

## ESTATES & DEVELOPMENT DIRECTORATE

Our Ref: 29MLet.PB.RH – NuLBC Peer Group Response

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**Sent by email: Guy.Benson@newcastle-staffs.gov.uk**

Mr Guy Benson  
Head of Planning and Development  
Regeneration and Development Directorate  
Newcastle-under-Lyme Borough Council  
Civic Offices  
Merrial Street  
Newcastle-under-Lyme  
Staffordshire  
ST5 2AG



Dear Guy,

**Re: Newcastle-under-Lyme Borough Council  
Improvement Planning Peer Challenge Response to Review Report**

Thank you for both the opportunity to engage in the review and also to comment on the outcomes. I have read through the report and would confirm that I think that it captures the core issues that have concerned me and Keele University for a number of years.

In commenting on the report, it is in the context of a world leading University (Higher Education Institution), an internationally recognised Science and Innovation (Business) Park, a large local employer turning over in excess of £120m per annum and local housing provider.

As a growing and developing business in all these areas, customer and investor confidence is critical, and this is often undermined by the local planning process. I am concerned that this compares unfavourably with the experiences of other campus universities, where there seems to be a greater degree of confidence in the planning process and its outcomes.

In order to minimise uncertainty and unpredictable outcomes, we have developed what we think are extremely good working relationships with what we consider to be a very professional Planning Team at Newcastle Borough Council. Building on this relationship, our approach is to ensure that we only progress with schemes that align with Planning Policy and that Officers feel able to support in their reports to the Planning Committee. However, over the last 7 years, we have seen a £15m Hotel development halted, a major research building delayed due to a planning refusal, both subsequently overturned at appeal, and of course the current challenges with the proposal to deliver much needed replacement student accommodation. All these schemes were subject to extensive consultation, Peer and Design Panel review, in-principle support through Strategic Planning Group, and finally a recommendation to approve. Unfortunately, and despite this approach, it does seem that the interests of the University, and the proper interpretation of Planning Policy as relating to development at or by the University, often counts for little when it comes to making a decision in a public forum.

It would be inappropriate and probably unhelpful to comment in detail on the content of the report and what follows, therefore, is a response to the specific recommendations which the Peer Challenge Report makes. However, before turning to these specific comments, it is necessary to make a couple of general observations as follows:

1. In relation to the background to, and purpose of the review, the background note provided for the July 2014 briefing sessions indicated that it was considered necessary to undertake the review *“in the expectation that the process will facilitate prompt improvement in the perception of the service by all stakeholders”*. This indicates two things, firstly, that there is a need for improvement in the perception of the service, which in turn suggests that this will only come about by making changes in service provision, and secondly, that key stakeholders are important recipients of the service. It seems to me that what is now important, is for those recommendations, which are to be adopted, are implemented without delay, and for all participants in the planning process, particularly the ‘stakeholders’, to adopt both the spirit and letter of the implemented recommendations. This must involve Members, Officers, Statutory Consultees, key consultees including Parish Councils and their representatives and applicant and their agents.
2. The review, and many of its recommendations, provides a unique opportunity to place the Planning Service as the central driver to the much needed process of Regeneration and Renewal, rather than being unfairly seen, as is sometimes the case, as either a barrier to change or a servant of unwanted development. This opportunity should not be missed.

In relation to the specific ‘Summary Recommendations’, the following comments are offered:

### 1. Clear Political Narrative

- 1.1 Keele University is very aware, in its Strategic Planning and Development Processes, of local and regional political thinking. We are also very aware of national political thinking as regards the need for new infrastructure and investment. Our development initiatives and applications always take account of local circumstances, but must always respond to political drivers and objectives, including those which might be locally unpopular. We are therefore very supportive of proposals and initiatives which ensure that Committee Members and Consultees fully appreciate the relevant political thinking and priorities.
- 1.2 It is agreed that the ‘Golden Thread’ of investment need should be embodied in the Borough’s policy documents, including the Local Plan, and should be done in a way which explains what this means for planning decision-making. Everyone involved in the planning process, particularly applicants, key consultees and elected Members, need to fully understand the nature and detail of the ‘Golden Thread’ of investment need and the context which it provides for planning decision-making.

### 2. Coherent Strategy

- 2.1 As mentioned at item 2 of the general observations and also at 1.1, above, establishing a common understanding of this strategy and how Planning Policy supports (underpins) its delivery is key to the Planning Committee and Applicants, so that common ground can be established through scheme development.

- 2.2** Supporting an Investment Strategy through the examination of opportunities for the release/re-use of land assets is welcomed, but such a process should not be used to delay or reject desirable development proposals, which accord with adopted or informal investment strategies operative at local or national levels.

### **3. Interim Planning Policy**

- 3.1** The basis for the preparation of an Interim Planning Policy Statement is understood and such a Statement would probably complement the adopted Core Strategy in a better way than the adopted Local Plan (Saved Policies). There is concern, however, that the efforts and resources needed for the preparation of such an 'informal' statement might dilute the focus which needs to be given to the preparation of the joint Local Plan with Stoke-on-Trent City Council. It is appreciated that an 'Interim Statement' is advocated as part of the process of the Local Plan's preparation, but there is an obvious danger that formulation of the Statement will become an end in itself, rather than part of the process of the Local Plan's preparation with consequential delays to the latter.
- 3.2** In the event that the preparation of an Interim Statement is supported, it is essential that it fully reflects the NPPF and responds positively to the challenges which are sometimes encountered in delivering much needed development and investment.
- 3.3** In support of recommending the preparation of an Interim Statement, the report indicates that the preferable approach is a 'laissez-faire developer/market led' approach, the implication being that this is currently the modus operandi. The experience of the University and others suggests that a different approach can regularly be experienced in which planning decisions are taken which reflect parochial, rather than policy or investment priorities.

### **4. Resource Allocations**

- 4.1** The allocation and prioritising of resources is an issue for discussion and decision within the Council. That said, adopting a principle of deploying resources so as to reflect a high priority for investment and renewal in the Borough, would be particularly supported.

### **5. Links between Financial Planning and Local Plan Development**

- 5.1** This really builds upon the report's earlier recommendations (items 1-4). The financial dimensions of planning extend across a number of areas. The report is right to highlight that planning decisions are linked to positive income streams such as Council Tax and new homes bonus payments, but a comprehensive appreciation of the linkages must take account of the costs associated with bringing forward development proposals to planning assessment. These include pre-application engagement and the actual costs of preparing and submitting applications. These costs can be very high and are, worryingly, susceptible to being wasted in situations where development proposals which have been formulated and evaluated on the principles of best practice, are rejected by elected Members against professional advice.

5.2 Full appreciation must also take into account the costs which fall to the Council as a consequence of this type of decision. There is not only the direct financial cost of dealing with subsequent appeals, but also the hidden costs of potential delay on other projects owing to Officer resources being diverted. In extreme cases, potential private sector investment decisions can be deferred or abandoned owing to lack of confidence in the planning process.

## 6. Pre Planning Briefing

6.1 The principle of briefings for Members is fully supported.

6.2 The report, I think, suggests that pre-planning briefings should take place before Officer reports are **published**. I am unclear as to the advantage of such timing, according to the background note which was prepared in advance of the review briefing sessions, there is an existing pre-planning regime which takes place a week before the Committee Meeting and involves the Chair and Vice-Chair. It appears that the recommended arrangements will involve all Committee Members. Against this background, and although there may be benefits to a wider involvement and changed timing, there needs to be clarity as to the purpose of such meetings and what is preventing the existing arrangements from being effective.

6.3 The recommendation to review the operation of the Strategic Planning Group (SPG) is noted and welcomed. Keele University has always been keen to engage with the community, local organisations, representatives and elected Members through consultation and has valued the opportunity to discuss schemes with the Strategic Planning Group. Recent experience of involvement with the latter, has shown that positive discussion and messages of support for major schemes do not necessarily translate into similar expressions of support in a public decision-making arena. The SPG can provide a very valuable engagement opportunity but, to be effective, two specific measures should be considered:

- I. The meeting discussion should be minuted for the benefit of all participants and as a checklist for actions/scheme alterations.
- II. The meeting discussion, in addressing the challenges presented by any scheme, should separate Planning Policy Issues from Political/Community Issues, so that appropriate actions can be progressed along each path. The University would be happy to be involved in any workshop or similar initiative to review the operation of the SPG, which clearly offers the opportunity for valuable pre-application engagement at a strategic level.

## 7. Training

7.1 The report states that ***“Councillors and officers already benefit from training”*** (Summary of Feedback – Councillor and Officer Training). This contradicts a statement in the background note referred to earlier which states (final page) that ***“Whilst it has been agreed that Members of the Planning Committee be given appropriate training, which is also extended to non-Planning Committee Members who may attend the Committee, such training was not delivered in the past few years”***. If the latter is the accurate statement, it is essential that appropriate training is provided as a matter of urgency.

- 7.2** The report recommends that training programmes should be provided which are bespoke to local needs. Although this is clearly sensible, any training initiative must emphasise that development management decisions are quasi-legal in nature and must be taken on this basis, whilst other considerations, such as community preferences and priorities, might be relevant in reaching a decision, but should not take precedence over the legal imperatives.
- 7.3** In a similar vein, training initiatives which focus on improving understanding of the respective roles of Members and Officers, which could usefully be extended to representatives of Parish Councils and single issue organisations, should have at their core the Legal Framework and Responsibilities for decision making and the proper place of planning policy, including the NPPF, in the planning process.

## **8. Guidance and Protocols**

- 8.1** This recommendation is strongly supported; the University would always wish to work with the Council on the basis of agreed protocols.
- 8.2** There are clear benefits to both applicants and the Council in terms of minimising delays in the processing of major applications by requiring Heads of Terms and, where needed, viability information at the validation stage. Applicants who are serious about the early implementation of their development proposals, and this includes the University, would particularly welcome this front loading in preference to a system which requires agreement on S106 issues in the post-committee phase, where delays in the preparation and conclusion of the Agreement are not uncommon.
- 8.3** At a broader level, the use of Protocols and agreed guidance can benefit the processing of major applications. Although the University's professional team did not conclude a Planning Performance Agreement with the Council for the application for student accommodation and new housing (Campus and Hawthorns), there was Pre-submission Agreement regarding the nature and scope of information to be provided with the application. As a result, the application was registered without any requests for additional information. This approach represents an enhancement of using the validation list as a basis for deciding the range of information to be provided, and should be actively encouraged where Performance Agreements are not used or appropriate.

## **9. Delegation**

- 9.1** Notwithstanding that the Scheme of Delegation has, according to the background note referred to earlier, recently been reviewed, it seems that the proportion of applications being dealt with under delegated authority is declining. This must inevitably have an impact on resourcing generally and the ability to scrutinise major applications in a comprehensive and timely manner. The delegation scheme should be continually under review, so as to ensure that the processing and evaluation of major applications is not disrupted.

## **10. Community Infrastructure Levy**

**10.1** Whilst I understand the reasoning behind the Council's decision to suspend work on the CIL, the absence of a CIL regime perpetuates uncertainty for applicants and the Council regarding the provision of planning benefits.

**10.2** Investors/developers/applicants for major development invariably prepare business plans for individual developments. Uncertainties regarding costs (and decision-making processes and timescales) can seriously undermine the relevance of such plans, leading to the stalling of development proposals. Applicants seek certainty and although timescales and outcomes can never be guaranteed, a CIL regime can provide a much greater degree of certainty with regards to costs and benefits to be provided, than does the current system of negotiated provision on a case-by-case basis.

## **11. Communication and Access**

**11.1** The University has always considered access to the planning service to be relatively straightforward.

**11.2** At a strategic level, it seems clear that amongst key participants in the planning process (including some Councillors, Parish Councils, external agencies and applicants) there is an uneven level of understanding about the imperatives of the Planning Process, particularly development management. Any communication initiatives to improve levels of understanding and explain the relationships between Planning Practice and Approved Political Objectives, as set out in the NPPF, would be strongly supported.

I hope that these comments are useful. They are made in the spirit of partnership and in recognition that whilst the planning service is held in high regard by the University, there is always scope for improvement, particularly in relation to the handling and outcomes of major applications, which are important for the economic, environmental and social needs of the Borough.

Yours sincerely



**Phil Butters**  
**Director of Estates & Development**

Cc. Neale Clifton, Executive Director - Regeneration & Development  
Email: [Neale.Clifton@newcastle-staffs.gov.uk](mailto:Neale.Clifton@newcastle-staffs.gov.uk)