North East Derbyshire Local Plan Examination
Matter 9

Response to Inspector’s question on the encouragement of local skills and employment.

While not having a formal local labour agreement (LLA) or corporate policy to introduce skills plans the Council’s Joint Housing & Economic Development Strategy has a Key Strategic Objective of Maximising Employment, Skills and Training Opportunities.

To meet this objective, the Strategy states that the Council will undertake the following actions:

- Work with partners to up skill both local residents and the local workforce
- Work with partners to reduce unemployment through targeted initiatives
- Improve access to, and support for apprenticeships

This note includes:

A. 8 examples of conditions / agreements regarding the encouragement of local skills and employment. (Extracts from Decisions), variously from proposals for employment, housing, retail and large scale mixed developments, including two appeal decisions (housing).

B. Example of a council with a policy to deliver local labour agreements (LLAs).
A. Examples of conditions / agreements

1. Avenue Strategic site: Avenue Working Communities Plus Employment and Skills Plan: October 2015

18/00200  Application to discharge conditions pursuant of 16/00526
Outline application 13/00386/OL for mixed use development inc. 13.4 ha of residential use, 2.8 ha of commercial land for employment use (Class B1), non-residential community uses including 1.8 ha of land for the provision of a primary school and 0.4ha of land for other community use (Class D1)

Condition 15:
‘Before development starts (excluding all works identified as “exempt works” ….), a scheme/schemes to enhance and maximise employment and training opportunities during the lifetime of the project shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter, the scheme(s) shall be operated in accordance with the approved details.’

A Working Communities Plus Employment and Skills Plan developed by Kier Living in partnership with the council was submitted to satisfy their employment condition on the Avenue development, relating to that phase.

This document details how Kier and partners can work together to maximise opportunities and it outlines the expectations of the HCA, NEDDC and DCC from developers and sub-contractors, in developing local employment and skills opportunities that can be accessed by the community.

Targets are provided in the document. These targets also reflect the strategic importance North East Derbyshire District Council, Derbyshire County Council, the Sheffield City Region and D2N2 Local Enterprise Partnerships place on maximising employment and skills opportunities for local residents.
2. **Permission Employment Decision: 16/9/2016**

   Construction of new storage facility (Use class B8) (Major development) | IKO Limited Coney Green Road Clay Cross Chesterfield S45 9HZ

   Ref 16/00638/FL. Condition 8:

   8. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction and post construction stages of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

   In the interest of providing employment for local people.

   Extract from Officer’s Report:

   **Employment Considerations**

   The development would result in the creation of a substantial warehouse (Use Class B8). The Council's Employment and Skills Officer was consulted on the proposed development and requested that a condition be included on any decision to enhance and maximise employment and training opportunities, during the construction and post construction phase.

   I consider that this is in line with the overarching aims of the Council and should therefore be included as a condition on any approval.
3. Appeal Decision  Housing Proposal Decision date: 19th November 2018

Appeal Ref: APP/R1038/W/17/3192255

Land at Deerlands Road, Wingerworth

Application Ref 17/00268/OL, dated 3 March 2017, was refused by notice dated 14 December 2017.

Decision

6. The appeal is allowed and planning permission is granted for a residential development of up to 180 dwellings, public open space, landscaping, highway and drainage works and associated infrastructure on land at Deerlands Road, Wingerworth in accordance with the terms of the application, Ref 17/00268/OL, dated 3 March 2017, subject to the conditions appended to this decision.

65. To encourage local construction employment, a condition is needed to require a scheme for local recruitment (34).

34) Before the development hereby approved starts a scheme for the recruitment of employees for the construction period of the development hereby approved shall be submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be operated in accordance with the approved details.
4. Permission Decision date 30 September 2008 Tesco, Bridge Street, Clay Cross. Application Ref 08/00695/FL. Condition 29:

**Employment**

Condition 29: Before development starts a scheme/schemes for the recruitment of employees for both the remediation/construction periods and post occupation of the supermarket hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the schemes shall be operated in accordance with the approved details.

**Extract from Officer’s Report**

**Employment Opportunities**

9.37 A key benefit of the proposed scheme is the creation of approximately 535 new jobs. These are the jobs created once the scheme is completed and the development is occupied. In addition to this there will be a significant number of construction jobs created during the course of the remediation/building phases.

9.38 This aspect of the redevelopment must not be under-played. Clay Cross suffers from high levels of unemployment including long-term unemployment and new employers are badly needed in the town. It is imperative that local people have the chance to apply for these jobs.

9.39 The applicant has expressed a willingness to work in partnership with NEDDC and other partners to ensure that local people have the chance to take advantage of the opportunities created by this scheme.

9.40 Tesco are already signed up to the Local Employment Partnership and Officers consider that many of the Tesco jobs will be available to local people (460 jobs). In addition the applicant has been asked to work with the Working Communities Programme to develop ways of encouraging local people to apply for jobs throughout the construction phase and in the future.

9.41 I recommend that a condition be imposed on any planning permission requiring the applicant to submit details of a scheme for working in partnership with NEDDC and employment agencies and regeneration/training bodies to employ and train local people both in respect of the construction of the development and once it is open for business.

*(N.B Images of documents available online)*
5. Permission Decision Date 30 November 2010 Aldi Stores UK, Dronfield

Application Ref 10/00771/FL | Proposed A1 foodstore and associated access, carparking and landscaping (Major Development) | Site Of Units 1 To 19 Lucas Works Sheffield Road Dronfield. Condition 5:

Before the development hereby approved starts a scheme/schemes for the recruitment of employees for both the construction periods and post occupation of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the schemes shall be operated in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

Extract from Officer’s Report

8.12 A key benefit of the current proposal is that the food store will create approx. 25 part-time jobs. In order for this benefit to be fully measurable, details of the ‘full time equivalent’ jobs was requested from the agent. The agent has responded that it is difficult at this stage to commit to exact full time figures as this depends on the success of the store, but it is expected to be in the region of 20 full time equivalent jobs. The agent also comments that Aldi generally pay a third more than average and that Aldi has a key philosophy of employing locally. The agent also comments that 200 people will be employed on site during the construction process. The agent is concerned about a condition which requires the store to employ local people due to the potential to be in conflict with employment law which prevent discrimination. I consider however that it would be reasonable to impose a condition on any permission granted which requires the developer to submit a scheme for recruitment. This scheme would demonstrate how they will seek to encourage local people to apply for the available jobs. This does not result in discrimination and has been successful as part of the Clay Cross Town Centre Redevelopment. It could be argued that the provision of retail employment opportunities (as well as the associated construction jobs) outweighs the loss of potential B1, B2 or B8 job opportunities on this site particularly as the development approved on appeal included a significant amount of housing on the site.

(N.B Images of documents available online)
6. Permission Decision Date 16 July 2012. Parkside Shopping Centre and new A1 Anchor Store, Aldi, Killamarsh

12/00464/FL Alterations to Extant Permission (11/00647/FL) Condition 2:

2. Before the development hereby approved starts a scheme/schemes for the recruitment of employees for both the construction periods and post occupation of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the schemes shall be implemented in full in accordance with the approved details.

Extract from Committee Report (11/00647/FL):

8.6 Another key benefit of the current proposal is that the food store will create up to 30 full and part time jobs, the applicant has commented that it is difficult at this stage to commit to exact full time figures going forward, as this would depend on the success of the store but it would be expected to be in the region of 20 full time equivalent jobs. Aldi wages are on average a third greater than typical food store related remuneration packages. Aldi have a key philosophy of employing locally, they prefer their staff to live within walking distance of the store as this assists the store both operationally and with public perceptions as a ‘local store’. They work closely with Job Centre Plus and advertise in the local press approximately 6 months prior to opening to ensure that local candidates are found. In terms of construction, Aldi have a stringent tender process and will look to employ contractors in North Derbyshire and the South Sheffield area as well as local sub-contractors. During the construction process, over 200 people are employed on site. The tender process has not commenced as construction plans are not prepared until planning is approved and the coal report produced. The applicant has agreed with the Council that a condition to require the submission of a scheme for recruitment should be imposed on any permission granted.

(N.B Image of document available online)
7. Permission Employment use proposal Decision date 1 March 2013

Application Ref 12/01148/FL Land at Sheffield Road, Dronfield

Application No: 12/01148/FL

Proposal: Proposed retail unit to allow the sale of pets and pet related products and ancillary veterinary services and pet care with associated car parking and access (Former Lucas Works)

Location: Land Opposite 51 And Between Proposed Foodstore And 43 Sheffield Road Dronfield

Applicant: Lucas Developments (S&A) Ltd

NOTICE IS HEREBY GIVEN that permission for the proposed development is GRANTED for the following reason and subject to the following conditions:-

Extract from Officer’s report

NEDDC (Working Communities Strategic Project Manager):
Has contacted agent with regard to 7no. employment positions being made available. Suggest condition on permission to require a scheme(s) for the recruitment of employees (for both the construction and post occupation periods) to be submitted to the LPA for approval and operated thereafter.

(N.B Images of documents available online)
8. Appeal Decision: Housing Proposal  Decision date: 10th April 2018

Appeal Ref: APP/R1038/W/17/3187999

Land between Main Road and Burnside Avenue, Shirland,

“1. The appeal is allowed and planning permission is granted for the resubmission of outline application (10/01052/OL) (details of access submitted) for the erection of 107 dwellings at Land between Main Road and Burnside Avenue, Shirland, Alfreton, Derbyshire DE55 6BB in accordance with the application Ref 17/00340/OL dated 20 March 2017, without compliance with condition number 4 previously imposed on planning permission Ref 12/00273/OL dated 11 November 2013, and subject to the plan numbered SHI/PL/01 dated 20/10/16 and the conditions in the attached schedule.

“29. The appellant has questioned whether conditions concerning public art (5) and employment recruitment (12) are necessary or relevant with regard to advice in the PPG concerning that no payment of money or other consideration can be positively required when granting planning permission. However, neither of these conditions requires the payments of monies, and both are reasonable and necessary in the interests of character and appearance (5) and with regard to economic considerations (12).

“12) Within 6 months from the date of this decision notice, a scheme for the recruitment of employees for both the construction periods and post occupation of the development hereby approved, including a timetable for their implementation, shall be submitted for the written approval of the Local Planning Authority. Thereafter the scheme shall be operated as part of the development in accordance with the approved details. “

Subsequent condition discharge letter (accepted):

**Condition 12 – recruitment**

We commit to:-

- advertise any site employment opportunities locally and through local agencies such as Job Centre Plus
- interview job-ready local candidates who, in relation to the relevant job opportunity in the construction phase, meet the requirements of the person specification and job description
- in any contract with contractors in respect of the construction phase to use reasonable endeavours to include a requirement that the contractors comply with the commitments above
- identify any apprenticeships associated with the construction phase

(N.B Image of document available online)
B. Example of a Policy on Delivery of a Local Labour Agreement.

1. Sedgemoor District Council

“In order to help improve local employment and training opportunities for local residents, Sedgemoor District Council adopted an 'Employment and Skills Charter' policy in May 2009, now included under Policy D 11 of the LDF adopted Core Strategy (2011).

Under this policy, for employment developments that propose 10 or more jobs in total, the Council will seek to enter into a Local Labour Agreement with the Developer/ Applicant in accordance with the Council's adopted Employment and Skills Charter that sets out the following:

- An agreed % target for local labour
- A training and recruitment plan and
- Commitment to an agreed proportion of local procurement of services and supplies”.

In the case of very large developments, the Local Authority may request some degree of information sharing and monitoring of the above, for example, headline recruitment information on a quarterly basis. This will take the form of clause within a legal 'Section 106' agreement or be included as a planning condition.

For developments proposing less than 10 new jobs, no formal Local Labour Agreement is required, although adherence to the spirit of the Employment and Skills Charter (i.e. local recruitment, procurement and training where possible) is welcomed within any formal planning application made.”

(Sedgemoor District Council web site, 2018)