

Agenda Item No:



Report to Overview and Scrutiny Committee

Overview and Scrutiny Task Group review into WYE3 Masterplan process – final report

The Overview and Scrutiny Committee is asked to:

1. Endorse the findings the Task Group
 2. Commend the recommendations of the Task Group to Cabinet
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Date of O&S meeting: 24 September 2019

Chair of O&S Task Group: Cllr N Iliffe

Chair of O&S Committee: Cllr N Ovenden

Relevant Portfolio(s): Cllr N Shorter (Planning and Development)

Summary: At its meeting of 13 September 2018 Cabinet resolved to defer the adoption of the WYE3 Masterplan pending the clarification of two points related to consultation responses and the view of Kent County Council on a traffic assessment commissioned by the Parish Council.

It was felt by the Overview and Scrutiny Committee that an examination of the processes followed to develop and consult on the Masterplan for WYE3 would be beneficial ahead of Cabinet reconsidering the masterplan adoption.

This report summarises the Overview and Scrutiny Task Group's findings from its review into the WYE3 Masterplan development and consultation; and provides 12 recommendations for endorsement to Cabinet.

Exempt from Publication: **NO**

Background Papers: Adoption of the draft WYE3 Masterplan – report to Cabinet, 13 September 2018

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Report Title: Overview and Scrutiny Task Group review into WYE3 Masterplan process

Foreword from the Task Group Chairman

1. The Overview and Scrutiny Task Group has conducted an in-depth and objective review of the processes and practices followed in developing and consulting on the WYE3 Masterplan. Planning and development proposals, particularly for key sites such as those contained within WYE3, can be highly emotive and impactful for communities and as such it is imperative that effective consultation and engagement processes are carried out, and that clear communication with stakeholders is maintained throughout.
2. This review has shown that areas for improvement in the council's masterplanning and engagement processes exist, and the recommendations made by the Task Group aim to enable improvements in the provision of essential services which will ultimately improve outcomes for residents, and I am pleased to commend them to the Committee. I would also like to express the gratitude of the Task Group membership to all witnesses who so willingly gave up their time to participate in this review and inform its findings and recommendations, and to the officers of the council who have given up their time to attend and assist with the meetings of the Task Group.

Introduction and Background

3. At its meeting of 13 September 2018 the Cabinet was asked to adopt the WYE3 Masterplan. At this same meeting concerns were raised by Wye with Hinxhill Parish Council in regard to the masterplan development and consultation processes. Cabinet resolved to defer the adoption of the masterplan pending the clarification of two points related to consultation responses and the view of Kent County Council in regard to a traffic assessment commissioned by the Parish Council.
4. In reviewing the forward plan for the Cabinet, the Overview and Scrutiny Committee noted that the masterplan was due to be considered again for adoption in the autumn. It was felt by the committee that an examination of the processes followed to develop and consult on the masterplan for WYE3 would be beneficial ahead of Cabinet reconsidering the masterplan adoption, with any recommendations regarding the development or consultation considered at the same juncture.

Scope of the Review

5. The Overview and Scrutiny Committee assembled a five member task group, chaired by Councillor Nathan Iliffe, to conduct this review. At its first meeting, the Task Group agreed the scope of its investigations as the two conditions for deferral of the decision to adopt not related to the content of the masterplan (A, B) As well

as the concerns raised by the Parish Council's representative at the Cabinet meeting of 13 September 2018 (C-K):

- A.** A satisfactory response with no impediment to the Masterplan being received from KCC Highways on the MLM traffic assessment.
 - B.** Officers checking that all written points made to the Council as part of the formal consultation on the draft Masterplan have been considered.
 - C.** The Masterplan fundamentally departs from the adopted Wye Neighbourhood Plan.
 - D.** Consultation on the masterplan closed on 8th May, however response papers only started to emerge from 30th August.
 - E.** Public responses were missing from the council's schedule of consultation responses.
 - F.** The MLM traffic review was submitted to the council in May but was not sent to KCC for review until the day before the Cabinet meeting.
 - G.** The Masterplan development process did not reflect the Wye Neighbourhood Plan Examiner's report in considering a wider range of options to be considered, particularly with regard to the potential use of the ADAS site.
 - H.** The developer dismissed attempts to raise other options (point 7) and as such the Parish Council consider that the consultation was not meaningful or transparent.
 - I.** The engagement events held produced little to show for the large commitment of public time and money.
 - J.** The consultation process had not met the core aims of the Statement of Community Involvement in respect of having 'clear concise documents' and having 'kept people informed', in that traffic and drainage reports were retrofitted to support the developer's original layout and quantum, and as such key constraints in these areas did not inform the initial workshops and exhibitions.
 - K.** A lack of response forms in the public library ignored the needs of Wye's elderly population and the approximately 20% of residents with no internet access.
6. Due to the need for technical expertise and the relatively short timescale available to conduct and complete the review, it was agreed that the relative merits and content of the masterplan would not be reviewed by the Task Group. Per the limits of Overview and Scrutiny's powers and responsibilities, the review did not examine any live planning applications.
7. Overview and Scrutiny exists to be a 'critical friend' to the Cabinet, and to provide an objective examination of the council's work to ensure that it delivers the best possible outcomes for all residents of the borough.

8. The role of the Overview and Scrutiny Task Group in conducting this review is therefore twofold – first, to review the masterplan development and consultation processes to establish the veracity of any claims of process failures, and secondly to provide recommendations for improvements in process that will be of benefit for the future.

Task Group process

9. Following an initial meeting to agree the scope of the review, the Task Group conducted separate witness sessions with the members of the tri-partite WYE3 steering group, namely:
 - Representatives of the owner/developer of the WYE3 site (Telereal Trillium) and their agents (Turley; Hobbs Parker)
 - Representatives of Wye with Hinxhill Parish Council (who also provided written submissions)
 - Representatives of Ashford Borough Council's Planning and Development service (the Head of Planning and Development, Policy Manager, Principal Urban Designer and Portfolio Holder for Planning and Development)
10. Having met with and questioned representatives of all members of the tri-partite working group and considered all submissions, the Task Group met to agree its findings and recommendations. The Task Group would like to extend their gratitude to all those who gave up their time to take part in and contribute evidence to this review.

Review findings

11. In conducting its review, the Overview and Scrutiny Task Group has considered a range of written and oral evidence regarding the development of and consultation on the draft WYE3 Masterplan.
12. The Task Group were advised that this masterplan process represented the continuation of a long period of local engagement over planning and development within Wye following the development of the Wye Neighbourhood Plan (and the Imperial College masterplan prior to this) and that the high level of justifiable public interest in the future development of a key site within Wye warranted a more collaborative approach than may otherwise have been taken for a masterplanning exercise. The Task Group finds that in this regard, the effective continuation of the tri-partite steering group was an appropriate choice for co-ordinating this process.
13. Whilst not attributable to a single point in time or element of the masterplan development and consultation, it is evident that there were failings in trust between partners, and a breakdown in relationships as the masterplanning process progressed; however through the review the Task Group has found that assertions of improper behaviour by officers are unfounded.
14. The Task Group wish to record its observation that, balancing an unusually and unexpectedly intensive and time-bound masterplanning process with the demands of other significant work including the preparation of the Local Plan to 2030 and the

largest development in the Borough's history; and working at a time of significant strain on departmental resources, the officers of the Council worked exceptionally hard under very difficult circumstances hampered by the breakdown in the relationship between the partners of the steering group.

15. The Task Group noted the dedication of Wye Parish Council and the work they had undertaken in the preparation of the Wye Neighbourhood Plan. The Task Group felt that the frustrations that had arisen for the Parish Council during the masterplanning process relating to a lack of inclusion and potential miscommunication around the role of the Parish Council were regrettable.
16. The Task Group identified a number of recommendations which are detailed below by theme.

Traffic

17. The views of Kent County Council's Highways and Transportation Development Planning Team (KCC Highways) on the MLM traffic assessment were reported to the 25 October 2018 meeting of the Local Plan and Planning Policy Task Group (LPPPTG), where it was confirmed in the minutes of that meeting (reported to Cabinet on 8 November 2018) that "*KCC Highways had concluded that the transport assessment that supported the Wye3 Masterplan was sound*" and the LPPPTG considered that "*the Council should adhere to the advice of the Highways Officers.*"
18. The Task Group extended an invitation to KCC Highways to attend a witness session and speak to their analysis of the MLM traffic assessment, however this was declined, with KCC Highways noting that they had already made a clear recommendation to the Borough Council on the submitted masterplan in their role as a statutory consultee. KCC Highways also noted that it was not their role to comment on third party submissions, and that these need to be reviewed by the Borough Council in its role as the local planning authority.
19. Taken in conjunction with the report to the 25 October 2018 meeting of the LPPPTG, this response was of concern to the Task Group as it seemed to imply that what assessment of the MLM review had been undertaken by KCC Highways had been limited to determining whether the MLM review raised any methodological issues with the assessment completed by the developer's consultant, Transport Planning Practice Ltd (TPP).
20. Concern was expressed that whilst both the TPP and MLM studies were assumed to both be methodologically sound, their findings with regard to traffic volumes differed due to the reported difference in the parameters of each study. Whilst neither assessment could therefore be said to give an **inaccurate** picture of traffic in Wye within its own parameters, the lack of reconciliation of the differing assessments has evidently contributed to the loss of trust by the representatives of local stakeholders on the steering group.
21. The Task Group were advised that the parameters (and resultant findings) of the TPP study were a particular point of contention for the Parish Council in regard to scope point C, as the Wye Neighbourhood Plan had been predicated on the concept of a 'walkable village' and recognised the village's traffic constraints.

Concern over the conclusions of the TPP study and the assumed historic use of the college it was based on had led the Parish Council to commission its own study through MLM and submit this to the Council to highlight what the Parish Council saw as inaccuracies in the conclusions of the TPP study.

22. Whilst the view of KCC Highways had validated the TPP study as the basis for the masterplan, the comment to the Task Group by KCC that it was not their role to comment on third party submissions but the Borough Council's was of concern to the Task Group, as it suggested that an independent view should have been sought on the MLM study.
23. The Task Group felt that the seeming failure to effectively review the conclusions of the MLM study in comparison to the TPP study and the lack of a clear verdict on the findings of the MLM study as a counterpoint to the TPP study had contributed significantly to the dissatisfaction of the Parish Council with the masterplan development process. The Task Group felt that an independent, third party assessment of both traffic studies should therefore be sought to resolve this matter:

Recommendation 1: That in light of the seeming failure of KCC to review the MLM study fully, the Council engage an independent transport consultant to review, assess and determine the validity of the traffic assessments submitted in relation to the Masterplan by both Telereal Trillium and Wye Parish Council.

24. The Task Group were disappointed that KCC Highways did not take up its invitation to participate in the review, particularly given the close partnership that exists between the Borough and County Councils. In view of the response provided by KCC Highways and the concerns outlined in paragraphs 17-23, the Task Group felt that it would be both beneficial and prudent for the Borough Council to source its own advice on traffic assessments in the future in order to provide assurance to stakeholders:

Recommendation 2: That the Council engage an independent transport consultant or a suitably qualified member of the Council's staff to review, assess and determine the validity of all future traffic assessments for planning applications.

Resourcing and Governance

25. As noted in paragraphs 12 and 13, the Task Group felt that criticism of the conduct of officers in regard to the masterplan process was unwarranted. Whilst delays in the process represented a source of frustration to both the developer and Parish Council, these must be seen in the context of a masterplan process that, by admission of the steering group partners, garnered a level of public interest and engagement far in excess of the norm for similar (and indeed larger) exercises carried out.
26. The Task Group noted that the council had not allocated a specific budget to support the masterplanning process, or any additional officer/administrative support to the case officer. Whilst the case officer had led the process, chaired and co-ordinated the tri-partite steering group, the required extent of the case officer's involvement exceeded what was expected and the resources of the developer needed to be utilised in areas (such as the production of exhibition materials) to

enable elements of the process to proceed in line with the identified timescale for the masterplan process.

27. Whilst officers reported that this use of the developer's resources was necessary in order to deliver the masterplan in a timely fashion with the limited resources available to the council; the Parish Council advised that they had felt excluded from the preparation of exhibition materials and other key documents. The Task Group felt that the Parish Council's view of this as a failing of the collaborative approach was a consequence of a move away from collaboration towards a developer-driven masterplanning exercise.
28. The Task Group noted as well that officers balanced the delivery of this process against a very large 'day job' workload, and felt that the provision of dedicated administrative support for case officers leading on masterplanning exercises would be of benefit:

Recommendation 3: That specific budgetary allocations and additional administrative support for case officers be committed for any future masterplanning exercises.

29. Officers advised the Task Group that in recognition of the longstanding public interest and involvement of the resident and business population in planning for Wye, the decision had been taken to conduct a more collaborative masterplan development process, utilising the previous tri-partite steering group model as the vehicle to co-ordinate the masterplan process, focus decision making and jointly agree communication on the masterplan.
30. The Task Group heard that this had been welcomed at the start, however as the masterplanning had progressed, there had been a breakdown in the relationship between the members of the steering group and this had been problematic from a perspective of managing the masterplan development process.
31. Across the witness sessions it became clear that there were contradicting viewpoints in regard to the feasible options for, and inclusion or exclusion of, certain composite parts of the WYE3 Masterplan site – such as the exclusion of Withersdane Hall, which was noted separately as having been agreed by all partners early in the process, and an outstanding issue. Witnesses also disagreed on the time taken to deliver the masterplan – some felt that the process had been unduly delayed by the actions of partners, whilst others felt it had moved too quickly at times and the quality of the masterplan had suffered.
32. The Task Group felt that this whilst there had been delay from the original timescale outlined by ABC, this had been largely unavoidable given the pressures outlined earlier; however it was felt that the initial timetable may have been too ambitious given the ongoing work on the Local Plan to 2030 and other key developments such as Chilmington. Given the above, the Task Group felt that jointly agreeing and recording a clear timetable and scope at the outset of masterplanning exercises would be beneficial in future:

Recommendation 4: That a clearly defined scope and timeline be agreed at the commencement of any future masterplanning exercises.

33. In discussing the masterplan process with witnesses the Task Group noted that there was a seeming lack of clarity among the members of the tri-partite steering group as to the relative roles of each partner.
34. Officers noted that they had envisaged the following roles at the outset: ABC as the facilitator but not the producer of the masterplan, with the developer holding responsibility for producing documents and bringing forward ideas and the Parish Council, as the main representative of the local community, feeding the views of the residents and local community into the process.
35. Whilst these may have been the roles envisaged, it was apparent from the witness sessions held by the Task Group that there was an expectation within the Parish Council of more collaborative preparation of proposals by the tri-partite steering group that had not materialised. Consequently, the Parish Council reported that they did not feel the masterplan was truly collaborative, and lost faith in the integrity of the process.
36. The Task Group recognised that while it would never be possible to produce a development blueprint that was universally approved, the possibility existed that clearer definition of partner roles and the steering group terms of reference may have been conducive to a more productive collaborative process:

Recommendation 5: That, where masterplanning exercises are to be carried out collaboratively with a steering group, clearly defined terms of reference for the steering group including the roles of each partner to the steering group are jointly agreed prior to the commencement of any future masterplanning exercise.

37. As noted above, officers advised that the level of case officer involvement required in undertaking the masterplan development process increased as the masterplanning progressed, with the officer's role encompassing not only the usual case officer duties for the development, but also including the assessment of all consultation responses, collating and writing up all engagement event feedback and chairing and co-ordinating the steering group. On this basis, Members felt that as well as administrative support (recommendation 3), the engagement of a steering group chair independent from the masterplan development process would have reduced the demands on the case officer:

Recommendation 6: That, where masterplanning exercises are to be carried out collaboratively with a steering group, an independent chair should be engaged to lead the steering group.

38. It was noted in relation to this that the council had constituted a councillor led WYE3 Task Group in 2013 which had met once and been decommissioned. Had the council reconstituted this task group to provide oversight of the masterplan process, the Task Group felt that this group could have provided both additional member support to the process as the breakdown of relationships created difficulties, and may have also provided a practical means to identify a chair for the steering group:

Recommendation 7: That future masterplanning exercises be supported and overseen internally by a member led task group, the membership of which to

include the Portfolio Holder for Planning and Development and the relevant Ward member(s).

Consultation and Communication

39. A point of consensus within the witness sessions was that the first workshop session was productive and benefitted from the engagement of the independent facilitator, jointly funded by the Council and the Parish Council.
40. Owing to factors beyond the control of the council the facilitator could not be retained for the second workshop, and whilst understandable the Task Group felt that this was a missed opportunity to build further consensus given that the worth of an independent facilitator was demonstrated in the overall positive reaction of the partners to the first workshop:

Recommendation 8: That an independent external facilitator be retained for all workshop elements of any future masterplanning exercises.

41. The Task Group were also advised that the attendance at the workshops was limited due to constraints in the size of the room available at the Wye College site. Whilst this was raised by the Parish Council as a criticism, the Task Group concur with officers that to hold the workshop off site would have been the wrong choice, even if it had enabled a slightly increased attendance.
42. Concern was also raised by the Parish Council that the invitee lists also varied between the first and second workshops. Whilst some variation was to be expected in order to ensure that the best mix of local and expert knowledge was available in the second workshop in response to the detailed issues under discussion, members felt that enabling consistency of attendance as far as possible would be beneficial:

Recommendation 9: That, in order to ensure continuity as far as possible throughout future masterplanning exercises, a single list of invitees should be maintained for all workshop events.

43. Both the developer and the Parish Council advised that there had been periods in the masterplan development process where a lack of communication from the council had been a source of frustration. The Task Group noted the workload pressure of the case officer, but felt that in processes such as the masterplan development a vacuum could arise from a lack of communication over progress that could lead to speculation and damage public trust in the process.
44. One example cited by the Parish Council as evidence of the masterplan deviating from the Wye Neighbourhood Plan was the downgrading of the masterplan status from an SPD to internal guidance. Whilst there may be valid reasons for this change, the failure to communicate clearly the rationale for this had contributed to a perceived failing in the masterplanning process.
45. In addition, the Task Group noted that there had been no obvious communication with the public at large over the status of the masterplan since Cabinet's decision to defer the adoption of the masterplan in September 2018. A large amount of correspondence had been submitted to the Council in the intervening time which

raised the same broad concerns around housing allocation numbers for the WYE3 site. It was not possible to say definitively that this arose from a lack of communication, however additional officer time was required to contact all respondents regarding the inaccuracies in the correspondence:

Recommendation 10: That the Council ensure it provides clear, regular updates on the development of any masterplan to stakeholders throughout any future masterplanning exercise.

46. In speaking with the Task Group, the developer and their agents raised concerns that as the relationships between the steering group members had deteriorated, the provision of consistent communication had been strained, and that members of the Parish Council had sought to influence residents participating in the exhibition events counter to the agreed plan of the steering group. At the subsequent witness session, one of the Parish Council's representatives confirmed that they had spoken with residents outside the exhibition venue as they believed that the exhibition was misleading.
47. The Task Group noted that disagreements between the steering group partners were to be expected, but given that the tri-partite steering group was intended to collaboratively drive the masterplan development process, it was incumbent on the partners to come to an agreement where possible. As noted in recommendation 7, oversight and support by a member led task group may be beneficial in resolving any disputes; however it was felt that for consistency throughout the process a single contact point should be maintained:

Recommendation 11: That the Council maintain a single point of contact throughout any future masterplanning process for the gathering and dissemination of any and all information related to the masterplanning exercise.

48. Officers confirmed that subsequent to the September 2018 Cabinet meeting, the Parish Council had provided details of three respondents to the consultation that it was alleged had not been responded to by virtue of not being included within the schedule of responses provided as background to the September 2018 Cabinet report.
49. Whilst officers were able to confirm that the points raised by these respondents had been addressed through the responses to issues contained within the background documentation to the September 2018 Cabinet report (and so did not raise any matters not previously considered), it is understandable that this seeming omission would have contributed to misgivings in the process.
50. The Task Group were also advised that anonymised consultation responses had been passed to the developer to complete thematic grouping of responses. Whilst officer advised that this was a necessary step to complete the assessment of the 2000 individual comments made in the consultation on the masterplan, and the developer advising that despite requesting they had not been allowed to comment on the responses, the Task Group felt that consultation responses should only be handled by the Council:

Recommendation 12: That the Council ensure that any and all responses to consultation or engagement exercises conducted on masterplanning be submitted directly to the Council.

Recommendations

Recommendation 1: That in light of the seeming failure of KCC to review the MLM study fully, the Council engage an independent transport consultant to review, assess and determine the validity of the traffic assessments submitted in relation to the Masterplan by both Telereal Trillium and Wye Parish Council.

Recommendation 2: That the Council engage an independent transport consultant or a suitably qualified member of the Council's staff to review, assess and determine the validity of all future traffic assessments for planning applications.

Recommendation 3: That specific budgetary allocations and additional administrative support for case officers be committed for any future masterplanning exercises.

Recommendation 4: That a clearly defined scope and timeline be agreed at the commencement of any future masterplanning exercises.

Recommendation 5: That, where masterplanning exercises are to be carried out collaboratively with a steering group, clearly defined terms of reference for the steering group including the roles of each partner to the steering group are jointly agreed prior to the commencement of any future masterplanning exercise.

Recommendation 6: That, where masterplanning exercises are to be carried out collaboratively with a steering group, an independent chair should be engaged to lead the steering group.

Recommendation 7: That future masterplanning exercises be supported and overseen internally by a member led task group, the membership of which to include the Portfolio Holder for Planning and Development and the relevant Ward member(s).

Recommendation 8: That an independent external facilitator be retained for all workshop elements of any future masterplanning exercises.

Recommendation 9: That, in order to ensure continuity as far as possible throughout future masterplanning exercises, a single list of invitees should be maintained for all workshop events.

Recommendation 10: That the Council ensure it provides clear, regular updates on the development of any masterplan to stakeholders throughout any future masterplanning exercise.

Recommendation 11: That the Council maintain a single point of contact throughout any future masterplanning process for the gathering and dissemination of any and all information related to the masterplanning exercise.

Recommendation 12: That the Council ensure that any and all responses to consultation or engagement exercises conducted on masterplanning be submitted directly to the Council.

Conclusion

51. The Task Group have examined thoroughly the masterplan development and consultation processes as related to the scope of the review. These recommendations will enable improvements to the council's processes for future masterplanning and consultation exercises, and the Task Group commend them to the Overview and Scrutiny Committee.

Contact and Email

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