

Committee Name and Date of Committee Meeting

Cabinet – 22 January 2024

Report Title

Local Labour Policy – Planning

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-wide

Report Summary

Expanding economic opportunity is one of the five themes set out in the Council Plan Vision. To help to deliver this, action 4.5 of the Year Ahead Plan 2023 – 2024 sets out a requirement for the Council to '*Adopt a local labour policy to encourage and/or enable local people to access job opportunities arising from major development sites*'.

Rotherham's Local Plan provides the framework for determining planning applications. Core Strategy Policy CS10 'Improving Skills and Employment Opportunities' sets out how the Council will work with our partners to promote education, training and local employment opportunities. The purpose of the Local Labour Policy Interim Policy Statement (IPS) is to provide guidance on how Policy CS10 be implemented by requiring developers to enter into Local Labour Agreements through planning conditions. Once adopted, it will be a material consideration which can be taken into account when determining planning applications.

This report therefore seeks Cabinet approval to adopt the Local Labour Policy IPS which sets out the requirement for major and/or employment generating developments entering into Local Labour Agreements, increasing the opportunities for local people to access training and local employment.

Recommendations

1. That Cabinet adopts the Local Labour Policy Interim Policy Statement.

List of Appendices Included

- Appendix 1 Local Labour Policy Interim Policy Statement
- Appendix 2 Equality Part A – Screening
- Appendix 3 Carbon Impact Assessment

Background Papers

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

The Town and Country Planning (Local Planning) (England) Regulations 2012

<https://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Rotherham Council Plan 2022 – 2025

<https://www.rotherham.gov.uk/downloads/file/2719/council-plan-2022-25>

Rotherham Council Year Ahead Delivery Plan 2023-2024

<https://www.rotherham.gov.uk/downloads/file/3186/year-ahead-delivery-plan-for-2023-24>

Cabinet Report on Council Plan and Year Ahead Delivery Plan Progress for 2022-2023 (Item 189, 10 July 2023)

<https://moderngov.rotherham.gov.uk/documents/s141847/Council%20Plan%20and%20YADP%20Progress%20report%20for%20Cabinet%20July%202023%20190623%20FINAL%20v3.pdf>

Rotherham Local Plan Core Strategy 2013 – 2028

<https://www.rotherham.gov.uk/downloads/file/307/adopted-rotherham-core-strategy>

Adopted Statement of Community Involvement

<https://www.rotherham.gov.uk/downloads/download/80/statement-of-community-involvement>

Guidance on the use of planning conditions

<https://www.gov.uk/guidance/use-of-planning-conditions>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Local Labour Policy – Planning

1. Background

Council Plan

- 1.1 The Council Plan 2022-25 is a key document which sets out the Council's vision for the Borough and priorities for serving residents and communities and is informed by public consultation.
- 1.2 The Council Plan is framed around five themes, including Theme 4 - 'Expanding Economic Opportunity', which includes a commitment to '*Support people to improve their skills and secure decent work through a range of schemes and initiatives*'.
- 1.3 The Council Plan includes a Year Ahead Delivery Plan which sets out the key activities to be delivered over a 12-month period. The Year Ahead Delivery Plan for 2023-24 was approved by Cabinet on 24 April 2023.
- 1.4 Previously, local labour clauses have been applied using planning conditions on major planning permissions, increasing the chances for local people to access jobs. Clauses have been applied to developments at: Wentworth Woodhouse, Eastwood trading estate, Bessemer Way (Templeborough), Rotherham Road (Dinnington), the Swinton town centre redevelopment scheme, Churchill House at Eastwood and Callflex Business Park at Golden Smithies Lane amongst others. This will enable local people to access job opportunities arising from major development sites.
- 1.5 One of the priority actions to ensure the Council achieves '*a growing economy that provides decent jobs and chances to progress*' is to:
'Adopt a local labour policy to encourage and/or enable local people to access job opportunities arising from major development sites'.

Planning Policy

- 1.6 The Council's Local Plan provides a long-term development strategy, setting out policies and proposals for new development. It consists of several documents, including the Core Strategy 2013 – 2028, and is used to determine planning applications.
- 1.7 Core Strategy Policy CS10 'Improving Skills and Employment Opportunities' sets out how the Council will work with our partners to promote education, training and local employment opportunities.
- 1.8 Policy CS10 of the Local Plan states:

'The Council will work with its partners to improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities. Where appropriate and viable the Council will seek to enter into a local labour agreement with applicants and developers to improve the links between local communities, developers and employers by:

- a) *Ensuring that new developments contribute to the provision of education and training;*
- b) *Promoting local employment opportunities, and securing construction training experience through employment on site, through financial contributions or through other training programmes.'*

2. Key Issues

- 2.1 The purpose of this report is to seek Cabinet approval to adopt the Local Labour Policy IPS (Appendix 1), which explains how the Council will seek to enter into local labour agreements with developers and applicants through planning conditions.
- 2.2 Its adoption will help to generate local economic value, to further support and implement the Council's approach to deliver social value, in line with the focus set out in the Year Ahead Plan and the vision of the Council Plan 2022 – 2025.

Summary of the IPS

- 2.3 The Council is looking for new major development or where development will result in the creation of 15 or more new full time jobs, to contribute through the provision of new local jobs, education and training opportunities where this is appropriate and viable. It is recognised that these could include opportunities both during the construction phase of development through to eventual occupiers.
- 2.4 These opportunities could be provided in a variety of ways, including direct provision of training or employment. The Council will seek to deliver these opportunities by entering into a local labour agreement with developers and applicants using planning conditions when granting permission for major and/or employment generating development.
- 2.5 There are two different planning conditions that will be used and, depending on the nature and scale of development, one or both may be imposed when granting planning permission. These requirements will also be highlighted as part of any pre-application discussions on major schemes.
- 2.6 The first condition relates to the submission of a scheme to show the use of local labour during the construction phase for Major Developments and could be based on the following wording or similar:

Construction Phase

Prior to the commencement of development, the attached Local labour Agreement pro forma for the construction phase of the development shall be completed in its entirety and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Agreement and within 3 months of completion of the approved development, data shall be submitted to the Local Planning Authority demonstrating how the indicators were met.

- 2.7 The second condition relates to the use of Local Labour in the operational development for Major schemes. This will only be relevant where there is employment generated as a part of the application, such as, retail, office, major

industrial developments etc and would again be based on the following wording or similar:

Operational Phase

Prior to the operational use of the land/building(s) hereby approved, the attached Local Labour Agreement pro forma outlining measures to be taken to employ local workers for the operational phase of the development shall be completed and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no later than 6 months from the date of first operation information shall be submitted to the Local Planning Authority providing details relating to the percentage of staff currently employed from the local area.

- 2.8 Planning applications for minor (smaller) developments do not need to have a Local Labour Agreement, although a voluntary written commitment (for example, within planning applications) to try to recruit and procure locally will be welcomed and encouraged.
- 2.9 To comply with the condition(s), an applicant must submit a Local Labour Agreement for consideration. The IPS includes a template for a Local Labour Agreement. Planning officers will liaise with RiDO officers to ensure the submitted information meets the requirement of the planning condition(s).
- 2.10 For the purposes of the Local Labour Agreement, a local person or business is defined as a person already resident, or a business already located within Rotherham borough boundary or, if that is not possible with reasonable endeavours, within a 15 miles radius of the development site.
- 2.11 The Council expects developers to use reasonable endeavours to meet the threshold for local employment and/or training opportunities, by working closely with Jobcentre Plus and advertising locally.

3. Options considered and recommended proposal

3.1 Option 1: That Cabinet adopts the Local Labour Policy Interim Policy Statement.

The approach set out in the IPS has been implemented along with delivery and monitoring mechanisms in the last few years, in accordance with Policy CS10 of the Local Plan. This is in line with the focus set out in the Year Ahead Plan and the vision of the Council Plan 2022 – 2025.

Taking forward the IPS will formalise this approach by providing clear guidance to applicants, helping to speed up the planning process by minimising amendments or negotiations often necessary following submission of planning applications. This will give more certainty for the community and prospective developers on the Council's preferred approach to the subjects covered by the IPS.

3.2 Option 2: That Cabinet declines to adopt the Local Labour Policy Interim Policy Statement and develops a separate policy.

Policy CS10 is part of the adopted Local Plan, which must be taken into account when determining planning applications. To pursue a separate policy outside of the Local Plan would not have the same weight in decision making on planning applications. The Council would also risk not meeting the target set out in the Year Ahead Plan and fail to achieve the vision of the Council Plan.

3.3 Option 1 is the recommended option.

4. Consultation on proposal

4.1 It is appropriate to impose conditions on planning permission where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

4.2 As part of the requirement in preparing and adopting the Core Strategy, the Council consulted extensively with local residents and businesses, interest groups, statutory bodies, services within the Council and elected members. This culminated with the Council submitting the document to the Secretary of State for examination by an independent planning inspector.

4.3 The Inspector determined that the Core Strategy is “sound”, in other words it complies with the law and is fit for purpose. The Inspector concluded the Council has fully met all the legal requirements around consultation and complied with the duty to co-operate with other authorities and bodies.

4.4 The use of planning conditions to enhance local labour opportunities is in accordance with Policy CS10 of the adopted Core Strategy.

4.5 While agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making, there is no statutory requirement for public consultation to adopt an Interim Policy Statement. The IPS gives guidance on how to meet the requirement of Policy CS10 to encourage local labour employment and training opportunities.

5. Timetable and Accountability for Implementing this Decision

5.1 Subject to Cabinet approval, the Council will use the IPS when considering relevant major and/or employment generating developments.

5.2 Officers in the Planning Service and RiDO will continue to work collaboratively at pre-application stage and review information submitted by applicants in compliance with planning conditions.

5.3 The Planning Service will monitor the implementation of the planning conditions. The percentage of working age population educated to certain levels within the Borough is monitored in the Local Plan Annual Monitoring Report.

5.4 To achieve consistency with the Council's document style, minor changes to numbering, formatting and images may be made prior to publication of the IPS.

6. Financial and Procurement Advice and Implications

6.1 There are no direct financial implications arising from this report. The cost of Council officer time and other associated costs, involved in the preparation of the IPS and the subsequent implementation, will be contained within existing approved revenue budgets.

6.2 There are no direct procurement implications associated with the recommendations detailed in this report.

6.3 When developers have been appointed through the Council's procurement process, they are required to demonstrate a Social Value commitment that uses the national Themes, Outcomes, Measures framework (TOMs), and part of that framework includes for the use of local employment. In these cases, officers should liaise with procurement and policy officers to ensure the local employment agreements are in line with the TOMs.

7. Legal Advice and Implications

7.1 The Council has a legal duty to comply with and implement the Local Plan Core Strategy and the report seeks to fulfil the Council's requirements.

8. Human Resources Advice and Implications

8.1 There are no direct human resource implications arising from this report.

9 Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct implications for children and young people and vulnerable adults arising from this report. The endorsement of the policy of creating local labour employment opportunities would promote access to employment, education and training and seek to ensure that new developments contribute towards this by providing training, education and local employment opportunities which benefit both businesses and local communities.

10. Equalities and Human Rights Advice and Implications

10.1 An equalities screening has been completed and is attached at Appendix 2. A full equalities analysis is not required.

10.2 Should the IPS be adopted, this will give weight in planning decision making and provide clearer guidance to ensure new developments contribute towards local economic value by providing training, education and local employment opportunities.

11. Implications for CO₂ Emissions and Climate Change

11.1 There are no direct implications on CO₂ emissions or climate change.

11.2 Promoting local employment and education can reduce the travel distance between home, workplace and education facilities, which could help to minimise travel needs and CO₂ emissions from vehicles.

11.3 The Carbon Impact Assessment is attached at Appendix 3.

12. Implications for Partners

12.1 The implications for partners or other directorates are mainly associated with the delivery of the training and employment opportunities. It is anticipated that on-going discussions and negotiations will take place throughout the process.

13. Risks and Mitigation

13.1 Developers may not agree with the imposition of the local labour employment conditions to the planning permission or apply to amend/remove planning conditions, which may lead to more planning appeals against the Council. It is therefore important that planning conditions comply with the tests set out in paragraph 4.1.

13.2 Officers will engage with applicants and developers at the pre-application stage to ensure they are made aware of the local labour policy requirement.

13.3 If later applications are submitted to amend or remove the local labour planning conditions from the planning permission granted, robust justification would be required.

13.4 If a development fails to comply with local labour planning conditions, enforcement action for the non-compliance will be considered.

14. Accountable Officers

Simon Moss, Assistant Director – Planning, Regeneration and Transport

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	08/01/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	19/12/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	19/12/23

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