

# Overview & Scrutiny Committee 1

PARTNERSHIPS, REGENERATION,  
COMMUNITY ENGAGEMENT  
AND SAFETY



**West Northants Development Corporation (WNDC)  
and partnership working with  
Northampton Borough Council (NBC)**

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## Foreword

The creation of the West Northants Development Corporation (WNDC) back in 2004 was a controversial move by the Government. It caused much local opposition and was seen by many as imposing a model for the development, regeneration and growth of the town which would be counter productive.

At the time Northampton Borough Council was not in a very strong position to take on the work itself having been rated as poor by the Audit Commission's review in 2003 and shortly afterwards coming under Government intervention. Yet times have now changed.

The Council has improved, and its planning section came out of Government intervention last year. It has started to establish clear regeneration and growth priorities for the future of the town and a new Council Management Team has started to engage fully with WNDC on joint projects.

At the same time Overview & Scrutiny came across areas of concern about how well both WNDC and NBC are working together. Work around the protection of Historic Buildings in the town highlighted gaps in responsibility between WNDC and NBC. At the same time planning performance figures showed WNDC in the past was failing to meet targets. This all comes on top of considerable public confusion about which organisation did what and who was accountable to who.

As a result Overview & Scrutiny Committee 1 decided to do a review of WNDC's performance and of partnership working with NBC.

The objective of the review was not to re-run old arguments about the legitimacy of WNDC. It was to be constructive in recognising that both WNDC and NBC need to make the current set up work better for the future benefit of Northampton. It will also hopefully provide some valuable input into the Government's review of WNDC which is taking place later in 2009.

In the short time available to us I hope the findings and recommendations we have established are beneficial to both NBC and WNDC in managing the future growth, regeneration and planning of our town.

I would like to thank all those people acknowledged below who gave up their time and contributed to this Review.



*AS Simpson*

**Councillor Andrew Simpson**

Chair, Overview and Scrutiny Committee 1

## **Acknowledgements to all those who took part in the Review: -**

- Members of Overview and Scrutiny Committee 1 (Regeneration, Partnerships, Community Safety and Engagement) who sat with me on this Review
- Roger Mendonca, Acting Chief Executive, WNDC, for providing evidence to help inform this Review
- Councillor Richard Church (Portfolio Holder, Regeneration) for providing a response to the Committee's core questions
- Councillor Tony Woods, Leader of the Council, for providing evidence to help inform this Review
- Councillor Jane Hollis, Chair, Planning Committee, for providing evidence to help inform this Review
- David Kennedy, Chief Executive, Chris Cavanagh, Head of Regeneration and Development, Susan Bridge, Head of Planning, Steve Elsey, Head of Public Protection and Ruth Austen, Senior Environment Health Officer, for providing a response to the Committee's core questions and for providing evidence to help inform this Review
- Mr Kingston and Mr Jones, representing Northants Residents' Alliance, for submitting comprehensive evidence material
- Clayson Country Homes Limited and David Wilson (South Midlands) for providing a response to the Committee's core questions
- Daventry District Council for providing evidence to inform this Review
- The Department of Communities and Local Government for providing baseline data

## **EXECUTIVE SUMMARY**

The purpose of the Review is to establish how well West Northants Development Corporation (WNDC) is performing and how well Northampton Borough Council (NBC) and WNDC are working together in partnership to deliver the regeneration, planning and growth objectives for the town.

The need for the Review had arisen from the previous work of this Committee, in particular the Historic Buildings Task and Finish Group, which had looked at the proposed Needle sculpture as well as historic building protection and WNDC's role, and also monitoring of Planning Performance Indicators. Past work had suggested a Review into WNDC's performance and how it works with NBC would be beneficial to both organisations.

## **CONCLUSIONS AND KEY FINDINGS**

A significant amount of evidence was heard, details of which are contained in the report. After gathering evidence the Committee established that: -

- Northampton Borough Council (NBC) needs to strengthen its capacity to develop and deliver projects jointly with West Northants Development Corporation (WNDC). WNDC and NBC partnership working is however improving.
- Northampton has lacked a clear vision for the town, which has inhibited the investment for WNDC.
- WNDC has not been proactive enough in developing projects with NBC. NBC needs to strengthen its capacity to develop projects jointly with WNDC.
- WNDC has, until recently, had a poor record of performance for development control.
- The out of town location of WNDC makes it difficult for public access and the co-ordination of development control.
- It would be beneficial for meetings between NBC and WNDC to take place in order that a better co-ordinated Development Control Service be developed.
- There is a lack of financial resources to tackle the key pump priming required. WNDC resources, proportionate with its funding, appears to have been spread too thinly across too many priorities. The Committee concludes that it is apparent that WNDC is under-funded.

- There is currently no agreed Local Development Framework (LDF) for West Northamptonshire. The lack of a Local Development Framework has led to WNDC substituting spend on less focussed activities, not delivering long-term benefit. Whilst applauding the £3.2 million funding to the community fund, the Committee feels that this will have no long-term positive regeneration effect.
- WNDC taking planning powers in house caused significant disruption to NBC. NBC's Planning Services is now performing at a level that it could take on additional development control powers from WNDC.
- The current economic climate has altered the way in which WNDC needs to do its business. Like traditional Urban Development Corporations, WNDC now has to pump prime and encourage development in difficult economic times, rather than over-develop.
- WNDC's Policy of preventing Senior Politicians on its Board from sitting on Planning Committees for their area loses key local knowledge and should be reviewed. It is a mistake for WNDC to feel that being an elected Member is a declarable interest as this is not the case. In addition, there is a democratic deficit where Council representatives continue to serve on WNDC's Board after no longer being an elected Member.
- The Committee highlights one good example of joint working is the St John's area masterplanning supported by Northamptonshire County Council and WNDC and led by NBC. This should be used as a model for future projects.
- Whilst recognising collaborative working with WNDC in other areas, there is clear evidence this has not been the case with NBC.
- Communication at senior officer level is the key to success and has not always been present in the past but is said to be improving.
- There is confusion regarding what regeneration, planning and partnership meetings WNDC should be represented at. There is a need for NBC and WNDC to clarify the remit and role of various Steering Groups and Boards in relation to regeneration and growth.
- There is a variable approach to Partnership working, and a lack of integration with experienced partners, although some recent improvements are acknowledged.
- The Committee is aware that a Development Corporation should support the Local Authorities by assuring the delivery of the Growth Agenda by:

- Working with Local Authorities to support development of their integrated and widely supported visions and plans.
  - Facilitating development and house building.
- WNDC has informed the Committee that the main internal constraints mostly relate to limited capacity and resources and due to a change in its original delivery and business model, too much emphasis has been placed on the Local Authorities to drive change when the powers have been removed.
  - A Communications Protocol is not in place and there is the need to promote projects widely to encourage interest from all types of investor in a Community that is seen to be exciting, vibrant and interesting with excellent facilities would be beneficial.
  - There are gaps in the planning consultation process. There is evidence that comments made by NBC's Planning Committee in relation to consultation by WNDC have not been reported back to WNDC's Planning Committee when it determines a Planning Application.
  - There are no clear lines of responsibility between WNDC and Local Authorities for consultation over major projects. This can leave out not only elected Members but also the public. Castle Station master plan and the Needle Project are examples where this has occurred.
  - There is still considerable public confusion over the role of WNDC and Local Authorities like NBC.
  - Use of NBC's office space would help to integrate WNDC and NBC officers towards improved joint working and more efficient use of public funds.
  - There is a gap in WNDC providing feedback on the consultancy work undertaken by Environmental Health. It is realised that the draft Service Level Agreement for the work has not been agreed.
  - WNDC reports planning performance figures on Major, Minor and Other Planning Applications on a quarterly basis. Performance has been improving steadily following the introduction of the in-house Development Control Service in January 2007 but was pretty poor until recently.
  - WNDC will be subject to a Government Review, which will assess its value for money. This review is scheduled for December 2009 and will be a positive vehicle for discussing how the Council can work with WNDC to help refocus on its core objectives, mainly the delivery of the Growth Agenda.
  - The Committee acknowledges that the Council would wish to secure the return of responsibility for minor planning decisions in Northampton Town Centre as a first step to the return of large development control decisions. The Council's improved performance in determining planning applications

and the investment it has made in improving its Planning Service demonstrates that it is building the capacity to determine these applications. The Committee realises that it is anticipated that Planning (Development Control) powers will, ultimately, be returned to NBC, however, some care and caution needs to be used when looking at returning Planning powers to NBC. WNDC is a statutory Local Planning Authority. It might delegate work back to NBC through a Service Level Agreement but it cannot 'hand back' Development Control Powers without a change in legislation. Also, in taking back any powers, NBC would need to ensure that it could expand its Development Control capability to handle the additional workload. Such a transfer needs to be carefully planned and implemented.

- It is a concern on the way in which NBC is consulted by WNDC on planning applications, particularly major applications of a strategic nature. NBC is not a statutory consultee and planning staff has expressed concerns that NBC is not always consulted in a timely way to allow NBC to co-ordinate a comprehensive response to planning applications, bearing in mind that some will have to be reported to Planning Committee.
- The Committee realises that NBC can help WNDC by providing support to WNDC in pressing Government and other Agencies to act in a way that supports the sustainability of growth.
- There is a gap in the process of ensuring conditions that are set by WNDC's Planning Committee are notified to and enforced by NBC. There needs to be a protocol developed to ensure enforcement by NBC or WNDC planning conditions takes place.
- The Committee notes that the Council's Planning department is being restructured in such a way to be geared up by Christmas 2008 to take on additional responsibility.
- WNDC has been criticised for its performance in determining planning applications against the national targets, and the current performance of WNDC in determining applications is below national targets. This will, no doubt, be considered in the review of WNDC by the Government.



- WNDC should be using Planning Performance Agreements, with assistance from ATLAS (Advisory Team for Large Applications) to process major applications.

## RECOMMENDATIONS

The above overall findings have formed the basis for the following recommendations.

For ease of delivery, the following series of recommendations are grouped in specific areas: -

### **Northampton Borough Council (NBC)**

The Task and Finish Group recommends to Cabinet that: -

- 1) That NBC should be planning to input into the forthcoming review of WNDC in a constructive way to achieve the following objectives:
  - i) the return of relevant development control powers to NBC
  - ii) a refocusing of WNDC on its core objectives
  - iii) greater democratic accountability of WNDC and the planning process to local people
  - iv) agreement of clear protocols regarding NBC and WNDC's respective roles
- 2) That the Council helps WNDC by providing support, by pressing Central Government and other Agencies, to act in a way that supports the sustainability of growth. For example, if WNDC needs to lobby to get the right infrastructure improvements, NBC could assist, as could other Local Authorities.
- 3) That Cabinet instructs Officers to advise and support WNDC using its professionally qualified officers, particularly in regeneration, engineering, commercial property and housing. Improved co-ordination and Partnership approaches would benefit both WNDC and the Council's effectiveness.
- 4) That NBC supports WNDC in its bid for adequate funding for the right infrastructure improvements.
- 5) That Cabinet ensures the Council has sufficient resources to appoint appropriately qualified professionals to enable effective Partnership working to focus on developing plans more quickly and project delivery.
- 6) That Cabinet considers offering NBC office space, where feasible, to help integrate WNDC and NBC Officers towards improved joint working.
- 7) That Cabinet instructs Officers to identify the Town Centre Strategic Board and other such bodies that WNDC and NBC representatives attend and identify where there are gaps in attendance. That NBC agree with WNDC which meetings WNDC are expected to attend.

- 8) That Cabinet instructs Officers to create an effective Communications Protocol and promote the projects widely to encourage interest from all types of investor in the Community.
- 9) That Cabinet instructs Officers to work with Daventry District Council and South Northants to develop and agree a Local Development Framework (LDF) for West Northamptonshire to provide proper spatial planning for the area and to protect against speculative development.
- 10) That more joint project teams are created, in addition to joint Project Boards, which have been fairly successful in the last year.

### **Key Planning Powers**

- 11) That Cabinet instructs NBC Officers to approach WNDC to develop a better co-ordinated Development Control Service with WNDC. This should include a proposal that NBC acts as the central point for Registration and Validation of ALL planning applications in Northampton. This would create one central point of contact for the public.
- 12) That Cabinet should seek to agree with WNDC that, prior to any formal change in the current economic climate, that levels of intervention should be altered to enable NBC to provide a greater and improved planning service, this would assist WNDC to refocus on development and infrastructure.
- 13) That Cabinet asks Central Government, as part of the 2009 review of WNDC, to consider returning Development Control Powers back to Northampton Borough Council.

### **West Northants Development Corporation (WNDC)**

- 14) That for the Council to provide support to WNDC, the organisation be asked to share issues with the Council and engage this and other Councils in a transparent and supportive partnership.
- 15) That Cabinet asks WNDC to support NBC's visions and Strategies and plans through its development, rather than separate ones being developed.
- 16) That Cabinet asks WNDC to support Local Authorities by assuring the delivery of the Growth Agenda by, amongst others: -
  - i. working with Local Authorities to support development of their integrated and widely supported visions and plans.
  - ii. working with public sector Authorities and Agencies to provide the platform for increased confidence and encourage increased private and public sector investment.
- 17) That Cabinet asks WNDC to ensure that its representatives are present at Strategic meetings. This would assist the Council's role in delivering Strategies and help WNDC's understanding of the Council's initiatives and priorities.

- 18) That Cabinet asks WNDC to consider revising its standing orders so that NBC Councillors are able to sit on WNDC's Northampton Planning Committee rather than having to travel outside the Borough to Planning Committees of Daventry and South Northants.
- 19) That should Councillors be nominated to WNDC's Board and cease to become an elected Member during that time, a Protocol be in place that requires them to step down.
- 20) That Cabinet instructs Officers to contact WNDC and requests that written details are provided stating whether conditions suggested by NBC to a Planning Application have been implemented or not.
- 21) That WNDC provides feedback on the Environmental Health consultancy work currently being undertaken by NBC. WNDC also be asked to provide a view on the long-term use of NBC's Environmental Health Service to provide consultancy input.

#### **Impending Government Review of WNDC**

- 22) That the Council helps WNDC by taking an active role, along with other local partners, on making constructive proposals for improvement in the Government Review of WNDC that is scheduled to commence in the Autumn 2009.
- 23) Whilst not wanting to pre-empt the outcome of the Government Review, NBC needs to ensure capacity is available at any period between now and the end of the Review. This transition should be managed.

## **Northampton Borough Council**

### **Report of Overview and Scrutiny Committee 1 (Partnerships, Regeneration, Community Safety and Engagement)**

#### **West Northants Development Corporation (WNDC) and Partnership working with Northampton Borough Council (NBC)**

## **1. Purpose**

- 1.1 Overview and Scrutiny Committee 1 (Partnerships, Regeneration, Community Safety and Engagement) undertook a Review of West Northants Development Corporation (WNDC) and partnership working with Northampton Borough Council (NBC).
- 1.2 The purpose of the Review is to establish how well WNDC is performing and how well Northampton Borough Council and WNDC are working together in partnership to deliver the regeneration, planning and growth objectives for the town.

## **2. Context and Background**

- 2.1 This Review had been part of the Committee's Work Programme for some time and it had been agreed that the whole Committee would carry out the Review rather than set up a Task and Finish Group to carry out the work.
- 2.2 The need for the Review had arisen from the previous work of this Committee, in particular the Historic Buildings Task and Finish Group that had looked at the proposed Needle sculpture as well as historic building protection in the town. Also monitoring of Planning Performance Indicators and concern over the development of school sites under Private Finance Initiative (PFI) schemes. Findings from this past work suggested that a Review into WNDC's performance and how it works with NBC would be beneficial to both organisations.
- 2.3 WNDC is one of three Urban Development Corporations (UDCs) in England. London Thames Gateway Development Corporation (LTGDC) and Thurrock Thames Gateway Development Corporation (TTGDC) are the other two UDCs. All UDCs are Executive non-Departmental Public Bodies.
- 2.4 The role of WNDC is to promote and deliver sustainable housing and growth and regeneration in the three towns of Northampton, Towcester and Daventry. To do this, WNDC has three key activities to perform: -
  - Delivering new homes and the infrastructure to support new homes

- Ensuring new homes meet design and environmental quality standards and are integrated with existing communities
- Ensuring new homes are supported by infrastructure, employment and town centre regeneration

**2.5** The Committee agreed that the following needed to be investigated:

- Witness evidence from Councillors, various developers, Chief Executives of neighbouring Local Authorities, English Partnerships, Association of House Builders, Caroline Flint, MP, Department of Communities and Local Government (CLG) and local organisations and residents.
- Witness evidence from representatives of NBC and WNDC.
- Details of performance indicators that CLG use to assess the success of WNDC in meeting the objectives set for it by the Government.
- Comparable performance indicators with other Development Corporations across the country, which were then used as a benchmark on WNDC's performance.

## **2.6 Council's Corporate Priorities**

2.6.1 This Review links to the Council's corporate priorities as it demonstrates further working with the community, partnership working and being citizen focussed.

## **3. Evidence Collection**

3.1. In scoping this Review it was decided that evidence would be collected from a variety of sources:

### **3.2 Acting Chief Executive, West Northants Development Corporation (WNDC) – Roger Mendonca**

3.2.1 The Acting Chief Executive from WNDC was asked to provide a response to the Committee's core questions.

3.2.2 The Acting Chief Executive, WNDC, attended the meeting on 27 November 2008

### 3.2.3 The key points of evidence are: -

- As set out in its Corporate Plan for 2008-2011, WNDC believes Northampton should aim to be a Regional City. Key activities to support this goal include:
  - Enabling development
  - Enabling infrastructure to make that development sustainable
  - Ensuring that development and infrastructure is of a high environmental and design quality
  - Ensuring that development and infrastructure supports the integration of new and existing communities
- The main powers WNDC expect to use to play its part in enabling these activities to come forward are:
  - Assembling funding packages
  - Assembling development sites
  - Providing infrastructure
  - Determining strategic planning applications
  - Lobbying on behalf of West Northamptonshire
  - Building capacity in local partners
- Both WNDC's major infrastructure schemes and the determination of a number of major planning applications are managed as projects. For each project there is a set of expected outcomes and outputs, a forecast schedule and budget, and a risk management profile. As set out in its Corporate Plan, WNDC's Key Performance Indicators are whether these projects are on track to deliver the expected outcomes and outputs are progressing to schedule, are on budget and whether the risk profile has changed to threaten future progress.
- The department for Communities and Local Government (CLG) monitors WNDC against the outputs set out in the Corporate Plan. These targets are currently being revised to take account of current market conditions. CLG also monitors a number of project specific performance targets during 2008/09. WNDC has met all relevant targets so far. These include: -

- ❖ Northampton Public Realm: Phase 1a complete, contract let for Phase 1b
  - ❖ Daventry iHub centre for sustainable construction: design complete
  - ❖ Northampton Castle Station: revised masterplan complete
- WNDC reports planning performance figures on Major, Minor and Other Planning Applications on a quarterly basis. Performance on each of these measures has been improving steadily following the introduction of the in-house Development Control Service in January 2007. For applications determined during October, its performance figures were as follows:
    - 100% of 'other' applications determined within 8 weeks, exceeding the national indicator by 20%.
    - 90% of 'minor' applications determined within 8 weeks, surpassing the national indicator by 25%.
    - 57% of 'major' planning applications determined within 13 weeks, which is just below the government's 60% target.
  - The current economic climate is an external constraint to WNDC. Another external constraint is the absence of a local planning context, given that West Northamptonshire's Joint Core Strategy is not expected for completion until at least 2011, and the critically important developer contributions and affordable housing development plan document towards the end of that year.
  - Its main internal constraints mostly relate to limited capacity and resources. In its original business model, this was manageable because most of the delivery work was undertaken or supported by Local Authorities. This model has proved successful in both Daventry and Towcester, but less so in Northampton. For instance, Daventry District Council has developed a clear vision for the development of its town centre, and worked closely with WNDC to secure funding for related projects. On projects such as the internationally significant Daventry iHub centre for sustainable construction, WNDC has worked collaboratively with Daventry District Council, and other key partners such as East Midlands Development Agency (EMDA) and the University of Northampton. Through Daventry District Council, Northamptonshire County Council is contributing land to the development. WNDC has worked closely with South Northamptonshire Council supporting it to acquire key sites to deliver a long-term vision for Towcester town centre.
  - WNDC has received just one funding application from Northampton Borough Council since it was established. This was for £241,616 to deliver a CCTV System Digital Upgrade. WNDC recognises that NBC



is now increasing its capacity in this area. The Acting Chief Executive feels that if NBC can continue to increase its capacity to develop and deliver projects it would greatly assist WNDC. WNDC would be willing to help support this capacity building programme.

- WNDC is engaging at all levels to secure tighter working relationships around strategic planning and more effective consultation. It also has a continued commitment to support NBC to develop a long-term vision for the town.
- WNDC has had considerable success in the sustainable growth and regeneration of Northampton, Daventry and Towcester. It continually strives to improve its performance. Recent examples of this approach includes the introduction of a Programme Management Office to improve the efficiency of the Development Control Service, the establishment of a Business Intelligence Unit to improve short-term decision making and medium to long-term planning, and the creation of a new Infrastructure Delivery Directorate to co-ordinate the production and delivery of an Infrastructure Delivery Programme.
- WNDC is pursuing work on design codes and sustainability within new development to support the delivery of its ambitious planning objectives. This will assist developers and communities in understanding the opportunities and reducing the lead times for major proposals that will require a design code. WNDC is continuing to refine and develop its back office systems and processes to improve the efficiency and the resilience of the planning team and thereby offer improved services to customers alongside timely decision making.
- WNDC's Regeneration team enabled over £30m of investment in West Northamptonshire over the last two years – including an additional £5m levered out of Government because of its ability to invest. The team is now on track to deliver a further £13m in 2008/09. In Northampton, WNDC has made investments in:
  - The Northampton Brownfield Initiative,
  - Strategic Flood Mitigation,
  - CCTV Digital Enhancement,
  - Kings Park Conference Centre & Youth Facilities
  - Greenways / Connect2 project
  - Town centre Public Realm improvements
  - Portfolio Innovation Centre
  - Sandy Lane Relief Road

- Cultural projects (Fishmarket, Royal & Derngate & 78 Derngate)
- In Daventry and Towcester WNDC has made significant investments in key town centre projects, which have levered in other sources of funding from the East Midlands Development Agency (EMDA) and the Local Authorities. The Acting Chief Executive emphasises that the management of its general administration budget has also been extremely effective, delivering full spend on very tight budgets year after year.
- In terms of planning, WNDC reports that there have also been some major achievements in Northampton, including:
  - The approval and construction of Sainsbury's new generation distribution centre at Pineham. The award-winning scheme is one of the most environmentally friendly buildings of its kind in the UK.
  - Planning permission for the new European Headquarters of Avon Cosmetics. The building is under construction and will secure 700 jobs in Northampton town centre.
  - Permission for mixed-use development at the former home of Northampton's British Timken factory. New homes can already be seen on the ground.
  - Approval of the Sandy Lane Relief Road and the under construction Cross Valley Link Road in southwest Northampton.
  - Approval for commercial development at various locations, including Pineham.
- Projects given Board approval by WNDC are expected to lever over £51 million of direct public sector investment and over £260 million of direct private sector investment. These figures are subject to verification and are taken from the appraised funding bid documents that were submitted to WNDC by its partners. It is WNDC's intention to review and evaluate all the projects it has supported, and this includes the additional investment it has levered.
- WNDC has produced a detailed Infrastructure Delivery Programme (IDP) that prioritises its projects. WNDC reports that the projects have been specifically selected based on what can be delivered within two years and within six years. Within this programme is a selection of both land and infrastructure projects. WNDC is currently consulting on the IDP with key partners, including the Borough Council, and will be seeking to issue the document in early 2009.

- In common with all Non-Departmental Public Bodies (NDPBs), WNDC is subject to a five-year Review that will assess its value for money. This review is scheduled for December 2009.
- The Acting Chief Executive feels that the Organisation's range of powers and dedicated regeneration focus means that it is well-placed, particularly during an economic downturn, to deliver regeneration and successfully manage the growth of the area.
- WNDC's boundaries were determined by Parliament. It works within these statutory boundaries and has not given consideration to alternative arrangements.
- WNDC characterises the relationships with Daventry District Council, South Northants District Council and Northamptonshire County Council as positive and fruitful. This is evidenced by the joint working on planning applications and infrastructure projects. Relationships with Northampton Borough Council have generally been good at working level but, historically, have not been as effective at senior level, although matters are improving. Better communication, on both sides and at all levels, is key to developing the relationship.
- Liquidity problems in global financial markets have had a detrimental effect on the housing market. There is still a shortage of new homes in West Northamptonshire, as well as nationally.
- WNDC will continue to deliver infrastructure to prepare the area for sustainable growth and the regeneration of Northampton town centre remains its key priority. The difficult economic climate means obtaining finance for some projects may become more difficult, however, WNDC has brought on board additional capacity to address this issue.
- As an Urban Development Corporation, WNDC benefits from a wide range of statutory powers to deliver growth and regeneration. In this respect, few areas are better placed to maintain delivery than West Northamptonshire. WNDC is currently preparing a number of alternative delivery arrangements that will make use of its wide ranging statutory remit, and enable development to continue during the slow-down.
- When WNDC constituted its Planning Committees through Standing Orders, it was recognised that the senior politicians who are appointed to its Board played a significant role within their organisations either as Portfolio Holders or Leaders. To perform that role for their organisation it was anticipated that they might wish to engage across a wide range of issues, which may include those relating to land sales, planning policy, asset management or development. To avoid potential conflicts of interests and associated diminishing of their effectiveness on the Council, it was proposed that they, by default, would not usually sit on Committees that might overlap with those areas of interest.

- WNDC is keen to avoid circumstances where their role as a Board member of WNDC, and their obligations to the Corporation, would fetter their value as a Councillor to their constituents. WNDC has kept the Standing Orders under review but has found no reason to amend this position to date. WNDC Planning Committees have, uniquely, appointed representatives from the Borough Council sitting alongside Board members. This has allowed effective debate and consideration of a wide range of local issues. Patterns of voting across Planning Committees do not demonstrate any significant polarised divergence of views between the local Councillors and Board members.
- WNDC has worked with NBC, and other partners, on various projects.
- Through the Town Centre Board and the Officers Group there has also been joint working on other priority projects for the town centre. WNDC does not monitor attendance records for NBC meetings. WNDC established the Northampton Town Centre Board for Members and Senior Officers in March 2007. Membership of the Board includes Northampton Borough Council, Northamptonshire County Council, English Partnerships, East Midlands Development Agency and Northamptonshire Enterprise Limited. Following a proposal from NBC's Chief Executive, revised arrangements for the Board are being developed. WNDC has attended all meetings of the Board and the associated Officers Group.
- Consultation responses received from NBC's Planning Committee are sent to WNDC and are always repeated to its Committee (usually in the main report or via an "update" report). Officers give consideration to the comments ahead of the report preparation alongside all other consultation responses as required. Where planning conditions are requested, a view is sought on the appropriateness of such conditions against legal precedent and guidance and where appropriate, such conditions are included. Where the views of the Committee are not fully accepted, WNDC Officers attempt to engage with Senior Officers within the Planning Service to advise them of the reasons for not doing so. All planning decisions made by WNDC are notified to NBC. Working arrangements exist between the Officers of WNDC and Senior Officers within the Council, including the Enforcement Team and work is progressing to formalise such arrangement.
- WNDC's Planning Director and NBC's Corporate Manager for Environmental Health used to meet on a two weekly basis to consider the performance of the SLA amongst other matters. WNDC receives monthly reports from the Environmental Health Officer on work carried out pursuant to the agreement. Since the departure of NBC's Corporate Manager, new arrangements for liaison on Environmental Health and a managerial lead have not yet been finalised.

- WNDC believes that joint working between NBC and WNDC is essential for the delivery of sustainable regeneration and growth. Working level relationships have always been good, and WNDC believes that senior level contact is improving too. As both organisations are now focusing on delivery, capacity building, especially around project and programme management, is essential for the future.
- The new Chair, WNDC, will take up the post on 1 December 2008.
- Consultation methods used by WNDC are often not the same as its partners.
- The Group involved in the Needle project selected the method of consultation to be used. There had been confusion regarding individuals' roles for consultation. Consultation was limited. WNDC made a reasonable assumption that Local Authorities involved in this project would also consult.
- The Agency that leads Castle Masterplanning will lead on the consultation process. Before consultation can commence there needs to be a substantial proposal in place. The Town Centre Strategic Board is leading on this project.
- There are a variety of Partnership Board meetings that WNDC representatives attend.
- UDC's have a limited life span, WNDC has six years left. It is the Acting Chief Executive's expectation that development control work will revert back to NBC, as a phased handover.
- Daventry District Council had a vision for the town and capacity to deliver, with such in place WNDC can play a more effective part to help Local Authorities deliver.
- Negotiations are ongoing regarding the roof tax of £20,000. It is expected that this is deliverable.

## **3.2 Northampton Borough Council**

- 3.3.1** Representatives from NBC were asked to provide a response to the Committee's core questions.

### **3.3 Chief Executive, Northampton Borough Council (NBC)**

- 3.4.1** The Chief Executive, NBC, attended the meeting on 2 September 2008 and provided a response to the Committee's core questions.

### 3.4.2 The key points of evidence are: -

- ◆ WNDC was created on 4 May 2004. A further Order made WNDC the Planning Authority for a range of matters in West Northamptonshire. In Northamptonshire this included significant planning powers across the whole Borough, particularly for larger developments (more than 50 dwellings/one hectare), and wide planning powers in relation to a central planning functions area, mainly the Town Centre.
- ◆ WNDC's planning and other powers can only be changed by Parliament.
- ◆ The development challenge to Northampton is not solely within the Borough boundary. Many of the things needed to make the future of Northampton sustainable, ensure that the right infrastructure is in place, and manage environmental and economic impacts, require actions outside the Borough's boundaries.
- ◆ WNDC provides an arrangement to co-ordinate local delivery and has the goal to ensure that this is sustainable and the right thing for the future of Northampton.
- ◆ WNDC is responsible for some very significant goals. The Organisation's performance in achieving these goals is constrained by a wide range of factors, including the operation of the housing market, availability of funding through development and Government and other Agencies for infrastructure.
- ◆ There is a lot that Government could do to unblock constraints on WNDC, particularly through Government's leadership of Milton Keynes South Midlands (MKSM) and its responsibility for other key Agencies.
- ◆ Under current legislation, there is no option to introduce more local democratic accountability. The Council has made it clear that it stands ready to support WNDC in ensuring that growth is controlled in the most sustainable fashion in Northampton.
- ◆ WNDC has one of the lower performance levels against national targets for the time it takes to process planning applications. The factors behind such performances can be many and varied. Although the Council's performance is currently much better, this has not always been the case.
- ◆ NBC already provides key services to WNDC.
- ◆ NBC can help WNDC by providing support to WNDC in pressing Government and other Agencies to act in a way that supports the sustainability of growth.

- ◆ NBC can help WNDC develop more local support and democratic legitimacy for its activities. WNDC is not an elected body, but can be open to local discussions and accountability if it wishes.
- ◆ There are various connections between NBC and WNDC. There are close working relations at Chief Executive level. There is no written Consultation Protocol at present.
- ◆ NBC can take an active role in the forthcoming Government Review of WNDC.
- ◆ NBC and WNDC could work together, with other local partners, on making constructive proposals for the development and enhancement of WNDC in the forthcoming Government Review.
- ◆ Relationships with WNDC have improved significantly as the Council has improved its performance.
- ◆ WNDC has taken steps to help relations improve, but there is still more that could be done to share responsibilities and working arrangements.
- ◆ It is possible for conflicting commercial interests to occur but the Chief Executive, NBC, has not experienced it to date. There are potential tensions regarding the agenda.
- ◆ The best example of joint working was the St Johns area masterplanning supported by Northamptonshire County Council and WNDC and led by NBC. This project is of critical importance and by virtue of all working together, has provided a key chance to show to the public that an agenda can be shared and driven by all three Agencies.
- ◆ The roof tax in Milton Keynes has not prohibited development. WNDC has calculated that £38,000 would be required per property to invest in the infrastructure.
- ◆ A joint Development Control Unit would be a muddle, but could be reviewed. Caution should be expressed. A simpler solution could be for WNDC to sub-contract development control work to NBC.

### **3.5 Portfolio Holder (Regeneration)**

3.5.1 The Portfolio Holder (Regeneration) attended the meeting on 2 September 2008 and provided a response to the Committee's core questions.

### 3.5.2 The key points of evidence:

- To achieve its objectives, WNDC has two key functions:-
  - to deliver the infrastructure required to support the growth required in West Northamptonshire.
  - to provide a planning service to support the major new developments required.
- Two key constraints holding WNDC back from delivering its goals:
  - (1) **Finance** - The Government has not met WNDC's bid for Growth Area Funding to deliver the infrastructure required to support the growth. If the objectives of sustainable growth are to be met, adequate Government support is needed. The Council should strongly support WNDC in its bid for adequate funding for infrastructure.
  - (2) **The `credit crunch`**. The slow down in the housing market has had a huge impact on major house builders. There is clearly a slow down in the pace of development, which will affect the housing targets. Equally important, the slowdown will make it more difficult to secure developer contributions to deliver the infrastructure we need.
- WNDC needs to focus on securing and delivering the infrastructure to support growth. Determining planning applications should be the responsibility of democratically accountable Local Government.
- The Council would wish to secure the return of responsibility for minor planning decisions in Northampton Town Centre as a first step to the return of large development control decisions. The Council's improved performance in determining planning applications and the investment it has made in improving its Planning Service demonstrates that it is building the capacity to determine these applications.
- The main interface between WNDC and NBC at Member level is through Councillor membership of the WNDC board.
- The next level of Member involvement is through the Northampton Area Planning Committee. Nominees of the Council and their substitutes are interviewed and the appointment made by the Secretary of State. The current rules



prevent WNDC board members who are Borough Councillors serving on the Northampton Area Planning Committee. The Portfolio Holder sits on the Daventry area planning Committee and the other Councillor from NBC on the Towcester area Planning Committee.

- The Portfolio Holder believes it is time for WNDC to review the way the Planning Committee operates. The cumbersome nomination and appointment process has made it difficult at times for the full Council representation at Planning Committees to be achieved.
- Another formal partnership arrangement at Member level is the Town Centre strategic board. This includes the Portfolio Holder (Regeneration) and the Leader respectively, plus the Leaders of the two opposition parties. The County Council, Northamptonshire Enterprises Ltd and others are also represented. The Board provides an overview on key town centre projects and has been helpful, for instance, in developing the public realm project in Marefair and Gold St. There are plans to improve the way the board works. There is no similar Member level partnership body to consider wider issues outside the town centre. WNDC majors the six priorities as identified by the Town Centre Strategic Board.
- The Council has invited WNDC to attend meetings on a number of key projects, for instance, the Market Square Steering Group, but attendance has not been good. Similar problems were encountered with the Brownfield Initiative Group and a number of other Steering Groups and Committees.

### **3.6 Head of Regeneration and Development**

3.6.1 The Head of Regeneration and Development attended the meeting on 2 September 2008 and provided a response to the Committee's core questions.

3.6.2 The key points of evidence: -

- The Growth Agenda requires significant financial pump priming in order for it to be delivered.
- The current economic climate is a key constraint since it started to affect the development and construction industry earlier this year and is now having a major impact on investments and borrowing.
- Some key skills and resources have not been appointed until recently, although it is understood that there are strengths in some of these areas at Board level. Engineering and

Commercial surveying are key activities for a Development Corporation. It is understood that the strengthening of Engineering and infrastructure resources has commenced earlier this year. This has meant that the Organisation has not fully focussed on these issues.

- The Portfolio Holder (Regeneration) feels that there has been:-
  - Remoteness of organisation from Local Authorities both in work streams and location.
  - A lack of financial resources to tackle the key pump priming required.
  - A lack of land holdings. Unable to influence development, although WNDC work could have invested in acquiring key sites or assisted Local Authorities in purchases.
  - A variable level of approach to Partnership working, and a lack of integration with experienced partners, although some recent improvements are acknowledged.
  
- WNDC resources (commensurate with their funding) appear to have been spread too thinly across all of its priorities.
- Some joint working has not been fully inclusive of all Partners although this has improved visibly in the last year together with enhanced Senior Officer relationships.
- NBC can present its proposals to both WNDC and CLG to help persuade progress of the above issues and lend its support to WNDC to enhance partnership working in these areas.
- It is believed that a Development Corporation should support the Local Authorities by assuring the delivery of the Growth Agenda by:
  - ❖ Working with Local Authorities to support development of their integrated and widely supported visions and plans.
  - ❖ Facilitating development and house building through:
    - ❖ Supporting private and public sector developers in preparing development land.
    - ❖ Encouraging and supporting Local Authorities to bring forward their own housing programmes.
    - ❖ Working with utility companies to ensure a programme of strategic services is delivered to provide fully serviced development sites.
    - ❖ Working with the Transport Authority to ensure key transport infrastructure is delivered in support of agreed plans.
    - ❖ Working with the public sector Authorities and Agencies to provide the platform for increased confidence and encourage increased private and public sector investment.

- ❖ Supporting Local Authorities to provide a fit for purpose planning service able to meet the needs of developer planning applications and provide support to the plan making authorities who are to provide the right planning framework reflecting both key Government policies and the wishes of the local community.
- ❖ Creating an effective Communications Protocol and promote the area widely to encourage interest from all types of investor in a Community that is seen to be exciting, vibrant and interesting with excellent facilities would be beneficial.
- ❖ WNDC has created a large resource in its development control role. It is understood, though, that its performance data does not compare well with the Government's targets or the performance data for Northamptonshire Local Authorities including NBC. This may be the result of resources and skills not comparing favourably with the large increase in Major planning applications due to budgetary constraints.
- ❖ WNDC has only recently started to adequately address strategic infrastructure services planning and has not, it is believed, appointed experienced commercial surveying professionals to work with land owners and developers.
- ❖ Improved attendance at Strategic Meetings by WNDC Officers would assist the Council's role in delivering strategies and help WNDC's understanding of the Council's initiatives and priorities.
- ❖ WNDC could have used some of its resources to help bring forward key strategic land for development. Supporting Council visions and strategies and plans through their development would have been preferred to developing separate ones.
- ❖ NBC has provided support to WNDC's planning and regeneration functions over the last three years, it started from such a low base that there is much more that it could have done.
- ❖ NBC could ensure that it has sufficient resources to appoint appropriately qualified professionals to enable effective Partnership working to focus on developing plans more quickly and project delivery.
- ❖ NBC could approach WNDC to develop a better co-ordinated development control service. It is believed that the levels of intervention should be altered to enable NBC to provide a greater and improved service. This would assist WNDC to re-focus on development and infrastructure.
- ❖ NBC could offer to advise and support WNDC using its professionally qualified officers, particularly in regeneration, engineering, commercial property and housing. Improved co-ordination and Partnership

approaches would benefit both WNDC and the Council's effectiveness.

- ❖ NBC could offer office space where feasible to help integrate WNDC and NBC officers towards improved joint working.
- ❖ More joint project teams could be created in addition to joint project boards which have been fairly successful in the last year e.g. St Johns.
- ❖ NBC successfully led the St Johns masterplanning project and achieved cost savings in developing strategic plans. There has been good partnership on this project together with Northamptonshire County Council and the East Midlands Development Agency.
- ❖ Resources have been seen as a priority by WNDC and it has appointed a Director responsible for infrastructure led regeneration.
- ❖ Development Control plays a key part in delivery of regeneration and growth; the facilitation of the growth agenda is primarily for land assembly and infrastructure delivery. Development control services would then follow to assist delivery.

### **3.7 Senior Environmental Health Officer**

3.7.1 The Senior Environmental Health Officer attended the meeting on 2 September 2008 and provided a response to the Committee's core questions.

#### **3.7.2 The key points of evidence:**

- NBC's Environmental Health has two main areas of interaction with WNDC: as a consultee on development control applications and in the provision of non-statutory consultancy services.
- In practical terms NBC can assist WNDC in ensuring that requests for consultation responses are dealt within the appropriate timescales. Environmental Health would appreciate some feedback as to whether its responses provide a sufficient level of detail. Environmental Health considers that there is room for improvement in the understanding of each other's roles and that this could perhaps be facilitated by an increase in face-to-face meetings and briefings on specific topics.
- There is a reasonable working relationship at individual Officer level between NBC and WNDC.
- The redesigned WNDC website has improved the ability to track the progress of applications and to obtain additional information about the organisation, however it is considered that the site could contain clearer links to allow improved navigation.

- Environmental Health's experience of working together relates to Development Control applications. This generally operates in a fairly satisfactory manner.
- WNDC appears to have a good understanding of the benefit of pre-application discussions and they often refer applicants and agents to the relevant officer for discussions to clarify requirements.
- Good evidence of partnership working has been seen in the way some large applications have been handled. For example, the way in which the Dallington Grange Masterplan has been developed in workshops involving various stakeholders has involved a range of interested parties and should be considered as an exemplar for other large developments.
- WNDC provides limited feedback on the consultancy work undertaken by Environmental Health, the monthly submission of the spreadsheet detailing time spent is acknowledged but no feedback has been given on the adequacy or otherwise of the consultancy work undertaken. The draft service level agreement for the work has not been agreed. This would provide a clear benchmark for the level of service expected, timescales for response etc. On occasions Environmental Health has been contacted requesting a very rapid response and this can conflict with other workloads.
- Environmental Health would also appreciate some feedback on the quality and adequacy of the work carried out in order that it ensures Environmental Health is providing an appropriate service, with sufficient technical detail to meet the requirements of WNDC.
- A view from WNDC on the long-term use of Environmental Health to provide consultancy input would be helpful to assist Environmental Health in long term resource planning.

### **3.8 Chair, Planning Committee, NBC**

3.8.1 The Chair, Planning, NBC attended the meeting on 23 October 2008 and provided a response to the Committee's core questions.

#### **3.8.2 The key points of evidence:**

- At the impending Government Review of WNDC, NBC would be proposing that it takes back some of WNDC's planning powers.
- WNDC had not referred any enforcement matters to NBC. An example of one such area where enforcement would have been required, is, Yelvertoft Road / Bective Road.

- NBC is a Consultee to WNDC on planning matters for Northampton but not a statutory one. NBC's consultation comments should be reported to WNDC's Planning Committee.
- The Planning Committee does other work as well, not just with WNDC, when the Government's Review is carried out there will be an opportunity for this Council to request back some planning powers.
- WNDC should take responsibility for Planning Applications it approves but enforcement is dealt with by NBC, as it is the Statutory Enforcement Committee.

### **3.9 Leader of the Council**

3.9.1 The Leader of the Council attended the meeting on 23 October 2008 and provided a response to the Committee's core questions.

#### **3.9.2 The key points of evidence:**

- The Leader pointed out that he was also a Board Member of the WNDC but that he was answering questions in his role as Leader of NBC
- There are six local delivery vehicles in the Milton Keynes, South Midlands area. There are at least five separate legal structures and governance frameworks for these. Only the WNDC has development control powers.
- The initial Service Level Agreement (SLA) with the Development Corporation, sub-contracted the running of Planning Services to the NBC / Daventry and South Northants Councils. At that point NBC's Planning Department was having a number of significant performance problems.
- When the WNDC took planning powers 'in-house' it caused significant disruption to NBC's Planning capability and triggered a further fall in performance.
- The Leader was asked to comment on recent Planning Performance figures which placed NBC in 49<sup>th</sup> place nationally while WNDC was 356<sup>th</sup> and 310<sup>th</sup> for minor applications.
- The Leader noted that when NBC went into Special Measures, its Planning figures would have been at a much lower rank than 49.
- Minor applications denotes the granting of planning permission on developments of less than 50 homes or the equivalent commercial or office space. This might include shop fronts, home extensions, garages etc.

- Major applications are those for 50 houses or more or the equivalent commercial applications. Very few Councils deal with massive applications.
- WNDC's Planning Department deals predominantly with massive applications of, often more than 1000 homes. As such the Leader of the Council felt that it is somewhat unfair to compare WNDC's performance with that of a normal Council Planning Department.
- WNDC only deal with Minor Applications in Northampton Town Centre. It was always a poor decision to take these powers as it distorts their planning department.
- It is anticipated that Planning (Development Control) Powers will, ultimately, be returned to NBC. However, some care and caution needs to be used when looking at returning Planning powers to NBC. The return needs to be organised to provide a properly managed handover that does not significantly disrupt the work of either organisation. We cannot afford a further dip in performance due to another badly managed change.
- WNDC is a statutory Local Planning Authority. It might delegate work back to NBC through a Service Level Agreement but it cannot 'hand back' Development Control Powers without a change in legislation. Also, in taking back any powers, NBC would need to ensure that it could expand its Development Control capability to handle the additional workload. Such a transfer needs to be carefully planned and implemented.
- It is anticipated that Northampton will grow, delivering 31,500 additional houses by 2021. This cannot be done within the boundaries of Northampton, and so expansion into South Northants and Daventry District Areas is inevitable.
- Currently, because the boundaries of WNDC's area are drawn inappropriately tightly round Northampton (Daventry and Towcester) in a manner that fails to serve the needs of the WNDC or of good governance, most of the Development Control decisions about Northampton's expansion will be taken by the Development Control committees of Daventry District and South Northants Councils. This makes no sense.
- There is currently no agreed Local Development Framework (LDF) for West Northamptonshire as such and LDF is required to provide proper spatial planning for the area and to protect against speculative development.
- In Daventry three very large applications have been taken to Appeal in the absence of a Daventry Local Plan or Local Plan Framework and will be judged by the Planning Inspectorate. A really good quality Local Framework would be much better, moving back towards the concept of

special planning. There are problems in the way that the Government has ordered these things.

- The West Northants Joint Strategic Committee has been charged to set up by statute with representation from three District Councils (Northampton Borough Council, Daventry District Council and South Northants District Council) and Northamptonshire County Council with observers from WNDC and Wellingborough Borough Council that is charged to produce a Joint Core Strategy and other common parts of the Local Development Framework.
- There appears to be public confusion over the role of WNDC and concerns about the infrastructure. There are a large number of co-operations and efforts have been made to tackle problems on both sides.
- Daventry and South Northants Councils are ahead of the Borough in, that they have the clarity in what they want for their towns.
- However, it is possible that Daventry District Council could become an exemplar of the failure of the current planning system and leave a legacy of planning by inspection.
- The Borough needs clarity on what it wants to achieve for Northampton town and what projects it can bring forward as quickly as possible.

### **3.10 Head of Planning**

3.10.1 The Head of Planning attended the meeting on 23 October 2008 and provided a response to the Committee's core questions.

#### **3.10.2 The key points of evidence:**

- NBC's Planning Department came out of special measures on 17th October 2008. Performance problems have been rectified.
- The 5-year Review of WNDC will be carried out by the CLG in 2009 and will be a positive vehicle for discussing how the Council can refocus WNDC to concentrate on its core objectives, mainly the delivery of the Growth Agenda.
- WNDC was given the statutory responsibility for determining all planning applications in the town centre. The sheer number of which caused major administrative problems for the WNDC.
- NBC is the responsible body for enforcement and determining Listed Buildings Consent and Conservation Area Consents. Where WNDC is the Planning Authority for determining planning applications it has to determine the appropriate level of enforcement for matters such as non-compliance with planning



conditions. It then has to request NBC to take the necessary enforcement action. This can lead to some significant problems as the public is not aware of who has responsibility and this can lead to confusion. The Local Planning Authority can decide to under enforce as well as to enforce given the particular circumstances of the case. Without guidance from WNDC on the appropriate level of enforcement in a particular case, it is difficult for NBC to act. The issue needs to be addressed urgently and a Protocol put in place as soon as possible.

- There are similar issues with the Conservation Area Consents, for example if WNDC grants a Planning Application in a conservation area, there are occasions where NBC has a different view and could refuse to grant Conservation Area Consent.
- It would give NBC more weight legally but should not influence the way in which WNDC records NBC's comments as a consultee. WNDC Officers should report factually and correctly everything that has been said from all consultees, including the Highways Agency, Local Authority and the Environment Agency.
- WNDC is obliged to consider all representations irrespective of whether or not they are made by a Statutory Consultee. WNDC should report consultation responses fully and factually, including the conditionality of such responses, it is very important to have Committee reports that are well written and factual as any decision of a public body is open to challenge. There is nothing wrong in planning terms with the decision makers coming to a different conclusion from the consultee, but this has to be explicit and based on sound planning reasons.
- The department of Communities and Local Government (CLG)'s Website details the latest published information and shows: - 17% of major projects are taking 6 weeks, 67% of minor projects 8 weeks and 51% for other applications compared to the national target, but performance has been improving. The quarter figures for April to June 2008 do demonstrate an improvement compared to the previous quarter.
- NBC could encourage WNDC to delegate back to the Council the less strategic planning applications in the town centre, pending the formal Review of WNDC. NBC could also help by providing a service to register and validate planning applications, which would allow them to concentrate on major developments, and delivering the growth agenda. The Head of Planning has attended one exploratory meeting with a Senior Officer of WNDC on these points and believes that this should be explored further. These discussions will be easier now that NBC's Planning Department is out of Government Intervention, due to its own improved performance.

- NBC should encourage WNDC to consult the Council in a more timely way and draw upon the expertise of Officers of this Council, in respect of Development Control and Planning Policy, including masterplanning.
- The overall performance of WNDC will be considered in the Review next year. However, the Government has already realised that it is unrealistic to expect Authorities to determine major applications within 13 weeks and there are tools which the WNDC could use including the use of Planning Performance Agreements using the services of ATLAS, the Government's Advisory Body on the determination of large planning applications.
- The revised Local Development Scheme is due to be considered by the Joint Strategic Planning Committee and is then to be submitted to the Government Office by 25<sup>th</sup> October 2008. This will provide a clear framework within which to prepare for the Joint Core Strategy. It is a challenging timescale. The Core Strategy has to be published by November 2009 so there is not much time to prepare but national and regional guidance is available to guide decision making in the meantime. Master planning is extremely useful as it can inform the Joint Core Strategy but is not a substitute for planning policy and an approved development plan.
- The scope of the Statutory Order and Instrument to give NBC some powers back is being looked at but the agreements are not always satisfactory. WNDC is legally charged with this. There is a need to explore with WNDC if there is a quick way of giving this Council back some of NBC's Planning powers. Legal advice is currently being sought.
- NBC's Planning department is being restructured in such a way to be geared up by Christmas 2008 to take on this additional responsibility. There are some vacant positions within Development Control which will need to be filled should the need arise.
- WNDC was set up as a Special Delivery Vehicle to achieve the delivery of the Growth Area in Northampton, Daventry and South Northamptonshire. The focus of WNDC is on delivery. The Head of Planning is of the view that the planning powers granted to WNDC by the Government, particularly in respect of Northampton Town Centre, deflect them from that purpose, in that many of the applications received are day-to-day applications, not connected to the Growth Area Agenda.
- The five year review of the WNDC, due to take place in 2009, provides an opportunity for NBC, together with its partner organisations, the neighbouring authorities, to make constructive

representations to the Government on how the performance of WNDC could be improved by allowing it to concentrate on its core objectives.

- WNDC operates effective pre-application discussions with applicants and gives advice in a timely manner.
- WNDC has been criticised for its performance in determining planning applications against the national targets, and the current performance of WNDC in determining applications is below national targets. The Government will no doubt, consider this in the review of WNDC.
- WNDC should be using Planning Performance Agreements, with assistance from ATLAS (Advisory Team for Large Applications) to process major applications.
- NBC could encourage WNDC to delegate back to the Council the less strategic planning applications in the town centre, pending the formal review of WNDC. NBC could also help by providing a service to register and validate planning applications. The Head of Planning has held one exploratory meeting with a Senior Officer of WNDC on these points and believes that this should be explored further. These discussions will be easier now that NBC Planning Department is out of Government Intervention, due to its own improved performance.
- NBC should encourage WNDC to consult the Council in a more timely way and draw upon the expertise of Officers of this Council, in respect of Development Control and Planning Policy, including Masterplanning.
- It would appear that although joint working arrangements are improving, they are still imperfect, particularly in cases where WNDC is the local planning authority and NBC is the authority for Enforcement, Conservation and Listed Buildings.
- There are regular meetings between the respective Officers of WNDC and NBC and these relationships should be encouraged and developed to foster better formal and informal working practices.
- The Head of Planning has concerns on the way in which NBC is consulted by WNDC on planning applications, particularly major applications of a strategic nature. NBC is not a statutory consultee and planning staff has expressed concerns that NBC is not always consulted in a timely way to allow NBC to co-ordinate a comprehensive response to planning applications, bearing in mind that some will have to be reported to Planning Committee.

- Work will take place with Officers of WNDC to improve this situation and with a view to drawing up a consultation protocol.
- WNDC is not a plan making authority. It is essential therefore that in formulating Planning Policy, WNDC is fully engaged in the process, whether through the Joint Strategic Planning Committee or the individual Local Planning Authorities, which make up the Joint Steering Planning Committee.
- WNDC had an SLA with NBC for processing applications, which worked well, however was not renewed for several reasons. A new SLA has recently been negotiated between NBC and WNDC for transferring WNDC applications received by NBC through the Planning Portal.
- The Head of Planning has positive experience of partnership working to date has been with WNDC, Daventry District Council, South Northamptonshire Council and Northamptonshire County Council on the Joint Planning Committee and the Programme Board, particularly in drawing up the new Local Development Scheme which is of critical importance to all the constituent authorities, including WNDC. This sets an example, which all the Authorities should aspire to across all services.
- The forthcoming Government review of WNDC, is seen as critical to the successful delivery of the Growth Area, in that it will allow all agencies, local authorities, key stakeholders and the WNDC itself to re-appraise its Terms of Reference, since it was established in 2004. This should be seen as an opportunity to re-focus the objectives of the WNDC and review its planning powers to enable it to concentrate on its role as a delivery agency.

### **3.10 Department of Communities and Local Government (CLG)**

3.11.1 The Department of Communities and Local Government (CLG) provided details of Performance Indicators that it uses to assess the success of WNDC in meeting the objectives set for it by the Government. CLG also provided comparable performance indicators with other Development Corporations across the country.

3.11.2 The broad framework within which each UDC operates is set out in its Management Statement and related financial memorandum. The Management Statement includes information on the aims, objectives and targets of the UDC and provides for performance to be examined through the Corporate Plan, Business Plan and Annual Report.

3.11.3 Performance Indicators (PIs) are specific to each UDC and the circumstances of its area. PIs are set for a three-year period through the Corporate Plan. More detailed PIs are introduced through the annual business planning process and reported in the Annual Report.

## WNDC

3.11.4 In its Annual Report for the year ending 31 March 2008, WNDC reports its main achievements as: -

- 157 planning applications determined, including approval for the New European Headquarters of Avon Cosmetics, securing 700 jobs.
- £13.7 million invested in local infrastructure projects to support growth, taking the total to £30 million over the last two-year Corporate Plan period.
- Completion of first phase of Daventry town centre regeneration.
- Innovative Daventry Infrastructure Study substantially completed.
- Planning Principles published and consulted upon.
- Ongoing development of a standard change regime.
- Cross Valley Link Road under construction.
- Groundbreaking Construction Futures project up and running.
- WNDC has been working alongside key partners in both the public and private sector to progress some transformational regeneration projects – including the long-term development of Northampton's Grosvenor Shopping Centre and its main Rail Station.

3.11.5 As reported in its Annual Report, the vision for WNDC is stated: -

*By 2021, Northampton will be transformed into a prosperous and dynamic regional city, with a growing knowledge economy. Daventry and Towcester will become distinctive market towns. West Northamptonshire will be better connected to regional, national and international markets, capitalising on its position at the centre of England.*

3.11.6 WNDC has identified ten areas where action would be required from the public sector to deliver its mission: -

- Improving and diversifying the economic base
- Transforming the town centres
- Providing a greater number and range of well-designed, eco-friendly and diverse housing
- Improving connectivity
- Creating inclusive communities
- Developing high quality skills
- Achieving quality in the natural and built environment
- Helping West Northamptonshire's rural communities

3.11.7 WNDC has adopted the following key deliverables for the period April 2008 through to March 2011: -

		2008/09	2009/10	2010/11	Total
<b>Housing</b>	Number of outline residential planning permissions (affordable)	11,600 (3,850)	8,734 (3,947)	1,712 (560)	22,046 (8,357)
	Number of reserved matters residential planning permissions (affordable)	1,045 (314)	1,719 (516)	2,505 (752)	5,269 (1,582)
	Number of housing starts – with planning permissions from WNDC (affordable)	935 (280)	844 (253)	1,050 (315)	2,829 (848)
	Number of housing completions – with planning permissions from WNDC (affordable)	801 (240)	935 (280)	844 (253)	2,580 (773)
	Number of housing units enabled by WNDC's Growth Fund	653	2,803	4,109	7,565
<b>Commercial</b>	Commercial floorspace (m <sup>2</sup> ) given planning permission	219,734	196,304	82,058	498,096
	Commercial floorspace (m <sup>2</sup> ) given reserved matters planning permissions	65,326	66,139	36,360	167,825
	Commercial floorspace (m <sup>2</sup> ) started (with planning permission from WNDC)	53,758	77,456	65,342	196,556
	Commercial floorspace (m <sup>2</sup> ) completions (with planning permission from WNDC)	26,743	38,065	72,966	137,774
	Commercial floorspace (m <sup>2</sup> ) created by WNDC's Growth Fund	8,637	37,045	54,318	100,000
	Number of Jobs created by WNDC's Growth Fund	157	672	984	1,813
<b>Infrastructure</b>	Planning of contributions secured (£m)	215	161	20	396
	Planning contributions invested in infrastructure (£m)	15	23	34	72
<b>Quality</b>	Building for Life Silver Standard achieved on 100% of developments over 50 units				
	Code Level 3 achieved on 100% of residential developments to be delivered post-2010				
	Code Level 4 achieved on 100% of residential developments to be delivered post-2013				
	Code Level 6 achieved on 100% of residential developments to be delivered post-2016				
	BREEAM Very good achieved on 100% of non-residential development				

3.11.7 The Annual Report notes that WNDC has been allocated £13.1 million capital funding for 2008/09 and an indicative allocation of £16.5 million for 2010/11 from the department of Communities and Local Government. WNDC states that it will be using this capital to support infrastructure delivery, in particular major "transformational" projects such as the redevelopment of Northampton Castle Station, improvements to Northampton's Public Realm, the regeneration of

Avon / Nunn Mills / Ransome Road and the delivery of the iCon in Daventry.

3.11.8 The Corporate Plan details that WNDC set itself a total of fifteen key targets. The organisation comments that as it was in its “set-up” phase a number of these targets are about process rather than outcome.

Target	Achievement
By December 2006 to have prepared the first draft of the Spatial Investment Plan	Achievement of this target has been delayed due to the lack of existing information on infrastructure need. This information is being brought together by WNDC (as the Infrastructure Delivery Strategy) and will be the subject of public consultation by summer 2008.
By December 2006 to have prepared action plans for delivery of the six development locations	Achievement of this target has been delayed by the lack of information on infrastructure need. These plans will be incorporated into the Infrastructure Delivery Strategy.
By the end of the Corporate Planning period to reduce the number of undetermined planning applications by 60% to 24	This target was missed. The original service level agreement approach with the Borough Council was not robust enough to deliver. To address this, the development control service was brought in-house in January 2007.
By the end of the Corporate Planning period to have increased the percentage of major planning applications determined within 13 weeks of validation to 60%	This target was missed. The original service level agreement approach with the Borough Council was not robust enough to deliver. To address this, the development control service was brought in-house in January 2007. We are now working with the Planning Advisory Service to improve performance.
By the end of the Corporate Planning period to have increased the percentage of minor planning applications determined within 8 weeks of validation to 67%	This target was missed. The original service level agreement approach with the Borough Council was not robust enough to deliver. To address this, the development control service was brought in-house in January 2007. We are now working with the Planning Advisory Service to improve performance.
By the end of March 2007 to have invested all £10m of Growth Area Funding into projects that support the delivery of sustainable regeneration and growth in West Northamptonshire	This target has been exceeded. WNDC invested all £10m by March 2007 plus an additional £4.7m secured from CLG to invest in the delivery of Phase 3 of the Upton Flood Attenuation Scheme.
By the end of March 2008 to have invested all £15m of Growth Area Funding into projects that support the delivery of sustainable regeneration and growth in West Northamptonshire	This target has been met.
By the end of August 2007 to have a minimum of £30m of projects appraised and approved for Growth Area Funding Round 3	This target was missed. However, WNDC still secured the highest indicative sub-regional Growth Fund Round 3 allocation (£30m) for West Northamptonshire. During 2008 / 09 we will be bidding into a further £100m pot of Growth Funds for 2009/10 and 2010/11.
Deliver 2,540 housing units (gross direct and indirect)	This target is on track to be delivered by the projects started during the last Corporate Plan period. Final results will be confirmed once all project completion reports are completed.

Deliver 17,755m <sup>2</sup> of commercial floorspace (gross direct and indirect)	This target is on track to be delivered by the projects started during the last Corporate Plan period. Final results will be confirmed once all project completion reports are completed.
Create or safeguard 555 jobs (gross direct and indirect)	This target is on track to be delivered by the projects started during the last Corporate Plan period. Final results will be confirmed once all project completion reports are completed.
Attract £290,480,000 of private sector investment (gross direct and indirect)	This target is on track to be delivered by the projects started during the last Corporate Plan period. Final results will be confirmed once all project completion reports are completed.
Attract £8,750,000 of public sector investment (gross direct and indirect)	This target is on track to be delivered by the projects started during the last Corporate Plan period. Final results will be confirmed once all project completion reports are completed.
Actual spend on administration costs to be within 2% of forecast	This target has been met.
Respond to at least 95% of correspondence within 15 days of receipt	This target has not been met. New monitoring procedures are being put in place to ensure improved performance from April 2008.

### London Thames Gateway Development Corporation (LTGDC)

3.11.9 In its Annual Report for the year ending 31 March 2008, LTGDC reports its main achievements as: -

- A total of £55 million of capital has been invested across the eight key priority locations within the two areas and considerable headway in the delivery of new homes and jobs.
- **Lower Lea Valley** – In this area, LTGDC’s programme of projects is expected to deliver by 2016 over 11,000 homes, 6,000 new jobs, £2.0billion of private sector investment, 40ha of remediated Brownfield land, over 129,000 sq m of new commercial space and 2km of new road.
- **London Riverside** – The programme is expected, by 2016, to deliver over 15,000 new homes, 2,800 new jobs, £310 million of private investment, 38ha of remediated Brownfield land, over 123,000 sq m of new commercial space, 147,000 sq m of new/refurbished green space and 11km of new or upgraded roads.

3.11.10 As detailed in its Annual Report, the aim of LTGDC is to promote and deliver sustainable regeneration and growth of the London Thames Gateway within the context of the national policies set out in the DCLG’s Sustainable Communities Plan, the strategies for the wider Thames Gateway sub-region and the Spatial Development Strategy for Greater London.

3.11.11 LTGDC also reports its aim to transform the Lower Lea Valley and London Riverside into places where people want to live, work, shop



and relax. Working with its partners, it wants to provide mixed tenure neighbourhoods with good public transport, shops, leisure facilities, schools, healthcare and jobs.

3.11.12 LTGDC's statutory objectives are to: -

- Bring land and buildings into effective use
- Encourage the development of existing and new industry and commerce
- Create an attractive environment
- Ensure housing and social facilities are available to encourage people to live and work in the area

3.11.13 LTGDC's ambition is to create vibrant, thriving sustainable communities that are environmentally responsible, well designed and provided with all necessary infrastructures. LTGDC reports that it will integrate existing and new communities through excellent design along with new infrastructure and public spaces.

3.11.14 LTGDC aims to achieve a number of longer-term outcomes, which are detailed in the table below and are based on a generic set of outcomes produced by CLG for Thames Gateway. LTGDC emphasises that these have been revised to be more specific to the needs for its areas and to the role of LTGDC: -

<b>Housing</b>	A significant increase in the number and quality of homes with the appropriate mix to support growth, create sustainable communities and relieve housing pressures in London.
<b>Economy</b>	Accelerated economic growth and sustained economic activity throughout the London Thames Gateway by creating market conditions to attract new businesses, support the growth of existing businesses, and contribute to the wider regeneration of the area.
<b>Skills and Qualifications</b>	Improved skills and qualification levels, resulting in a strong base to attract new investment, new employers, new jobs and a reduced level of worklessness.
<b>Social Infrastructure</b>	Improved quality of life and attractiveness of our area with access to the full range of community, health, education, retail and leisure facilities and activities.
<b>Transport</b>	Increased connectivity within and accessibility to our area, with an increase in the proportion of sustainable transport movements.
<b>Public Realm</b>	Enhance the appeal of the Thames Gateway by creating high quality and safer public areas, with an increase in the provision of accessible public space and parklands to meet current and future needs.
<b>Environment</b>	A positive contribution to environmental standards through the effective and efficient use of available resources and technology, resulting in a tangible reduction in the environmental impact of regeneration activity in our area.

3.11.15 As stated in its Corporate Plan, LTGDC's total capital investment from the period 2004/05 to the end of 2010/11 will deliver the following by 2016:

<b>Output type</b>	<b>Outputs delivered</b>
New Housing Units	8,200
New Jobs	7,900
Private Sector Investment (£bn)	1.8
Commercial floorspace (sq.m)	225,000
Brownfield land remediation (ha)	73
New or refurbished green/open space (sq m)	371,500

3.11.16 For 2007/08, LTGDC reported the following outputs: -

- 2,600 square metres of green and open space refurbished,
- 2,370 hectares of Brownfield land remediated

#### **Thurrock Thames Gateway Development Corporation (TTGDC)**

3.11.17 TTGDC reports its main achievements as: -

- Established a partnership with the Royal Opera House, Thurrock Council, the Arts Council England East and the East of England Development Agency to bring the Royal Opera House fabrication facility and its customer archive to Purfleet
- Determined 53 planning applications delivering an estimated 1,850 jobs on implementation
- Gave planning consent to an estimated 700 dwellings
- Adopted its Spatial Plan for Thurrock providing a clear land use policy framework to guide and influence the regeneration and development of the borough
- Adopted its Master Plan for Purfleet and appointed consultants to prepare a detailed development framework and implementation plan for the Botany Quarry and Central Riverside area of Purfleet
- Drafted and issued for consultation Master Plans for Lakeside and West Thurrock, Grays Town Centre and Aveley and South Ockendon
- Appointed consultants to prepare a detailed development framework and implementation plan for the southern quarter riverside area of Grays Town Centre
- Secured the last and most important major riverside site for housing and commercial development on the western fringe of Grays Town Center in partnership with the East of England Development Agency and Family Mosaic Housing Association. The Corporation's contribution was £9 million of this £21 million acquisition
- Gave grant funding of £3,434,000 in support of transport and social infrastructure projections

- The grant funding included the completion of the new RSPB Visitor Centre on the Rainham Marshes bird reserve
- Established the Corporation's Community Development Fund for small scale voluntary and community sector projects. A total in excess of £108,000 was awarded in 2006/07 and this will rise to £240,000 in 2007/08
- Prepared and published its Corporate Plan covering the period from 2006/07 to 2007/08

3.11.18 As reported in its Annual Report, 2006/07, the vision for TTGDC is stated: -

*To secure the comprehensive and sustainable housing and economic growth of Thurrock, through the structured development and regeneration of the borough for the benefit of new and existing communities and for visitors to the area.*

3.11.19 It is reported that the Vision aims to achieve: -

- Contribute to the provision of sufficient capacity to meet strategic growth targets, including 26,000 new jobs and 18,500 new homes in a sustainable way by 2021
- Increase participation and attainment in the life long education and skills development
- Create a wide range of jobs with a future
- Increase the choice and quality of housing provision for everyone
- Provide modern community infrastructure and service deliver
- Enhance the quality and use of valuable green space
- Increase opportunities for entertainment, leisure and culture
- Ensure that all parts of Thurrock are accessible to, from and within the borough
- Ensure that the development and regeneration take place in an environmentally sensitive way

3.11.20 TTGDC comments that the headline indicators focus on housing units delivered, jobs created and new investment attracted.

3.11.21 TTGDC – 2008/09 – 2010/11 Performance Targets

<b>Performance Indicator</b>	<b>Total Gross Output</b>
Housing (no of units)	1880 units
Jobs created	2660 jobs
Private sector investment attracted (£)	£100 million
Public sector investment attracted (£)	£100 million

### 3.11.22 TGDC – Operational Performance Targets

Performance Indicator	Performance Target
Percentage of major planning applications determined within 13 weeks of receipt (BV 109a)	60%
Percentage of minor planning applications determined within 8 weeks of receipt (BV 109b)	65%
Percentage of other planning applications determined within 8 weeks of receipt (BV 109c)	80%

#### Comparative Data – Handling of Planning Applications

3.11.22 The CLG stated that while not their primary function, all UDCs are designated as local Planning Authorities (LPAs) to enable them to effectively deliver regeneration. CLG collects comparative data for all LPAs through the half-yearly Planning Performance Checklist to assess their handling of planning applications. The Checklist shows how LPAs reached decisions on planning applications in the year ending March 2008 against the three targets as detailed below: -

- ❖ 60 per cent of major residential, commercial and industrial applications to be determined within 13 weeks
- ❖ 65 per cent of minor residential, commercial and industrial applications to be determined within eight weeks
- ❖ 80 per cent of minor residential, commercial and industrial applications to be determined within eight weeks

3.11.23 Attached at Appendix A is a table that gives a comparison of the above targets, of the three UDCs in the country.

3.11.24 As part of the evidence gathering process, the Committee received a letter from Iain Wright, MP, department for Communities and Local Government that gave details of the purpose of WNDC and the background for setting it up. A précis of the comments contained in the letter: -

- WNDC was established in 2004 as the most appropriate model of delivery vehicle to respond to the significant and complex challenges in West Northamptonshire. It received strategic planning powers in April 2006 and development control for Northampton was brought in-house in January 2007 due to a failing planning service at NBC.

- WNDC has faced some challenges: -
  - Absence of an up to date Local Plan
  - A significant backlog of normal and historic applications had built up in the Borough in addition to a large number of WNDC's own strategic applications.
  - There are currently over 25,000 applications for dwellings under consideration by WNDC.
  - WNDC is now putting in place new measures to achieve better planning.
  - The appointment process for a new Chair of WNDC is now coming to a conclusion.
  - Positions on the WNDC Board are public appointments regulated by the Office of the Commissioner for Public Appointments (OCPA).
  - There are strict guidelines as to how the appointments process is conducted.
  - The post of Chair was advertised nationally in March 2008.

### **3.12 Local Developers**

3.12.1 A number of local Developers were contacted and asked to provide evidence. A list of core questions was sent with the request. A response was received from David Wilson Homes (South Midlands) and Clayson Country Homes Limited.

#### **David Wilson Homes (South Midlands)**

3.12.2 The Managing Director, David Wilson Homes (South Midlands) provided written evidence, a précis of the comments contained in the document: -

3.12.3 A précis of the comments contained in the document:-

- This Division has worked with WNDC on three current housing schemes in Northampton since WNDC's inauguration.
- The Organisation's experience of working relationships with Officers representing WNDC and NBC has demonstrated a lack of collaboration. The perception has been that the Borough Council is seen now as another consultee on planning applications. This diminution of responsibility has led to the loss of invaluable staff resources from the Borough Council, a perceived lack of leadership and generally a feeling that NBC's Planning role in the development of Northampton is a secondary one. For David Wilson Homes (South Midlands) part, it has experienced a lack of consistency and even

confusion as the source of planning advice transferred gradually from one Authority to the other.

- The Managing Director commented that the establishment of the Joint Planning Unit has further widened this rift as responsibilities between various Authorities, including Daventry and South Northants, have become even more clouded.
- WNDC quickly established its key objectives to deliver development whilst significantly improving design standards. David Wilson Homes (South Midlands) experience shows that WNDC has been under-resourced from its inception and may have concentrated upon process and excessive detail at the cost of delivery.
- WNDC has made it clear that Developer contributions will be maximized in order to deliver the necessary facilities and services that are required to support the Growth Agenda. David Wilson Homes (South Midlands) would support a roof tax on new sites to create a 'level playing field.'
- The Organisation's experience of working with Planning Officers at NBC has been consistently favourable, due essentially to the consistency and quality of advice received. As NBC is no longer the regulatory Authority dealing with major projects, it has meant that such advice is now unlikely to be forthcoming, as key staff has left.
- A main barrier for the growth of Northampton is that the surrounding Local Authorities defend their administrative boundaries against the growth of Northampton.
- Although WNDC has an apparent limited life, it will, for the foreseeable future, be the determining Authority for planning applications for major developments in the Northampton area. Both NBC and the neighbouring Authorities will remain no more than consultees.
- WNDC has yet to demonstrate that it can deliver projects.
- WNDC has succeeded in attracting considerable funding in order to assist the regeneration of parts of its area and David Wilson Homes (South Midlands) feels this must be applauded. However the use of such finance is controlled by a non-elected body.

### **Colin Clayson Country Homes Limited**

3.12.4 The Managing Director, Colin Clayson Country Homes Limited, provided written evidence.

3.12.5 A précis of the comments contained in the document:-

- ◆ There is too much overlap of responsibility and not enough communication between NBC and WNDC. Both are trying to do the same job. Clients do not always know where to send paperwork.
- ◆ WNDC has stopped and held back development in

Northampton since it started.

- ◆ The Principles are fundamentally flawed.
- ◆ WNDC's requirements for a planning application are too onerous and costly.
- ◆ Until the formation of WNDC, NBC's Planning Department was a good efficient department with lots of excellent Planners.
- ◆ The present system is failing badly and will continue to fail until there is one Planning Office at NBC overseeing all of the applications and WNDC looking only at strategic areas and policies.
- ◆ NBC's Planning Officers are helpful but is dependant upon the Officer you deal with. There seems to be a high turnover of staff.
- ◆ There should be a lot more negotiation between planning officers and applicants.
- ◆ Many applications take a long time to come to a decision.

### **3.13 Neighbouring Local Authorities**

3.13.4 A number of neighbouring Local Authorities were contacted and asked to provide evidence. A list of core questions was sent with the request. A response was received from Daventry District Council.

3.13.5 A précis of the comments in the response from Daventry District Council:-

- ◆ General comments were made only as the questions had limited applicability to the situation in Daventry.
- ◆ The existence of five levels of governance makes for a complex decision-making and policy environment in which it is challenging for the various parties to operate effectively. Daventry District Council has found a partial solution in the Daventry Regeneration Partnership Board.
- ◆ There is further complication in that WNDC has a legal basis as an Urban Development Corporation, which means it has the sole function of promoting the regeneration of its Urban Development Area. The Government clearly expects WNDC to promote growth, especially housing growth as a 'delivery vehicle'.
- ◆ The District Council acknowledges the tensions inherent in an Urban Development Area in covering three very different towns.

### **3.14 Public Comments**

3.14.4 Members of the public attended meetings in September, October and November 2008 and addressed the Committee.

3.14.5 Comments received included: -

- ◆ There appeared to be no partnership working with WNDC.
- ◆ NBC has been consulted by WNDC on some Planning Consents, the Council had no objections, subject to some conditions being included in the Consents, but there was no evidence that these conditions had been included to such Planning Permissions.
- ◆ The Travellers' Site that WNDC set up some years ago had been an English Partnership Brownfield site, but it appears that English Partnership's remit had changed and Greenfield sites were being looked at, for example St Crispin Hospital.
- ◆ There had been a lack of consultation and consideration for the public regarding the Needle Sculpture.
- ◆ It seems apparent that WNDC disregarded Environment Agency advice and guidelines.
- ◆ Concerns regarding the governance arrangements for WNDC.

### **3.15 Northants Residents Alliance**

3.15.4 Representative from Northants Residents Alliance provided written evidence.

3.15.5 The key points of evidence:

- WNDC appeared to refuse to take evidence from the residents seriously.
- During August 2007, Duston Action Group came across evidence of the threat of landslip in the Northamptonshire Nene Valley. Correspondence and liaisons with WNDC took place. The Northants Residents Alliance comments that a senior representative of WNDC had admitted both orally and in writing that he had been aware of this for some months, but had not advised land owners or developers as is required of a Planning Authority under PPG 14.



- During 2008, a meeting of WNDC's Planning Committee considered the Sandy Lane Relief Road. During this meeting he felt it became apparent that English Partnerships' consultants (Halcrow) had consistently underestimated the seriousness of Tapsell Wade and Daventry bypass evidence and made statements about the extent of their testing that could not subsequently be established. Northants Residents Alliance felt that Halcrow had misled the Committee Members.
- In September 2008, Duston Action Group reported a mysterious large hole that had appeared on the land. This was reported but a response to Duston Action Group's email was not received. However, in the Upton Lodge / Norwood Farm Planning Application, it was reported that both Halcrow and English Partnerships had examined this hole and declared it harmless. The Group felt that this was not correct, as it had not been asked to give details on the location of the hole. Following this, Northants Residents Alliance submitted correspondence to WNDC expressing the view that it felt that Halcrow and English Partnerships were still not taking landslip seriously and that this small incident was further supporting evidence.
- The drawing provided by Halcrow showed which areas of the Upton Lodge / Norwood Farm site were considered to be potentially unstable, but did not, in Northants Residents Alliance's opinion, agree with the drawing it submitted earlier in 2008 in support of the Sandy Lane Relief Road application.
- Duston Action Group commissioned a private slope survey of the site, which Northants Residents Alliance felt resulted in more than seven degrees or greater slopes than had been reported in Halcrow's submission to WNDC for September's Planning Committee. This application was then withdrawn from the October Planning Committee meeting due to highways issues.
- Duston Action Group felt that, even with the submission of an independent land slope survey, which it commissioned, which it feels shows serious inaccuracies in the applicant's submission will not be taken seriously by WNDC's Planning Committee. The Group has asked for dialogue between English Partnerships, Halcrow and WNDC, but has yet to receive a response to its request.
- Duston Action Group, in co-operation with Northants Residents' Alliance, produced a report on "an issue that it felt adversely affects the safety of a significant development area in Northamptonshire and its residents – Failure of WNDC's Planning Committee to follow guidelines and requirements established in PPG14 (Land Instability) in respect of the Sandy Lane Relief Road and Upton Lodge / Norwood Farm Planning Applications".

- A further report was provided by Northants Residents Alliance which, in its opinion, identifies that the Environment Agency did not have a Section 105(2) flood risk survey report which WNDC should be basing its planning decisions. The report goes on to provide evidence that Nene river flow records and water levels calculated by Anglian Water Limited in the early 1970s for 1:50 year flood event are in Mr Jones' opinion similar to the 1:200 year computer generated figures used today by the Environment Agency. Northants Residents Alliance feels that due to this the town is at risk.
- Northants Residents Alliance's report details the following: -
  - There is no Section 105(2) Survey Report for Northampton and no desktop 1:200 year flood plan map before 2008 for parts of the town. This does not comply with PPS25 for strategic advice to Planning Authorities such as WNDC. WNDC is apparently operating without strategic information and may be failing in a duty to ask the Environment Agency for this information, and/or failing to delay planning permissions until it is received.
  - WNDC is basing its planning decisions on the Site Specific Flood Risk Assessments (SSFRA) which form part of the planning applications and which are carried out by developers. These SSFRAs are desk based computer studies undertaken without the benefit of information from the Environment Agency. WNDC appears to accept these SSFRAs as a safe and accurate basis for planning approval without the strategic survey reports.
  - In 1978 G T Oglanby published a drainage calculation report for Northampton, the figures of which were used as a basis for the Washlands Reservoir Scheme. Oglanby's report states that the maximum flow in a 1:50 year flood event would be 170 cubic metres per second. These figures received statutory approval for use in drainage infrastructure planning by Northamptonshire County Council in 1976 under the terms of the Town and Country Planning Act. From 1981 onwards these figures were replaced by computer-generated figures, which have not received statutory approval for use in drainage infrastructure. The computer generated model states that the maximum flow in a 1:200 year flood event would be 176 cubic metres per second.
  - Northants Residents Alliance understands that WNDC is aware of this anomaly and has not apparently questioned it. The Environment Agency has been asked to give an explanation by local residents' groups but have replied advising that it does not have the original detailed calculations for the Washlands Scheme. According to current Environment Agency computer generated information the 1:200 year flood event water level at Southbridge is 58.96 metres above ordnance datum. According to Oglanby's figures in 1978, the 1:50 year flood event water level at Southbridge was 58.96 metres above

ordnance datum. Northants Residents Alliance therefore feels that there is a distinct risk that the stand of flood defence in Northampton is 1:50 years not 1:200 years if it is the computer figures that are inaccurate.

## Desktop Research

3.15.5 Desktop research was carried out making a comparison of funding for Urban Development Corporations.

3.15.6 The key points were:

- Between 1981 and 1993 twelve Urban Development Corporations (UDCs) were established in England. It was essentially an experiment to introduce a faster and more private sector discipline into urban regeneration and to replace what was perceived as the bureaucratic hand of local authorities trammelled by democratic accountability and an inability to identify, or respond to, commercial opportunities in land and property markets.
- The UDCs were established as limited-life bodies (varying between 5 and 17 years). Boards comprised predominantly of individuals with a private-sector expertise and background directed them. Their remits emphasised the physical aspects of regeneration within designated Urban Development Areas (UDAs).
- Funding for the UDCs came from annual government grants-in-aid and from capital receipts arising from their land and property sales. Central to UDC functions were to lever private-sector investment to areas that were seen as having suffered long-term decline and dereliction. This was an important aspect of their *post-ex-ante* performance appraisal.

Development Corporation	Duration	Budget
Leeds Development Corporation	1988-1995	£71M
Bristol Development Corporation	1989-1996	£112m
Central Manchester Development Corporation	1988-1996	£101m
The Teesside Development Corporation	1987-1998	£354m
Sheffield Development Corporation	1988-1997	£108.5m
Plymouth Development Corporation	1993-1998	£50m
The Black Country Development Corporation	1987-1997	N/A
Merseyside Development Corporation	1981-1998	N/A

- Most of the UDCs were wound up in the mid to late 1990s, when the Internet was still in its infancy. As a result most of the budgetary records relating to these entities is largely in printed format and difficult to access. Where budgets are available they have been specified.
- Inflation can erode and distort real budget values. To compare like for like budgets, it is important to apply a net present value exercise (which

has not been done here). However for a general guide only, retail price index since 1987 (1987 being 100) has increased to 201.6 in 2007. Roughly speaking it can be assumed that a £1 in 1987 would be worth around £0.50 in 2007 based on that index.

- The General Building Cost inflation has increased at a faster rate than the Retail Price Index in the last two decades. A high proportion of UDCs' activities included residential and commercial developments, land assembly / reclamation schemes and infrastructure developments. The real cost of undertaking these activities is reflected in the General Building Cost index. From 1988 (1988-being 100) this index increased to 268. It can therefore be deduced that the real cost of construction today is higher than it was in 1988.

## 4 Conclusions and Key Findings

- 4.1 After all of the evidence was collated the following conclusions were drawn: -
- 4.1.1 The Committee acknowledges that Northampton Borough Council (NBC) needs to strengthen its capacity to develop and deliver projects jointly with West Northants Development Corporation (WNDC). WNDC and NBC partnership working is however improving.
  - 4.1.2 Northampton has lacked a clear vision for the town, which has inhibited the investment for WNDC.
  - 4.1.3 The Committee feels that WNDC has not been proactive enough in developing projects with NBC. NBC needs to strengthen its capacity to develop projects jointly with WNDC.
  - 4.1.4 The Committee notes that WNDC has, until recently, had a poor record of performance for development control.
  - 4.1.5 The out of town location of WNDC makes it difficult for public access and the co-ordination of development control.
  - 4.1.6 The Committee realises that it would be beneficial for meetings between NBC and WNDC to take place in order that a better co-ordinated Development Control Service be developed.
  - 4.1.7 The Committee understands that there is a lack of financial resources to tackle the key pump priming required. WNDC resources, proportionate with its funding, appears to have been spread too thinly across too many priorities. The Committee concludes that it is apparent that WNDC is under-funded.
  - 4.1.8 There is currently no agreed Local Development Framework (LDF) for West Northamptonshire. The lack of a Local Development Framework has led to WNDC substituting spend on less focussed activities, not delivering long-term benefit. Whilst applauding the £3.2 million funding to the community fund, the Committee feels that this will have no long-term positive regeneration effect.
  - 4.1.9 WNDC taking planning powers in house caused significant disruption to NBC. NBC's Planning Services is now performing at a level that it could take on additional development control powers from WNDC.

- 4.1.10 The current economic climate has altered the way in which WNDC needs to do its business. Like traditional Urban Development Corporations, WNDC now has to pump prime and encourage development in difficult economic times, rather than over-develop.
- 4.1.11 WNDC's Policy of preventing Senior Politicians on its Board from sitting on Planning Committees for their area loses key local knowledge and should be reviewed. It is a mistake for WNDC to feel that being an elected Member is a declarable interest as this is not the case. In addition, there is a democratic deficit where Council representatives continue to serve on WNDC's Board after no longer being an elected Member.
- 4.1.12 The Committee highlights one good example of joint working as the St John's area masterplanning supported by Northamptonshire County Council and WNDC and led by NBC. This should be used as a model for future projects.
- 4.1.13 Whilst recognising collaborative working with WNDC in other areas, there is clear evidence this has not been the case with NBC.
- 4.1.14 The Committee notes that communication at senior officer level is the key to success and has not always been present in the past but is said to be improving.
- 4.1.15 There is confusion regarding what regeneration, planning and partnership meetings WNDC should be represented at. There is a need for NBC and WNDC to clarify the remit and role of various Steering Groups and Boards in relation to regeneration and growth.
- 4.1.16 The Committee acknowledges that there is a variable approach to Partnership working, and a lack of integration with experienced partners, although some recent improvements are acknowledged.
- 4.1.17 The Committee is aware that a Development Corporation should support the Local Authorities by assuring the delivery of the Growth Agenda by:
- ❖ Working with Local Authorities to support development of their integrated and widely supported visions and plans.
  - ❖ Facilitating development and house building.
- 4.1.18 WNDC has informed the Committee that the main internal constraints mostly relate to limited capacity and resources and due to a change in its original delivery and business model, too much emphasis has been placed on the Local Authorities to drive change when the powers have been removed.

- 4.1.19 The Committee notes that a Communications Protocol is not in place and there is the need to promote projects widely to encourage interest from all types of investor in a Community that is seen to be exciting, vibrant and interesting with excellent facilities would be beneficial.
- 4.1.20 There are gaps in the planning consultation process. There is evidence that comments made by NBC's Planning Committee in relation to consultation by WNDC have not been reported back to WNDC's Planning Committee when it determines a Planning Application.
- 4.1.21 There are no clear lines of responsibility between WNDC and Local Authorities for consultation over major projects. This can leave out not only elected Members but also the public. Castle Station master plan and the Needle Project are examples where this has occurred.
- 4.1.22 There is still considerable public confusion over the role of WNDC and Local Authorities like NBC.
- 4.1.23 Use of NBC's office space would help to integrate WNDC and NBC officers towards improved joint working and more efficient use of public funds.
- 4.1.24 The Committee recognises that there is a gap in WNDC providing feedback on the consultancy work undertaken by Environmental Health. It is realised that the draft Service Level Agreement for the work has not been agreed.
- 4.1.25 WNDC reports planning performance figures on Major, Minor and Other Planning Applications on a quarterly basis. Performance has been improving steadily following the introduction of the in-house Development Control Service in January 2007 but was pretty poor until recently.
- 4.1.26 WNDC will be subject to a Government Review, which will assess its value for money. This review is scheduled for December 2009 and will be a positive vehicle for discussing how the Council can work with WNDC to help refocus on its core objectives, mainly the delivery of the Growth Agenda.
- 4.1.27 The Committee acknowledges that the Council would wish to secure the return of responsibility for minor planning decisions in Northampton Town Centre as a first step to the return of large development control decisions. The Council's improved performance in determining planning applications and the investment it has made in improving its Planning Service demonstrates that it is building the capacity to determine these applications. The Committee realises that it is anticipated that

Planning (Development Control) powers will, ultimately, be returned to NBC, however, some care and caution needs to be used when looking at returning Planning powers to NBC. WNDC is a statutory Local Planning Authority. It might delegate work back to NBC through a Service Level Agreement but it cannot 'hand back' Development Control Powers without a change in legislation. Also, in taking back any powers, NBC would need to ensure that it could expand its Development Control capability to handle the additional workload. Such a transfer needs to be carefully planned and implemented.

- 4.1.28 It is a concern on the way in which NBC is consulted by WNDC on planning applications, particularly major applications of a strategic nature. NBC is not a statutory consultee and planning staff has expressed concerns that NBC is not always consulted in a timely way to allow NBC to co-ordinate a comprehensive response to planning applications, bearing in mind that some will have to be reported to Planning Committee.
- 4.1.29 The Committee realises that NBC can help WNDC by providing support to WNDC in pressing Government and other Agencies to act in a way that supports the sustainability of growth.
- 4.1.30 There is a gap in the process of ensuring conditions that are set by WNDC's Planning Committee are notified to and enforced by NBC. There needs to be a protocol developed to ensure enforcement by NBC or WNDC planning conditions takes place.
- 4.1.31 The Committee notes that the Council's Planning department is being restructured in such a way to be geared up by Christmas 2008 to take on additional responsibility.
- 4.1.32 WNDC has been criticised for its performance in determining planning applications against the national targets, and the current performance of WNDC in determining applications is below national targets. This will, no doubt, be considered in the review of WNDC by the Government.
- 4.1.33 WNDC should be using Planning Performance Agreements, with assistance from ATLAS (Advisory Team for Large Applications) to process major applications.



## **5. Recommendations**

For ease of delivery, the following series of recommendations are grouped in specific areas: -

### **Northampton Borough Council (NBC)**

The Task and Finish Group recommends to Cabinet that: -

- 1) That NBC should be planning to input into the forthcoming review of WNDC in a constructive way to achieve the following objectives:
  - i) the return of relevant development control powers to NBC
  - ii) a refocusing of WNDC on its core objectives
  - iii) greater democratic accountability of WNDC and the planning process to local people
  - iv) agreement of clear protocols regarding NBC and WNDC's respective roles
- 2) That the Council helps WNDC by providing support, by pressing Central Government and other Agencies, to act in a way that supports the sustainability of growth. For example, if WNDC needs to lobby to get the right infrastructure improvements, NBC could assist, as could other Local Authorities.
- 3) That Cabinet instructs Officers to advise and support WNDC using its professionally qualified officers, particularly in regeneration, engineering, commercial property and housing. Improved co-ordination and Partnership approaches would benefit both WNDC and the Council's effectiveness.
- 4) That NBC supports WNDC in its bid for adequate funding for the right infrastructure improvements.
- 5) That Cabinet ensures the Council has sufficient resources to appoint appropriately qualified professionals to enable effective Partnership working to focus on developing plans more quickly and project delivery.
- 6) That Cabinet considers offering NBC office space, where feasible, to help integrate WNDC and NBC Officers towards improved joint working.
- 7) That Cabinet instructs Officers to identify the Town Centre Strategic Board and other such bodies that WNDC and NBC representatives attend and identify where there are gaps in attendance. That NBC agree with WNDC which meetings WNDC are expected to attend.
- 8) That Cabinet instructs Officers to create an effective Communications Protocol and promote the projects widely to encourage interest from all types of investor in the Community.

- 9) That Cabinet instructs Officers to work with Daventry District Council and South Northants to develop and agree a Local Development Framework (LDF) for West Northamptonshire to provide proper spatial planning for the area and to protect against speculative development.
- 10) That more joint project teams are created, in addition to joint Project Boards, which have been fairly successful in the last year.

### **Key Planning Powers**

- 11) That Cabinet instructs NBC Officers to approach WNDC to develop a better co-ordinated Development Control Service with WNDC. This should include a proposal that NBC acts as the central point for Registration and Validation of ALL planning applications in Northampton. This would create one central point of contact for the public.
- 12) That Cabinet should seek to agree with WNDC that, prior to any formal change in the current economic climate, that levels of intervention should be altered to enable NBC to provide a greater and improved planning service, this would assist WNDC to refocus on development and infrastructure.
- 13) That Cabinet asks Central Government, as part of the 2009 review of WNDC, to consider returning Development Control Powers back to Northampton Borough Council.

### **West Northants Development Corporation (WNDC)**

- 14) That for the Council to provide support to WNDC, the organisation be asked to share issues with the Council and engage this and other Councils in a transparent and supportive partnership.
- 15) That Cabinet asks WNDC to support NBC's visions and Strategies and plans through its development, rather than separate ones being developed.
- 16) That Cabinet asks WNDC to support Local Authorities by assuring the delivery of the Growth Agenda by, amongst others: -
  - a. working with Local Authorities to support development of their integrated and widely supported visions and plans.
  - b. working with public sector Authorities and Agencies to provide the platform for increased confidence and encourage increased private and public sector investment.
- 17) That Cabinet asks WNDC to ensure that its representatives are present at Strategic meetings. This would assist the Council's role in delivering Strategies and help WNDC's understanding of the Council's initiatives and priorities.

- 18) That Cabinet asks WNDC to consider revising its standing orders so that NBC Councillors are able to sit on WNDC's Northampton Planning Committee rather than having to travel outside the Borough to Planning Committees of Daventry and South Northants.
- 19) That should Councillors be nominated to WNDC's Board and cease to become an elected Member during that time, a Protocol be in place that requires them to step down.
- 20) That Cabinet instructs Officers to contact WNDC and requests that written details are provided stating whether conditions suggested by NBC to a Planning Application have been implemented or not.
- 21) That WNDC provides feedback on the Environmental Health consultancy work currently being undertaken by NBC. WNDC also be asked to provide a view on the long-term use of NBC's Environmental Health Service to provide consultancy input.

#### **Impending Government Review of WNDC**

- 22) That the Council helps WNDC by taking an active role, along with other local partners, on making constructive proposals for improvement in the Government Review of WNDC that is scheduled to commence in the Autumn 2009.
- 23) Whilst not wanting to pre-empt the outcome of the Government Review, NBC needs to ensure capacity is available at any period between now and the end of the Review. This transition should be managed.

## **Appendices**

Appendix A

Major decisions				Minor decisions			Other decisions		
UDC	Rank	No of decisions	% of Major residential, commercial and industrial applications to be determined within 13 weeks (year ending 30 September 2007 in brackets)	Rank	No of decisions	% of Minor residential, commercial and industrial applications to be determined within eight weeks (year ending 30 September 2007 in brackets)	Rank	No of decisions	% of Minor residential, commercial and industrial applications to be determined within eight weeks (year ending 30 September 2007 in brackets)
LTGDC	354	25	24.0 (18.5)	143	5	80 (0.0)	359	1	0.0 (0.0)
TTGDC	347	18	38.9 (43.8)	93	6	83.3 (100.)	232	7	85.7 (100.0)
WNDC	356	24	16.7 (16.7)	310	83	67.5 (65.)	358	37	51.4 (45.4)