



DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION NO. 16/17 DE 166

SUBJECT: Appointment of Planning Consultant to give expert evidence at Banwell Planning inquiry.

Background:

The Council currently has eight major planning appeals lodged in respect of significant housing sites with public inquiry/hearing dates scheduled monthly from August onwards. This coincides with the need to finalise the draft Site Allocations Plan, progress the WoE Joint Spatial Plan draft options and progress other priority sites such as the Town Centre and Bristol airport. As a consequence the teams are under extreme pressure.

Options are being considered about how to resource the appeals but the most pressing case is a 6 day inquiry due to commence on 20 September for Knightcott Rd, Banwell. Proofs of evidence have to be submitted by 19 August. Due to the other pressures, it is necessary to appoint a consultant to provide housing land supply evidence. Having consulted adjoining authorities (specifically B&NES) it is proposed to appoint Michael Muston, a single consultant who has worked for B&NES on previous appeals and also has worked as a Planning Inspector deciding appeals. He is immediately available and unlike other local consultancies, has no conflict of interest with other sites in North Somerset.

The cost would be £115/hr for preparation of evidence plus a day rate for attending the inquiry. The maximum estimated cost depending on days attended would be £9.5k+VAT which is comparable to fees incurred by B&NES for the same work.

The service has a dedicated appeal reserve of £200k to fund these appeals.

DECISION: To appoint Michael Muston to provide expert evidence in support of the Banwell Planning enquiry.

Reasons: The consultant has worked in a similar capacity for B&NES, has the required level of experience, does not have the conflict of interest which might arise from involvement with other housing sites in North Somerset, and is immediately available. He has already attended conference with the Council's barrister and lead officers to familiarise himself with the issues and is well placed to undertake the work which can be funded from a dedicated reserve for this purpose. Contract Standing order 5.2.9 allows for the direct appointment of a contractor where the work "is of such a specialist nature that there is effectively only one supplier".

Other Alternatives Considered:

It might be possible to commission work of this nature through seeking alternative quotes but the other local planning consultancies/agents with the appropriate level of experience are already appear to be acting for house builders or appellants. This process would also incur delay at a time when proofs of evidence have to be submitted by 19 August.

Risk Assessment:

The approach minimises risks of delay, duplication and additional costs. It is also essential to managing stress pressures on existing staff already dealing with heavy caseloads.

Financial Implications:

The decision can be contained within the relevant appeals reserve budget of the Directorate.

Implications for Future Years:

The work will be undertaken within this financial year. However with the pressure of further appeals it is likely that similar appointments will be needed to support the Council in other cases.

Signed 

Director of Development and Environment.

Dated 8/8/16