

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET

Date 12th November 2014

1. PLANNING PEER REVIEW

Submitted by: Executive Director – Regeneration & Development, Neale Clifton

Portfolio: Planning and Assets

Ward(s) affected: All

Purpose of the Report

To approve an Action Plan to address the recommendations of the Planning Peer Review Team

Recommendations

- (a) That Cabinet agree to the Action Plan attached as Appendix 2 to this report**
- (b) That Cabinet receive in 6 months' time a report back on progress made in implementing the agreed Actions**
- (c) That the Planning Committee similarly receive the same report**

Reasons

To agree the Action Plan

1. Background

- 1.1 The Council commissioned the national Planning Advisory Service to review its Planning Service with the aim of addressing perceived concerns about facets of the service to ensure that this important service is both effective and efficient.
- 1.2 The review process was undertaken in accordance with a nationally-agreed approach. This involved an assessment around a number of key themes.
- 1.3 The review team spent three days on site during which they interviewed a wide range of Members, officers and other stakeholders.
- 1.4 The Council in mid-August received a final report/letter from the Peer Review Team (PRT), a copy of which has since been circulated to all Members. For ease of reference the recommendations have been extracted and shown at Appendix 1.
- 1.5 At its meeting on the 15th October Cabinet received a report inviting it to agree how to manage and respond to the report. Members were advised that it had been agreed with the portfolio holder that an Action Plan should be prepared, that in order to

optimise the robustness of the Action Plan all stakeholders (including all members of the Council) had been sent a copy of the letter and encouraged to comment upon the recommendations in a manner that will inform the action Plan. Additionally Cabinet was advised that arrangements had been made to engage Members of the Planning Committee, along with officers, in the drafting of the Action Plan.

1.6 Cabinet resolved

- a) That Members note the contents of the PRT's report and the recommendations therein.
- b) That Members agree with the proposal to prepare an Action Plan to address the said report's recommendations.
- c) That the Action Plan, referred to above, be reported to Cabinet for approval at the earliest opportunity.
- d) That officers write to the PRT thanking them for their report and confirming the Council's intended approach.

2. **Issues**

2.1 **Introduction** - Peer challenges are managed and delivered by the sector for the sector. They are improvement oriented and are tailored to meet individual councils' needs. Indeed they are designed to complement and add value to a council's own performance and improvement focus. They help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

The five comprehensive themes of focus for a Planning Peer Challenge are:

- clarity and locally distinctive vision and leadership for the planning service;
- community leadership and engaging with the community;
- management arrangements and service delivery;
- partnership working both internally and externally; and
- achieving outcomes.

2.2 The Council asked the PRT to specifically examine and report on the following areas:

- joint local plan timetable;
- advice/ approach of officers in relation to interpretation of National Planning Policy Framework (NPPF) and in particular the consequences of being unable to demonstrate a 5 year housing land supply;
- quality of effective joint working between officers and councillors;
- resources and demands;
- statement of community involvement;
- public perception; and
- enforcement.

2.3 In the summary of their feedback, which members have received the Review Team indicated that their overall messages were as follows

"The Council continues to support the delivery of some high quality development through strong joint working with the public and private sector. Notable examples include town centre redevelopment such as the Jubilee 2 health and well-being centre and the mixed use redevelopment of the former Silverdale Colliery providing

housing, employment and recreational land. The service has a good focus on supporting applications for major schemes through a development team approach involving specialist officers including economic development, housing, environmental health and highways. Speed of decision making is above the historically-set government targets.

However while the planning service does support growth and investment in the borough, the Council now more fully appreciates that it needs to bring the service 'front and centre' to deliver its corporate priority of 'delivering opportunity'. The borough needs more homes and more jobs to meet local demand. Critically, development is required to fund infrastructure needs such as roads, drainage and services. And without new development, locally generated income in the form of council tax, business rates or new homes bonus will not replace diminishing government grant.

Changes in a range of key national and local circumstances over the last two to three years have set a challenging context in the borough for delivering the planning function; these include the introduction of the NPPF; the changing local political landscape and the 5-year housing land supply issue. Recent decisions by the Council's planning committee to overturn officer recommendations on some large scale housing applications have brought to a head, issues concerning trust and confidence. This has impacted upon the ability of officers and councillors to work together, albeit respecting the key differences in their roles and responsibilities. An absolutely key improvement requirement is for councillors and officers to communicate and engage more effectively with each other. This is in both planning policy and development management.

We agree with both senior political leaders and senior managers that the status quo is not an option. The need for a clearer vision of what the Council can achieve through more effective use of its planning policy is obvious. We suggest that a new corporate 'narrative' is agreed that provides a 'golden thread' that will give more meaning to the objective of creating a 'borough of opportunity' through various plans and strategies that complement the local plan. The imperative of needing a strong planning service to support development and increase locally derived income cannot be underestimated given continuing cuts to local government funding. The Council also needs to build on its key competitive locational advantages and on the use of its land assets.

We know that the Council is progressing its joint local plan with Stoke as quickly as it considers it is able to do. We make a fundamental recommendation about delivering an interim planning policy statement as soon as is practically possible in 2015. To achieve this and work at the fastest possible pace we recommend the Council revisits its resources and capacity to make sure these reflect its priorities.

We suggest changes to the way members of the planning committee can engage as early as possible with applicants involving major applications. We see improved training and development of councillors and officers as a key need. To create some headroom for this and time for better engagement we suggest some things that the service should do less or do differently."

Cabinet have previously received as part of the papers for the 15th October meeting a full copy of the PRTs' letter.

2.4 The recommendations – The PRT summarised their recommendations and these are provided in Appendix 1.

2.5 This report discusses each of the recommendations in terms of what Actions might be appropriate, and what other actions have been considered but are not recommended. The proposed Action Plan is provided as Appendix 2. Agenda item (No.9) for the 28th October Planning Committee and the supplementary report to that item published on the 24th October provided details of the comments that have been received from the following stakeholders – Keele University, the clerk to Keele and Audley Rural Parish Councils, Keele Parish Council, Silverdale Parish Council, Audley Rural Parish Council, Whitmore Quality Parish Council, Loggerheads Parish Council, Maer & Aston Parish Council, Chapel & Hill Chorlton Parish Council, and Councillor Loades Chairman of the Newcastle Rural Locality Action Partnership. At this stage it is important to note that the approval of the Action Plan merely begins the process of improvement; it is not an end in itself. In some instances “quick wins” may be achieved whilst in other cases it will be necessary to explore approaches in more depth and in liaison with members or other parties before determining the most effective improvements.

2.6 The Draft Action Plan was considered by the Planning Committee at its meeting on the 28th October. The Committee resolved as follows

- a) (i) That it be recommended to Cabinet that it agree the proposed draft Action Plan
- (ii) That training for both members of the Committee and officers on local finance considerations be provided (an amended Action with respect to recommendation 5)
- (iii) That guidance be provided to both Parish Councils and the public on the status of local finance considerations in the determination of planning applications (a new Action with respect to recommendation 5)
- (iv) That Cabinet be informed that the Planning Committee resolved unanimously that it is of the view that the Action Plan should not include consideration of introducing making call ins subject to Chairs approval (a deletion of an Action with respect to recommendation 9)
- b) That Cabinet be informed that the Planning Committee resolved by the casting vote of the Chair that Cabinet should not be requested to refer the Action Plan to the appropriate Overview and Scrutiny Committee.

2.7 As indicated to the Planning Committee a number of amendments have now been made to the Draft Action Plan, so that it differs in certain limited ways from that which they considered. The changes made are in response to the discussion of the item by the Planning Committee, consideration of the comments recently received from various stakeholders and to take into account current workload priorities of those identified as responsible for the proposed Actions.

2.8 **Recommendation One (the political narrative).** The PRT refer to the benefit that the Council would derive from a stronger political narrative around the benefits of growth for existing and future generations, and that the leaders of all political parties have a clear responsibility to work together in the best long term interests of all the existing and future residents in the borough - both at a district and ward level and the narrative, they say, can be built around the benefits that economic and housing growth can deliver for places and people. The proposed actions with respect to this recommendation are that the Council prepare a revised Council Plan that reflects the

relationship between key strategies and setting out broad strategic policy objectives, and greater use is made of the Council's media and communication resources

- 2.9 **Recommendation Two (a coherent strategy for investment and growth which recognises the key role that planning performs, and examines opportunities for the release or reuse of land assets to stimulate growth and economic development).** That Planning has a key role in such a strategy is reflected in the importance given to the preparation of the Local Plan. Decisions about future resourcing of the Planning Service will need to reflect this. The proposed action with respect to this recommendation is that officers strengthen the narrative and strategic context in the next Asset Management Strategy and Capital Strategy
- 2.10 **Recommendation Three (the development of an interim planning policy statement).** The PRT in making this recommendation did so to provide greater certainty to the development industry and to local people. They made it clear that they saw such an action as being undertaken in parallel with the preparation of the Local Plan and that it would not be able to be undertaken immediately (although they do suggest that it would be achievable in 2015). They did however expressly acknowledge the limitations of an Interim Planning Policy Statement approach. The proposed actions with respect to this recommendation reflect your officers' view that any decision on whether to go down this route needs to identify both the benefits but also the costs of such a proposal – including any implications for the existing Local Plan timetable and doubts as to the weight that such a Statement could have in development management decisions, for so long as the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Despite these doubts the option (of an interim policy statement) needs to be thoroughly investigated, so the option of rejecting such an idea at this stage has not been pursued.
- 2.11 **Recommendation Four (resource allocations).** The PRT's message is both about the need to maintain a strong planning service, including ensuring that it has the capacity to deliver the above interim planning policy statement, and also about detailed issues of financial monitoring and awareness within development management. In response a range of proposed actions are indicated. Particularly important ones include resolving the position of the fourth post in Planning Policy, creating a surge of enforcement activity to bring more under control the enforcement workload, and exploration of a range of initiatives as set out in the Action Plan.
- 2.12 **Recommendation Five (links between financial planning and planning).** The PRT remind the authority of the importance of increasing locally derived income given continuing cuts in local government funding. New Homes Bonus is one such source of income. The PRT also suggests that the Council as a large land and property owner maximises this position to its advantage. Insofar as the Planning Service is concerned the proposed actions are in part about the flows of information and understanding between the two activities – financial planning and planning – but also more than that. They include that more explicit reference is made in reports on applications to local finance considerations – a legitimate consideration in the determination of applications, that officers and members are properly informed and advised respectively about such local finance considerations, and that guidance on the status of local finance considerations be provided to parish councils and the public.
- 2.13 **Recommendation Six (member arrangements)** The recommendation that the Council establish an informal pre planning briefing for members of the Planning Committee has been extensively debated at the officer and member workshops. Concerns have been raised both as to the probity of such a proposal and the lack of

transparency on the one hand and a concern about meeting overload on the other. It appears to be generally agreed that without lengthening the committee cycle there would be considerable practical difficulties with such a proposal, and even if that occurred there is concern about the additional workload such an arrangement would impose upon the Planning Service. An alternative suggestion that the Council review the arrangements for its Strategic Planning Consultative Group, including widening its membership to at least include all members of the Planning Committee, and that applications for significant major development come before such a Group at such an early stage as to minimise any risk of any impression of predetermination being given. This alternative forms the basis of the proposed actions with respect to this recommendation.

- 2.14 **Recommendation Seven (training)** There has been, in the workshops, a universal acceptance of the need to improve the training provision for members of the Planning Committee beyond that currently provided, to continue make attendance at such training (or rather a high proportion of it) mandatory. A range of ideas that have been generated in the workshop sessions form the proposals with respect to this recommendation.
- 2.15 **Recommendation Eight (Section 106s and major applications).** Frontloading of the system is already a recognised objective and the Council has in place a list of local information requirements which enables it to make invalid an application that does not comply with these local requirements if it wishes to. There is considered to be limited scope, having regard to the importance of not making disproportionate requests for information, to front load applications even more. Identifying applications which would require viability assessments and invalidating them until they have been received would not, it is considered, be an appropriate way forward. The proposed actions are a range of measures designed to improve internal procedures and those involving consultees and Legal Services.
- 2.16 **Recommendation Nine (Scheme of Delegation).** Differing opinions have been expressed in the workshops about any changes to the Scheme of delegation but a commitment to re-examine it should it is considered form the key proposed action with respect to this recommendation. That review will involve the Planning Committee.
- 2.17 **Recommendation Ten (Community Infrastructure Levy).** That it would be appropriate to review the decision made by Cabinet to cease work on the Community Infrastructure Levy, and to work towards adoption of a levy after the adoption of the Joint Local Plan, is generally agreed, as is the need for any reconsideration of the issue to be informed by legal advice. The proposals in the Action Plan with respect to this recommendation reflect this.
- 2.18 **Recommendation Eleven (a systematic reviews of the service's methods of Communication).** A number of specific proposals are put forward with respect to this recommendation. In response to the comments received from Stakeholders a number of further actions have been added to those considered by the Planning Committee

3. **Options Considered**

- 3.1 As indicated in the above section a number of options for inclusion in the proposed Action Plan have been considered, and some have been rejected.

4. **Proposal**

4.1 That Cabinet agree to the Action Plan set out in Appendix 2 which identifies actions, the timescale for completion of each action, the key officer or member and the likely resource implications of these actions

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

5.1 The Action Plan will impact positively on the following of the Council's corporate priorities:

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity
- creating a healthy and active community
- creating a co-operative Council, delivering high value, community –driven services

6. **Legal and Statutory Implications**

6.1 The duties of the Council as a Local Planning Authority are set out in primary and secondary legislation

7. **Equality Impact Assessment**

7.1 The changes to the Planning Service would suggest that the undertaking of an Equality Impact Assessment would be appropriate

8. **Financial and Resource Implications**

8.1 The Council contributed £5,000 to engage in this process. In addition there has been a relatively significant amount of officer and Member time involved in the process to date which has been found from within existing capacity by prioritising the tasks.

8.2 Some of the actions could lead to direct resource implications for the Council if as a consequence a decision is later taken. Where the review or consideration of an issue is a recommended action, when that review is undertaken the resource implications will be a significant consideration and will need to be balanced against the wider context of the Authority having to make further financial efficiency savings over the next five years. At this stage it is intended to explore the potential for creating 'headroom' in order to introduce new working practices by cutting back in some existing processes (where such activities are not considered to add significant value to the overall process).

9. **Major Risks**

9.1 The Planning Peer Review has identified a range of issues with the Planning Service. A failure to address these issues could well involve the Council in reputational damage and direct costs.

10. **Key Decision Information**

10.1 This is a key decision as defined in the Council's Constitution.

11. **Earlier Cabinet/Committee Resolutions**

11.1 15th October 2014, Cabinet, Agenda item A10 – Minutes published

12. **List of Appendices**

12.1 The following Appendices are attached to this report

- Appendix 1 - Appendix 1 of the Planning Peer Review Team's report showing their recommendations
- Appendix 2 – Proposed Action Plan

13. **Background Papers**

13.1 Planning Peer Review report dated 13th August 2014