



Teignbridge “mini” planning peer challenge

21st December 2020

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Introduction

This report sets out the findings of a mini¹ planning peer challenge at Teignbridge District Council. The aim of the review was to review the decision process in relation to a major planning application. The team carrying out the work was:

- **Cllr Bryony Rudkin**, *Deputy Leader, Ipswich Council*
- **Bridget Downton** – *Head of Business Insight & Corporate Communications, Dorset Council*
- **Richard Crawley** - *Planning Advisory Service, Peer Challenge Manager*

The team spoke to a number of councillors and officers; listened to the issues of those who were concerned and reviewed a number of documents.

Summary of findings

- The planning decision was made properly
- The officer's report was good
- Improvements could be made to some processes
- Many of the allegations about it are based on misunderstandings
- Relationships between some councillors and some officers are challenging
- Lack of understanding of other's perspective

Recommendations

- Review size of planning committee
- Improve arrangements for site visits
- One team approach and ownership to planning committee arrangements
- Tailor arrangements where necessary, for example speaking arrangements
- Joint officer councillor training to cover planning; political awareness – the art of the possible

¹ We have called this a mini peer challenge because of the extremely limited scope when compared to a standard peer challenge.

Scope

In February 2020, the Council resolved:

- *To reassure elected members and the general public, the independent Planning Advisory Service (PAS) is invited by Teignbridge Council to review all relevant matters and processes relating to the granting of application 19/00238/MAJ Langford Bridge Farm, Kingskerswell Road, Newton Abbot, Devon, TQ12 5LA at the Planning Committee meeting of the 21st January and to report its conclusions to the Council.*

This review addresses that resolution.

There was a delay to the work starting because of the coronavirus outbreak.

The team familiarised themselves with the background and papers for the Langford Bridge Farm application. The team was not informed of any other investigations that were underway at the same time. During the meetings looking at the planning matters, some councillors made the team aware that a number of code of conduct complaints had been made against them. These were outside the scope of our work.

During our meeting with a small group of councillors they provided a list of 6 allegations – some related to planning matters and others not. Some potentially serious allegations are therefore outside the scope of this review. For completeness all the allegations are summarised in an appendix to this report.

Further information

Who we met

On the week commencing 20th July the team met with:

A small group of councillors	<p>This was a wide-ranging meeting where the councillors set out several allegations and complaints about the Langford Bridge farm decision. There were also several serious assertions and an overall tone that clearly indicated a lack of trust and confidence in the council's officers and other councillors.</p> <p>A large number of documents were subsequently made available to the team along with a request to keep them confidential.</p>
The chair of the planning committee	<p>The chair took the team through the operation of the planning committee. In particular the team were keen to understand how it worked with regard to:</p> <ul style="list-style-type: none">- Site visits- Writing up of site visits- Speaking rights- Voting
Business Manager – Strategic Place (Development Management)	<p>The Business Manager explained how the Langford Bridge site fitted in with the development of the area and the application process. The team asked questions about</p> <ul style="list-style-type: none">- Site visits- The relationship between Development Management and Democratic Services- The specifics of the committee meeting

Planning findings

We did not explore the merits of the planning decision itself, but instead the way the decision was made and the planning committee conducted. There are a number of fairly minor improvements we would suggest to reduce the likelihood of similar situations in the future.

Before we could consider the planning decision it was very clear to the team that relationships between some councillors and the rest of the council are extremely poor. Many of the allegations presented to us were based on misunderstandings and misinterpretations of how planning works in local government.

It was clear to us that the behaviour of the councillors was very difficult, but also that there was a lack of political awareness, tolerance and an insight in respect of the roles of members, which manifested itself in the language of some officers. We were unable to fully explore this issue but it is important to raise here, as without sufficient mutual trust and understanding the council will find it difficult if not impossible to operate effectively.

We have recommended joint training to start bridging the gap between officers and councillors, but it might require something more proactive and holistic, an example of which is mediation.

In the view of the team the planning decision was made properly. The officer's report was good. The correct issues were in play and balanced appropriately. The video made available to us was poor quality and the behaviours alleged of the chair were ones we did not accept as inappropriate.

We felt the site visit process could be improved. The planning committee is divided into teams only some of whom go on site visits. Attendance is sometimes poor. This "Site Inspection Team" approach is confusing, as is having such a long delay between a site visit and a record of it. Either a visit is necessary in order to make a robust decision (in which case all committee members should go) or it is not. We suggest that a simpler approach is adopted, with a clear statement of the issue the visit is responding to and short notes of the meeting shared very shortly after. The Council can consider how much "teeth" they want this approach to have – i.e. unless members can demonstrate they understood the issue they should not be allowed to vote on the application.

Arrangements for speaking at planning committee could be improved. We found a lack of ownership in the Development Management function for arrangements. We would expect a more "one team" approach for dealing with contentious major planning applications such as this. It is appropriate to have some flexibility around arrangements for speaking. The Council currently requires objectors to organise themselves if there is more than two objectors or supporters. Similarly the Council allows the same number of speakers regardless of the application. It would seem more appropriate to allow more speakers in Teignbridge mini planning peer challenge

some situations, such as contentious major applications, to allow local voices to be heard. If there are multiple objectors, applicants can be allowed additional time to respond to ensure fairness.

Lastly as a general observation the size of the Teignbridge planning committee (at 21) is large for a district council. It is entirely a matter for the council to decide on but compare (for example) to Ipswich at 13. Bigger committees are more difficult to manage, train, and keep consistent.

Appendix: Summary of allegations and response

This table sets out a summary of the allegations received from the councillors when we spoke to them. As explained earlier, some of these were specifically beyond the scope of our work which was about the planning application decision making process. But the allegations are important and the council needs to assure itself that they have all been adequately addressed. We are aware that a range of code of conduct investigations have taken place but this was outside the scope of our work and we are therefore not able to comment on their effectiveness or otherwise.

Summary	Allegation	The team's response
A specific councillor's conflict of interest	The councillor should have stood away from the decision because of an interest of some kind – stated to own a development company, but also linked via his son.	This is important but a standards issue and outside of our scope . We cannot comment on whether this has been adequately addressed.
Probity of chair of planning committee	The chair should not steer the committee; should not propose a decision; breaches PAS guidance; did not give objectors a fair crack; site visit irregularities	<p>Appears to be based on a misunderstanding of the role of a chair of planning committee. Good chairs <u>should</u> move the agenda forward and propose decisions.</p> <p>The suggestion that the chair is in some way in breach of PAS guidance seems to be a misunderstanding of the guidance. The guidance suggests (p.11) that portfolio holders who drive planning policy should be careful when on planning committee and considering the council's own schemes (neither the case here).</p> <p>Site visit protocol and speaking arrangements could both be improved – see above under planning findings and recommendations.</p>
Intimidation of a councillor	Advised by the monitoring officer not to vote on the basis of a pecuniary interest	This is important but a standards issue and outside of our scope . We cannot comment on whether this has been adequately addressed.

Summary	Allegation	The team's response
	(the councillor owns rental home there).	
"Ghost" objectors	The Wolborough Residents group were told spaces were full, but learned on the morning that the original objectors had both pulled out – giving them little time to prepare.	Speaking arrangements should be improved with a flexible approach in place, particularly for contentious major planning applications. See above under planning findings and recommendations. The concept of "ghost" objectors is unbelievable and is a consequence of poor management of speaking arrangements.
Legal advice re "Underhill"	Underhill states that no planning applications can be issued until environmental issues resolved beyond all scientific doubt. Attempts to see the advice have failed – now raised with ICO	The Underhill judgement relates to bat protection. The issue is considered in the report and is a matter of planning judgement. The officer's report considered all appropriate issues. We cannot comment on the issue about attempts to see advice – that is not a planning matter and is outside our scope .
Parcel of land on Kingskerswell Road	Purchase of strip of land in 2010 proves that the Council had predetermined planning decision	Councils buy / assemble land for lots of good reasons – this is not evidence of "predetermination". Councils have to be able to give planning permission on land they own – that is why there is a differentiation between the Local Planning Authority and the Council.



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