

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr Richard Blunt E-mail: cllr.richard.blunt@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Ian Devereux		
		Other Members consulted:		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial: 01553 616237		Other Officers consulted: Sam Winter; Tony Hague, Geoff Hall		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)				
Date meeting advertised: 14 th August 2018		Date of meeting decision to be taken: 21 st August 2018		
Deadline for Call-In: 29 th August 2018				

LOCAL PLAN HRA PROCESS/ADMINISTRATION OF HRA MONITORING & MITIGATION & GI COORDINATION PANEL

Summary

The Council's Local Plan needs to have a Habitat Regulations Assessment (HRA) carried out. A proposal from the Norfolk Coast Partnership (NCP) to do this has been received.

The HRA Monitoring & Mitigation & GI Coordination Panel Meeting process needs administrative support. This was previously carried out by the Graduate Planner in the Planning Policy Team. This post is currently vacant. The NCP already administers the Panel's habitats payment process. They are willing to take on the Panel administration role.

Recommendation

Appoint the Norfolk Coast Partnership to carry out the Local Plan Habitat Regulations Assessment and to administer the HRA Monitoring & Mitigation & GI Coordination Panel.

Reason for Decision

To ensure that the HRA of the Local Plan is carried out in line with statutory requirements.

To facilitate the smooth administration of the HRA Monitoring and Mitigation & GI Coordination Panel.

Background

Local Plan HRA Process

The Local Plan has to be subject to a Habitat Regulations Assessment (HRA) at each stage of the process. Previously specialist consultants have been employed to carry out this work. The NCP have an officer who has recently provided assistance to North Norfolk District Council (NNDC) in relation to this area of work.

Discussions with NCP officers have confirmed that the officer concerned would be very happy to help with the work on the HRA, equivalent to the work she has completed for NNDC, namely:

- Writing the HRA scoping report
- Writing the brief for consultants to conduct the HRA
- Support for selection of consultant
- Any other related tasks, on request

NCP would charge for her time at a rate equivalent to her cost of employment to them, including overheads. For 2018-19, this works out at £25.40/hour, equivalent to £187.96 for a standard 7hr 24 minimum day. This is the same as the amount they would charge NNDC this year (an increase on last year's rate based on 2% inflation plus a recognition that she is going up in grade). Their total charge to NNDC for the work was approx. £2,755.

They would also be very interested in helping with any review of our Local Plan/Development Control environmental policies, or environmental content in general policies, but this work is not included in the above figures.

HRAMMGI Panel

The officer currently dealing with the habitat payments for us and her manager have had a discussion about the idea of NCP helping with the administration of the HRA Monitoring & Mitigation & GI Coordination (HRAMMGI) Panel, i.e. for her to fulfil both facilitator and meeting administration roles. This is considered to have the opportunity to be quite an efficient model, reducing duplication. We have the chance to try this out, at least in the short-term whilst a replacement is recruited for the Graduate Planner in Planning Policy who left in mid-July with the NCP officer being on the same grade as the one who would assist with the HRA, so NCP could charge an hourly rate equivalent to the rates shown above. If it went on longer, they could continue charging an hourly rate for time taken, or they could agree an increase to the percentage they charge for the payment facilitation, to include the panel administration work.

Options Considered

HRA of Local Plan

Borough Council Officers to carry out this function – Borough Council Officers do not have the same level of expertise in these matters as the NCP can offer combined with their recent experience of doing this for NNDC and the advantages of consistency with a neighbouring authority with a shared Area of Outstanding Natural Beauty (AONB) and other similar/shared designations.

Norfolk County Council to carry out this function on behalf of the Borough Council – this was previously discussed with Andrew Hutcheson, Environment Manager (Green Infrastructure Strategy & Advice) who estimated that this would take around 25 days of ecologist time. They looked carefully at their capacity and would struggle to accommodate that amount of work.

HRAMMG Panel Administration

Borough Council Officers to carry out this function – NCP are already (since July 2017) successfully operating the HRAMM Fund on behalf of the Borough Council. This relatively small amount of additional administrative work could be efficiently carried out by the same officer. It is not an efficient use of professional planner time to carry out administrative duties and detracts from their inputs to the plan process.

The Democratic Services Team is already heavily committed with the limited resources at its disposal so additional meetings to organise and note would not be feasible.

Policy Implications

None.

Financial Implications

Procurement have confirmed that there are no issues with the approach suggested.

Personnel Implications

None.

Statutory Considerations

Habitat Regulations Assessments (HRA) are a requirement of the Conservation of Habitats and Species Regulations 2010 (as amended 2011). The HRA process is therefore a statutory requirement as part of the local plan process.

Equality Impact Assessment (EIA)

(Pre screening report template attached)

Risk Management Implications

None.

Declarations of Interest / Dispensations Granted

None.

Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Local Plan HRA Process/Administration Of HRA Monitoring & Mitigation & GI Coordination Panel				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	To provide mitigation for the effects of development on European protected sites. HRA is a statutory process; the Panel and our mitigation payments are a locally agreed, discretionary response to the issue.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
Other (eg low income)			x		
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name Peter Jermany					
Job title Principal Planner (Planning Policy)	Date 17 July 2018				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.