

## CABINET

17 October 2023

# MINERALS PLANNING ADVICE CONTRACT: RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEE

### Report of the Portfolio Holder for Planning and Property

Strategic Aim:	Sustainable Growth	
Key Decision: No	Forward Plan Reference: FP/090623	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr P Browne – Deputy Leader and Portfolio Holder for Planning and Property	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning and Housing Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors	All	

### DECISION RECOMMENDATIONS

That Cabinet:

1. Considers the recommendations from the Overview and Scrutiny Committee alongside the updated information set out in this report.

## 1 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's comments on matters raised by the Overview and Scrutiny Committee regarding the contract to provide minerals planning advice.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Minerals and Waste Planning advice contract was awarded, through a tender process in line with the Council's corporate procurement rules, to North Northamptonshire Council (NNC) on 1st February 2022 for a period of 4 years.
- 2.2 The scope of the technical mineral and waste planning services (i.e., professional

work, technical assessments and general advice) covers two service areas:

- 2.3 Firstly, the provision of planning policy services to assist in the preparation of all mineral and waste related parts of a new Local Plan for the administrative area of Rutland; including preparation of evidence base documents, policies and proposals; satisfying the Duty to co-operate; act as critical friend for associated sustainability and environmental assessments; and represent Rutland as technical expert when required.
- 2.4 Secondly, Development management advice and technical assessment services, including regulatory monitoring.
- 2.5 Overview and Scrutiny Committee (OSC) at its meeting in April this year considered a report on the first year of this contract. A copy of the report to that meeting is appended to this report. OSC made the following recommendations:
- 2.6 RECOMMENDED to the Leader that minerals waste was explicitly identified within a portfolio and that the Portfolio Holder and Members received a quarterly overview report regarding the progress of the minerals waste contract and the monitoring visits and that the details of the monitoring visits should be shared with the Rutland Quarry Forum.
- 2.7 RECOMMENDED that Cabinet considered the SMART objectives within the Minerals Waste Contract and developed them to be SMART i.e. more robust.
- 2.8 RECOMMENDED to Cabinet that the minimum planning conditions as detailed in the Greetham Quarry contract should be adopted as the standard for future quarrying contracts by Rutland County Council.
- 2.9 RECOMMENDED that Cabinet should undertake to investigate a plan to increase minerals monitoring and enforcement skills/resource and review potential funding through the Local Plan funds, monitoring visits and planning fees.
- 2.10 These recommendations are for Cabinet to consider. To assist Cabinet's consideration, progress against each recommendation is as follows:

1. The planning functions around Minerals and Waste are recognised as important and are explicitly identified within the responsibilities of the Portfolio Holder for Planning.

The contract has continued to be monitored through quarterly review meetings between officers. The number of monitoring visits to sites has been reviewed and an annual programme agreed. This is on track, with the exception of one dormant site where it has proven difficult to gain access. The Head of Development Control for the Council has also started attending site visits with North Northants.

Officers are currently preparing a written report to summarise the visits and their findings, currently delayed to work pressures. The report will then be shared with Members and the Quarry Forum.

2. To date Performance Indicators have been met including meeting Government targets where appropriate. Please note any amendment to the current contract can only be achieved through negotiation with the contractor as amendments will require

with their agreement. The Performance Indicators, which are considered fit for purpose, for the contract are:

- a. Undertaking the processing of all minerals planning applications in an effective way so that at least 60% of decisions can be made within 13 weeks unless extensions of time are agreed with the applicant or a different date is set out within a Planning Performance Agreement.
  - b. Undertaking at least 80% of minerals site monitoring visits as determined at the inception of the contract and by annual review.
  - c. Providing timely information and advice on strategic minerals planning issues to meet the intended programme for the production of a new Local Plan for Rutland.
  - d. Responding to questions forwarded by the Council in relation to complaints and applications within five working days.
3. Previous planning conditions on similar applications are welcomed and noted for consistency and quality, providing a useful benchmark for officers' reports and recommendations. Planning policy also guides decision makers on conditions. The new policies for minerals will be consulted on as part of the Regulation 18 Local Plan consultation (which is the subject of a separate report to this Cabinet meeting). It remains the responsibility of the decision maker (usually Planning Committee) to finally determine the appropriate set of conditions for each individual application.
4. Officers have taken a direct hands-on approach to increase expertise and oversight of monitoring. The Head of Development Control has been undertaking continuous professional development in Minerals and Waste and attending monitoring visits with North Northants Council. While North Northants Council have struggled to recruit, Minerals and Waste being an area suffering a national shortage of qualified people, they have appointed an expert consultant to support their Minerals and Waste service on an interim basis. Rutland's wider development control team have also attended a number of training sessions to develop their expertise in this area. Increasing the enforcement resource within the Development Control team is estimated to cost circa £56,000 for one additional full-time officer and their on-costs.

### **3 CONSULTATION**

- 3.1 There is no specific requirement for consultation on this report.

### **4 ALTERNATIVE OPTIONS**

- 4.1 Any alternative option would require amendment or cancellation of the current contract. Terminating the contract would leave the Council without this resource which would be difficult to replace.
- 4.2 The contract sets out the circumstances whereby either party may terminate the contract. Clauses include the provision that the Council reserves the right to terminate the Contract at will (in whole or in part) at any time with or without notice (except that it will give as much notice as possible in the circumstances) if the service provider shall commit a material or persistent breach of this Contract.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 The cost of providing the minerals and waste service is covered within existing budgets. Estimates are included above to reflect the potential cost of enhancing the monitoring and enforcement of sites. This is unbudgeted.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 The procurement process has been undertaken in line with the Council's Corporate Procurement Rules.

## **7 DATA PROTECTION IMPLICATIONS**

- 7.1 There are no Data Protection Impact Assessment implications arising from this report.

## **8 EQUALITY IMPACT ASSESSMENT**

- 8.1 There are no direct equality implications arising from this report.

## **9 COMMUNITY SAFETY IMPLICATIONS**

- 9.1 There are no direct community safety implications arising from this report.

## **10 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 There are no direct health and wellbeing implications arising from this report.

## **11 ORGANISATIONAL IMPLICATIONS**

- 11.1 As set out in the above report.

## **12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The report sets out progress in considering the recommendations from Overview and Scrutiny Committee. Cabinet is requested to consider the report.

## **13 BACKGROUND PAPERS**

- 13.1 Government guidance on minerals planning:  
<https://www.gov.uk/guidance/minerals>
- 13.2 National Planning Policy Framework:  
<https://www.gov.uk/government/publications/national-planning-policy-framework>

## **14 APPENDICES**

- 14.1 Appendix A: Update report on the Minerals and Waste Planning contract to the meeting of the Overview and Scrutiny Committee, held on 20<sup>th</sup> April 2023.

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**