Planning Skills Delivery Fund – Memorandum of Understanding</p>
<p>7.2 Policy Issues</p>	<p>The project contributes towards:</p> <ul style="list-style-type: none"> • Local Plan 2030 • Local Plan 2040 <p>In both cases, the funding will:</p> <p>i) Assist in reducing the backlog in processing of planning decisions and prevent future backlogs building up.</p> <p>ii) Provide a consistency of approach to Environmental Net Gain. The output will be a short document that can be posted on our website and offer pragmatic steps that can be taken by developers to achieve both Biodiversity Net Gain and Environmental Net Gain.</p>

7.3 Resource Issues	<p>The first part of the PSDF award (£80,000) will be used in the following ways:</p> <ul style="list-style-type: none"> • An estimated £67,000 from the £80,000 funding will be used to recruit two junior planners on a full-time temporary basis for up to 6 months. They will work solely on the clearing of the applications to discharge conditions (AOCs). • The remaining £13,000 is to be spent on the legal advice required to discharge the backlog of AOCs. <p>The second part of the PSDF award (£20,000) will be used for:</p> <ul style="list-style-type: none"> • Funding external expertise to prepare an Environmental Net Gain guidance note and checklist. <p>All spend should have been completed six months after project commencement.</p> <p>The project will be managed in accordance with council project management procedures.</p>
7.4 Risks	<p>There is a risk that, should the Council fail to comply with the requirements of the Grant Conditions, the Minister of State may:</p> <ul style="list-style-type: none"> (a) reduce, suspend or withhold grant; or (b) by notification in writing to the authority, require the repayment of the whole or any part of the grant
7.5 Environmental Implications	<p>In accepting the grant and delivering the work, in particular the guidance note on Environmental Net Gain, this project will have a tangible impact in improving environmental standards through planning processes in the Borough, supporting the Climate Change Emergency Cross-cutting theme in the Corporate Plan 2022-2026.</p>
7.6 Equalities Impact	<p>There are not considered to be any equality and diversity implications in taking this decision.</p>
7.7 Impact on Families	<p>There are not considered to be any Families implications in taking this decision.</p>
7.8 Community Safety and Resilience	<p>There are not considered to be any Community Safety and Resilience implications in taking this decision.</p>
7.9 Impact on Health and Wellbeing	<p>There are not considered to be any Health and Wellbeing implications in taking this decision.</p>

8. SUMMARY OF CONSULTATIONS AND OUTCOME

8.1 The following Council units or Officers and/or other organisations have been consulted in preparing this report:

Portfolio Holder for Planning and Town Centres
Director of Environment
Chief Officer for Finance
Head of Legal Services
Energy & Water Technical Officer

9. WARD COUNCILLOR VIEWS

9.1 Not applicable

10. CONTACTS AND REFERENCES

Report Contact Officer	Haydn Rees Senior Officer, Infrastructure & Project Development haydn.rees@bedford.gov.uk
File Reference	N/A
Previous Relevant Minutes	None
Background Papers	None
Appendices	Appendix A – Planning Skills Delivery Fund – Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

**between
Department for Levelling Up, Housing and Communities
and
Bedford Borough Council**

1. Background

1.1. The Planning Skills Delivery Fund (PSDF), which is part of the Capacity and Capability Programme, will provide £29 million over two years to local authorities to help with the implementation of the proposed reforms in the Levelling Up and Regeneration Bill. To ensure that local authorities are ready for change, we recognise that support is needed to help planning services deal with a variety of issues in the current system. We are therefore providing funding for the improvement of development management services by clearing backlogs of planning applications, as well as funding for addressing planning skills gaps.

2. Purpose of the MOU

2.1. This Memorandum of Understanding ('MOU') sets out the terms, principles and practices that will apply to the working relationship between the Department for Levelling Up, Housing and Communities ('DLUHC') and Bedford Borough Council ('the Council') (collectively 'the Parties') regarding the administration and delivery of the Planning Skills Delivery Fund.

2.2. This MOU is not legally binding, and no legal obligations or legal rights shall arise between the Parties from the provisions of the MOU. The Parties enter into the MOU intending to honour all their obligations.

3. Purpose of funding

3.1. DLUHC will allocate funding of £80,000.00 to the Council as part of the Planning Skills Delivery Fund.

3.2. The funding is for / to cover:

- ii. To clear backlogs of planning applications.
- iii. To address planning skills gaps.

3.3. The proposal submitted by the Council to DLUHC provided project details as set out in your application dated 8/9/2023.

4. Financial arrangements

4.1. The Secretary of State for Levelling Up, Housing and Communities has determined under Section 31 of the Local Government Act 2003 that a grant of £80,000.00 should be paid to Bedford Borough Council.

4.2. The maximum amount of grant payable for the funding period between date of agreeing this MOU and 31 March 2024 is £80,000.00. DLUHC expects the Council to have completed the plans for the Project and committed to spend the grant funding by the end of the financial year 2023/24.

4.3. The grant covers revenue expenditure relating to the improvement of development management services by clearing backlogs of planning applications, as well as funding for addressing planning skills gaps.

4.4. The funding will be paid in a lump sum and consists of:

- i. £80,000.00 revenue which should be used for support with clearing planning applications backlogs or support with addressing skills gaps.

4.5. The Council should endeavour to keep a record of expenditure.

4.6. Upon completion of this MOU, DLUHC will send the Council a Grant Determination letter which sets out the financial terms and conditions under Section 31 grants.

5. Duration

5.1. This MOU applies until 31 March 2024. This covers both the funding period financial year 2023/24 and the evaluation period (financial year 2024/25).

5.2. This MOU will come into effect upon signature by the Parties. It may be extended by the written agreement of the Parties.

6. Monitoring and evaluation

6.1. DLUHC will provide grant funding subject to the Council hereby agreeing to full transparency open book working on all matters relating to the proposals, expenditure, quarterly reporting and evaluation forms.

6.2. The Council agrees to keep a record of all expenditure.

6.3. The Council agrees to collaborate with DLUHC over monitoring and evaluation requirements, which will involve reporting quarterly on progress, milestones and any problems they may be facing and what support can be offered.

6.4. The Council also agrees to complete an end of grant evaluation form which will include overall expenditure and overall progress. DLUHC reserves the right to quality assure data.

6.5. DLUHC may publish relevant data and use it to inform public statements.

6.6. DLUHC will ensure that any information published will be processed in accordance with the requirements of data protection legislation.

6.7. The Council will be responsible for establishing secure data control of any information. The Council will also be responsible for ensuring requirements under the General Data Protection Regulation and Data Protection Act 2018, including the need for a Data Protection Impact Assessment, are adhered to for any quantitative and qualitative data collected as part of the process or activities.

7. Learning programme

7.1. Participating local authorities will be invited by DLUHC to participate in a wider learning programme to help DLUHC better understand whether the Fund was able to achieve its stated aims. This will be for the purpose of understanding organisational context, the impact of the Fund and the identification of any best practice or learning to inform future policy making.

7.2. The learning programme will be delivered by policy and research officials at DLUHC and supported by our external delivery partners. High-level details of the award and contact details provided through the application process may be shared and used by DLUHC and its external delivery partners to invite relevant colleagues to learning activities, including but not limited to in-person and hybrid workshops, research interviews and surveys.

7.3. The learning programme will commence following the award of funding and run until the end of the next financial year. Authorities may be asked to participate in activities running up until March 2025. This will enable DLUHC to track the longer-term impacts of the Fund.

7.4. Learnings from the programme may be shared with other authorities participating in the Fund, as well as those not participating in the Fund. They may also be shared in an anonymised form in publications, events and other relevant outputs.

8. Assurance and risk management

8.1. The Council is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents will be adhered to, which may include, but not solely, subsidy control, public sector equality duties, procurement, health & safety, and fraud.

8.2. Ownership of risk will be transferred to the Council. Councils will be responsible for mitigation of any risks that arise throughout the delivery of the Fund.

8.3. The Council will complete their own Fraud Risk Assessment to ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the risk of both fraud and payment error.

8.4. The Council will inform DLUHC should there be any changes to delivery.

8.5. The Council will undertake corrective action if the quality of work does not meet expected standards.

9. (Not Used)

10. Procurement

10.1. The Council will be responsible for ensuring that any third-party partnership arrangements or procurement activities related to delivery of the Fund comply with Procurement Law and their own procurement procedures.

10.2. "Procurement Law" includes, but is not restricted to, The Public Contracts Regulations 2015, The Concession Contracts Regulations 2016, The Defence and Security Public Contracts Regulations 2011 and The Utilities Contracts Regulations 2016, together with their amendments, updates and replacements from time to time.

11. Due Diligence

11.1. The Council will be responsible for undertaking due diligence checks on all third-party organisations, including suppliers and subcontractors that will be receiving funding and/or involved in delivery.

12. Resolution of Disputes

12.1. Any dispute that may arise as to the interpretation or application of this MOU will be settled by consultation between the Parties.

13. Legal Enforcement

13.1. This MOU is not legally enforceable. It describes the understanding between both Parties for the use of the Planning Skills Delivery Fund.

14. Amendment of this Memorandum of Understanding

14.1. The arrangements under this MOU will be kept under review by DLUHC and the Council and can be amended upon securing written agreement between both parties.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Signed on behalf of Bedford Borough Council by:

Name:

Date:

Chief Executive/Section 151 Officer/Deputy S151 Officer.

Signed on behalf of DLUHC by:

Name:

Date:

Designation: