

## GIFT FUNDING FOR PLANNING FUNCTIONS

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| <b>Cabinet Member</b>     | Councillor Keith Burrows                                     |
| <b>Cabinet Portfolio</b>  | Planning and Transportation                                  |
| <b>Officer Contact</b>    | Stephen Timms / Jales Tippell, Planning & Community Services |
| <b>Papers with report</b> | None   |

### HEADLINE INFORMATION

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| <b>Purpose of report</b>                        | This report considers the offer of a gift from VSM Estates (Vinci/St Modwen Properties plc) in accordance with the provisions of Section 93 of the Local Government Act 2003. The gift is to meet the Council's reasonable and justifiable costs associated with the discharge of its planning function, in the lead up to submission of a planning application for the RAF Uxbridge site. This will ensure appropriate resources are dedicated to the pre-application process consistent with the importance of this project to the borough. It is recommended that the gift be accepted. |
| <b>Contribution to our plans and strategies</b> | The recommendations will assist the planning process to help realise the objectives of the Sustainable Community Strategy and the adopted RAF Uxbridge Supplementary Planning Document.  |
| <b>Financial Cost</b>                           | There are no costs arising from gift funding.  |
| <b>Relevant Policy Overview Committee</b>       | Residents' and Environmental Services  |
| <b>Ward(s) affected</b>                         | Uxbridge North, Uxbridge South, Brunel and the wider area.   |

### RECOMMENDATION

**That Cabinet accepts the offer of a gift from VSM Estates in accordance with the provisions of Section 93 of the Local Government Act 2003.**

### INFORMATION

#### Reasons for recommendation

GVA Grimley, agents for VSM Estates, have advised officers that they intend to lodge a planning application for a residential led, mixed use scheme on the RAF Uxbridge site in the autumn of 2009. Prior to the submission of an application, there will be the need for on-going meetings, and the provision of consistent and timely advice as the masterplan evolves and the Environmental Impact Assessment is undertaken, along with other associated work.

It is considered essential to have a dedicated officer for the project, and additional resources are needed to support that function. It is therefore considered appropriate that the Council should accept an offer of a gift to meet the reasonable and justifiable costs of carrying out these planning functions.

### **Alternative options considered / risk management**

- I. Refuse the gift from VSM. This would not be in the best interests of the London Borough of Hillingdon.
- II. Request changes to the proposed gift from VSM. It is not considered that it would be appropriate to seek to increase the amount of or scope of gift funding beyond what is legitimately required to cover the Council's costs in providing the planning function. It is also likely to be resisted by VSM.

### **Comments of Policy Overview Committee(s)**

The Residents and Environmental Services Policy Overview Committee have not commented on the report.

### **Supporting Information**

#### **RAF Uxbridge**

1. RAF Uxbridge is a strategically important site immediately adjacent to the Uxbridge town centre. The site has an area of 44.6ha, making it one of the largest development sites in West London, with a number of important attributes such as Listed Buildings, Green Belt land and areas of ecological importance. The site also has the potential to yield up to 1,600 new homes, 35,000m<sup>2</sup> of commercial floor space and a range of community facilities, infrastructure improvements and other benefits. The site is currently occupied by the Ministry of Defence (MoD), but will be vacated and available for redevelopment as RAF operations are consolidated on the RAF Northolt site. Vinci-St Modwen (VSM) will be submitting the relevant planning application(s) for redevelopment of the site, and have advised that submission of a planning application should be anticipated in the autumn of 2009.
2. Given the significance of the site and its importance to the Uxbridge town centre and the Borough, planning guidance has been prepared to inform the planning process and decision making for the future of the site. The RAF Uxbridge Supplementary Planning Document was adopted in January 2009, with support from the community and key stakeholders. Whilst the SPD sets out the requirements for development of the site, there needs to be on-going engagement with key stakeholders to help realise the objectives and requirements set out in the SPD.
3. The pre-application process is an essential part of the planning system, as outlined in government guidance, such as Planning Policy Statement 1 - *Delivering Sustainable Development*, and the most recent DCLG Circular 03/09 – *Costs awards in Appeals and other Planning Procedures*. The Department of Communities and Local Government have also prepared guidance on this topic, to assist and encourage local authorities to pursue such initiatives, and this is detailed in *Implementing Planning Performance Agreements*, and there are a number of examples across the country where this approach has been used. The pre-application phase for this development will require the

commitment of significant resources exceeding that for most other projects in the borough. This will include project management, co-ordinating meetings, ensuring the provision of consistent and timely advice to key stakeholders, engaging the local community, and resolving complex issues as the masterplan evolves and the Environmental Impact Assessment is undertaken. It is essential that such issues are addressed through the pre-application process, rather than after submission.

4. In order to meet the reasonable and justifiable costs to Council, and to ensure dedicated resources are provided to ensure the best outcomes for the project, it is considered appropriate that the Council should accept an offer of a gift in the order of £30,000 from VSM. The gift funding that is received would be strictly ring-fenced to ensure that it is spent in accordance with the terms of the gift, and the planning functions associated with RAF Uxbridge.
5. Whilst the acceptance of a gift cannot in any way influence the outcome of the planning application, it can provide an adequate staffing resource to enable the development proposals to be afforded a higher level of priority than may otherwise be possible, particularly given the complexity and importance of this project. In this regard, a dedicated project officer would enable the resolution of issues and help realise the expectations of the Council through the planning process, to inform any planning application at the earliest possible stage, and also to provide a central contact for the community and key stakeholders.
6. The Council have recently accepted gift funding in relation to various planning delivery agreements, including the discharge of its functions in producing the RAF Uxbridge Supplementary Planning Document (SPD), providing detailed planning advice and processing applications for RAF West Ruislip, and dealing with airport related planning applications.
7. The alternative, to refuse the gift funding, would involve a series of chargeable pre-application meetings, which is not likely to achieve the same objectives. Pre-application fees would not cover the costs of a project officer for such a large scale, complex and strategically important development. In addition to this, the gift would facilitate the dedication of additional resources to provide an important customer service to the community, as the dedicated officer would take a proactive approach to engaging with the community and various key stakeholders, ensuring the best possible planning outcomes.
8. Cabinet is recommended to accept the gift funding of £30,000. If funding is not provided externally by VSM then these on-going costs will need to be met from existing Council resources.

### **Financial Implications**

The offer of gift funding from VSM will cover the part time costs of an officer through the pre-application process as outlined above, and this will provide additional resources to the Council to enable it to carry out its statutory planning functions. The offer is more than might normally be expected through pre-application fees.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

In terms of service user outputs the gift offers the opportunity to provide a higher standard of service than may otherwise be possible. A dedicated project officer would be proactive in engaging with various stakeholders, a central point of contact for enquiries and add value to the overall process. The project officer would facilitate the sharing of information, coordinating responses from Council to VSM and other stakeholders and ensure a consistent approach to deliver the best outcomes for redevelopment of the site. Such an approach is consistent with the latest guidance from government, and is in the best interests of achieving Councils objectives, as set out in the Sustainable Community Strategy. The gift offer is likely to finish with the submission of a planning application.

### **Consultation Carried Out or Required**

**None**

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

The financial implications above properly reflect the direct resource implications for the planning service. The gift proposed now is additional to the gift from VSM accepted by Cabinet in June 2007 to fund the costs of preparing the RAF Uxbridge Supplementary Planning Document. There are no wider implications for the Council's resources as a whole.

### **Corporate Procurement**

Not applicable.

### **Legal**

Section 93 of the Local Government Act 2003 provides a general power to local authorities to charge for discretionary services. Discretionary Services are those services that an authority has the power, but is not obliged, to provide. Through the power to recover via a charge the costs to an authority of providing a service, the government aims to encourage authorities to provide more wide ranging and new and innovative services for their communities. The Council may utilise this power if:

- the Council already has the power to provide the service, but is not mandated or has a duty to provide;
- the recipient of the discretionary service has agreed to its provision and to pay for it;

Charges may be set differentially, so that different people are charged different amounts. The Council is not required to charge for discretionary services. They may provide them for free if they have the resources to do so. However, by virtue of Section 93 (4) there are limitations to the cost of recovery in that for "each kind of service" the income from charges for that service does not exceed the costs of provision. Each Council can decide the methodology they wish to adopt for assessing the costs.

In planning terms, the effect of the above legislation is that the Council can provide extensions to statutory services including a range of advisory services linked to planning and development control. These are not a statutory requirement, but can make an important contribution to the operation of the statutory services. The Council are entitled to receive income for provision of the discretionary services so long as it does not exceed the cost of providing the service.

To conform to government guidance the PPA ought to be negotiated by officers and properly formalised. In terms of member involvement, Members and officer should have regard to the helpful guidance on Members pre-application involvement set out in the Department of Communities and Local Government “Member Involvement in Planning Decisions”, published in January 2007.

### **Corporate Property**

Not applicable.

### **Relevant Service Groups**

No other service groups are directly impacted by the recommendation.

### **BACKGROUND PAPERS**

- Planning Policy Statement 1 – Delivery Sustainable Development
- Department of Communities and Local Government Guidance Circular 03/09 – Costs awards in Appeals and other Planning Procedures.
- Department of Communities and Local Government Guidance - *Constructive talk - Investing in pre-application discussions*.
- Department of Communities and Local Government - Guidance Note on Implementing Planning Performance Agreements 2007.
- Department of Communities and Local Government “Member Involvement in Planning Decisions”, published in January 2007.