

**Graham Wood representing Mr & Mrs B.Wood,**

**(Re: HA 23).**

**Representor's number: ID.851578/ID.950798**

**Matter 1, Issue 1.2.**

## **WRITTEN HEARING STATEMENT**

Central principle of this statement: Failures in legal compliance and the implementation of the principles of the Localism Act, contravention of the Borough's own statement of community involvement and failure to respect and adhere to Matter 1, Issue 1.2: Public Consultation/Engagement in the inspector's 'Matters, Issues and Questions.'

This has been perpetuated up to the appointment of and notification of the appointment of a Programme Officer (points 1 E and F below) indicating systemic failures by officers. This observation is reinforced by the following which shows the failure to fulfill Matter 1, Issue 1.2:

**1. The actions of officers and members have not complied with the wording or the spirit of the Localism Act which states:**

"The Government is committed to passing new powers and freedoms to town halls. We think that power should be exercised at the lowest practical level - close to the people who are affected by decisions, rather than distant from them." (Localism Act, 2011).

This relies on a 'general power of competence' to be adhered to by officers and members. Yet the operational communication management strategy of officers in engaging with the community has been deficient and does not comply with any semblance of competence. For example:

A. When the draft local plans were announced in 2014 no resident in the immediate vicinity of the proposed site had any knowledge of the proposed development. Democracy is compromised and local governance is flawed if there is no engagement with the local community. Whilst officers may maintain that they took steps to engage with the residents, the litmus test is that no one simply knew and as a consequence residents were alienated. Moreover, there was no public signage made available, either at the proposed site nor in neighbouring areas. There was not a database of residents who could be contacted via email as officers had not taken steps to notify the community. This is in clear breach of the Statement of Community Involvement which states "the Council is committed to involving as many people as possible in preparing plans and determining planning applications,"<sup>1</sup> and the requirement that the council "will seek views of interested and affected parties as *early* as possible."<sup>2</sup>

B. The consultee process in November 2015 required residents to submit via the council online portal. Residents found the online forms to be problematical, leading one resident to send an email to officers complaining:

"The website is not user friendly, it is not clearly laid out. For instance on one page you have an 'add comments' link that takes the reader to the guidance notes (4 components) and then the reader is taken to

<sup>1</sup> Section 2.5, Scarborough Borough Local Plan, Statement of Community Involvement. 10/2013.

<sup>2</sup> Section 2.18, Scarborough Borough Local Plan, Statement of Community Involvement. 10/2013.

a page on the proposed submission of the whole plan. It does not take the reader to the section they want to object to. Finding the section they have to object to, they have to go back and access the sidebar. This procedure is adding unnecessary layers of complexity that compromise attempts to engage with the general public.' As a result, a large number of objections were submitted by post.

C. A subsequent email to officers from a resident dealing with the portal noted that in the consultation portal for the 'soundness of plan' section there was a fundamental contradiction between the statement presented and the affirmative options provided. These options should have been used with the negative conditional and not the positive as was presented by officers. Linguistically it was poorly formatted and misleading.

The consultation portal and the steps to follow were not meeting the needs of local residents. They were misleading and did not engage with the community. This is in breach of the policy stipulation in the Statement of Community Involvement that "Consultation publications will be clear and concise and avoid unnecessary jargon."<sup>3</sup>

D. At the drop in session held by officers in 11/2015 the session was held in the Filey Evron Centre. Officers had not put up any signs or given any prior information as to the location of the session in the building. By the time this was brought to their attention several residents had in fact left.

The Proposed Submission Scarborough Borough Local Plan (Regulation 19 stage) Response Form provided at the Drop In session was not fit for purpose. It set responses to questions that were badly formed and unclear.

E. Concerning email correspondence: "Notification of submission of Scarborough Borough Local Plan – Regulation 22 (3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, dated 18.5.2016" sent by S.Wilson, Forward Planning Manager. This correspondence informed residents of the appointment of a Programme Officer. When contacting the Programme Officer on the 7.6.2016 she informed a resident that all residents should have been sent by post a letter informing them that a Programme Officer had been appointed. When told that some residents had not received any correspondence, she subsequently discussed the matter with the Planning department who informed her that those residents who had submitted by email would be contacted via email and those who had submitted by post would be contacted by post.

In a sample of residents contacted, over 60% indicated that they had NOT received any postal correspondence from SBC on this matter. Given that several residents had to submit by post because of the difficulties experienced in using the online portal, once again the community was faced with additional hurdles to engagement. Again this is in breach of the Statement of Community Involvement which states: that consultation with the community is required at various stages<sup>4</sup> and that "we will inform people who respond to consultations of later stages with which they can engage."<sup>5</sup>

F. The email correspondence in point E above was formatted in such a way that was misleading. When a resident reads the letter using Adobe Acrobat they will get the impression that the letter terminates at the end with reference to the SBC address and Opening Hours as one would expect. But key information is

<sup>3</sup> Section 2.27, Scarborough Borough Local Plan, Statement of Community Involvement. 10/2013.

<sup>4</sup> Section 2.18, Scarborough Borough Local Plan, Statement of Community Involvement. 10/2013.

<sup>5</sup> Section 2.18, Scarborough Borough Local Plan, Statement of Community Involvement. 10/2013.

provided on a second page that consultees will not read because of the misleading format and there is no indication of the number of pages in the document.<sup>6</sup>

Furthermore in the letter sent (dated 23.5.2016) from the Programme Officer,<sup>7</sup> to the single resident who had indicated that they wished to attend the examination it states: "If you did not indicate when making your representation that you wished to attend the hearing but now wish to do so please let me know as soon as possible and by noon on Wednesday 22<sup>nd</sup> June at the latest." There is not a similar paragraph or information conveyed in the emails sent by Mr. Wilson dated the 18.5.2016 to residents!

Clearly there is a contradiction in the information conveyed to residents and if residents are now allowed to make a representation, then only 1 resident, who received the correspondence dated the 23.5.2016 is aware of this option. 99% of other residents have not been informed of this option by SBC.

The cumulative effect of these deficiencies in communication strategy is to give the impression of placing unnecessary hurdles that hinder the active involvement of the local community. It also reflects on the level of professionalism exhibited by officers. The actions of officers to date has shown a litany of examples that undermine the Localism Act and are in clear breach of the framework set down in the Council's own Statement of Community Involvement. In Appendix A to the latter document it defines 'engagement' as adhered to by the council as: "Two way process aimed to empower communities by providing them with opportunities to have a voice about what they want in terms of service delivery for their community and local area, and providing service delivery for their community and local area, and providing them with mechanisms to help solve local problems." Council officers have failed to comply with these requirements.

## **2. The Localism Act also clarifies the rules on predetermination – that councillors can play an active part in local discussions.**

This is recognised, but this can only be operationalised within the guidelines laid down by the Nolan Principles.

(as set out on page 22 of the Good Councillor's Guide, 4<sup>th</sup> edition given to all elected members<sup>8</sup>)

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<sup>6</sup> Appendix 1

<sup>7</sup> Appendix 2

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<sup>9</sup> See Attachment 1.

## Conclusion

In light of the above statements SBC have failed to comply with the wording and spirit of the following:

NPPF paragraph 17, 1<sup>st</sup> bullet point.

NPPF paragraph 155.

NPPF paragraph 157, 3<sup>rd</sup> bullet point.

PPG ID-12-paragraph 003 in failing to gather evidence and engage in effective discussion and consultation. There is the specific requirement that local planning authorities in their "Authority's Monitoring Report is an important way in which Local Planning Authorities can keep communities informed of plan making activity." It is unclear in the SBC Authority Monitoring Report (Dec 2015) where this stipulation is met.

PPG ID-12-017.

For these reasons I believe that the planning process with respect to site HA 23 has been compromised and should be dismissed. The planning inspectorate should use their good services to investigate further the machinations of those parties identified above in order to reassure the local community that good governance is guaranteed with officers, democratic accountability and transparency is demanded from members and that the planning process and framework is not brought into disrepute.

**APPENDIX 1 (The cut off between the two pages in the original is as shown below with key information in the email not seen by residents as it is on the second page)**

Forward Planning  
Town Hall  
St Nicholas Street  
Scarborough  
YO11 2HG  
Tel: 01723 232323



**DO IT ONLINE**

SCARBOROUGH.GOV.UK

## SCARBOROUGH BOROUGH COUNCIL

To: Consultee

Your Ref:  
Our Ref: SLP/SW

18<sup>th</sup> May 2016

Dear Sir or Madam

### **Notification of submission of Scarborough Borough Local Plan – Regulation 22 (3) of the Town and Country Planning (Local Planning) (England) Regulations 2012**

I am writing to inform you that the above Local Plan has now been formally submitted to the Secretary of State for Communities and Local Government for independent examination.

The Plan and all of the additional supporting documents which the Council submitted to the Secretary of State are available for inspection via the Council's website: [www.scarborough.gov.uk/examination](http://www.scarborough.gov.uk/examination). Details of all the duly made representations received in response to the pre-submission publication of the Plan, held in November/December 2015, are available to view on the Council's Consultation Portal, at: <http://scarborough.objective.co.uk/portal>.

Hard copies of the submission documents are also available for inspection at the Town Hall. If you wish to view the paper copies, please contact the Programme Officer to make an appointment.

Scarborough Borough Council  
Town Hall  
St Nicholas Street  
Scarborough  
YO11 2HG

**Opening Hours: Monday-Friday, 8.30am – 5.00pm**

You are further advised that the Borough Council has appointed a Programme Officer, Mrs Liz Dowson, to assist the Inspector in the examination process, and it is she who is the first point of contact for any queries regarding the examination.



do it online [www.scarborough.gov.uk](http://www.scarborough.gov.uk)

**Contact details:**

Mrs Liz Dowson

Email: [programmeofficer@scarborough.gov.uk](mailto:programmeofficer@scarborough.gov.uk)

Address: Scarborough Borough Council, Town Hall, St Nicholas Street,  
Scarborough, North Yorkshire. YO11 2HG

Direct Line: 01723 232445

Mobile: 07967 453613

If you have indicated that you wish to attend the examination the Programme Officer will be contacting you directly.

It is expected that an examination hearing by the Inspector will be held later this year, further information will be posted on the Local Plan Examination website.

Further advice and guidance on the Examination procedure is available via the following link: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice> .

If you have any queries regarding the above please contact [localplan@scarborough.gov.uk](mailto:localplan@scarborough.gov.uk) or telephone 01723 232480.

Yours faithfully



Steve Wilson

Forward Planning Manager

✉ [steve.wilson@scarborough.gov.uk](mailto:steve.wilson@scarborough.gov.uk)

🌐 [www.scarborough.gov.uk/localplan](http://www.scarborough.gov.uk/localplan)

🐦 @SBCLocalPlan

📘 /scarboroughcouncil

☎ 01723 383510

## APPENDIX 2

## Scarborough Borough Local Plan Examination

Planning Inspector: Mr W. L. Fieldhouse BA Hons MA MRTPI

Programme Officer: Liz Dowson  
Town Hall, St Nicholas Street,  
Scarborough, YO11 2HG

Tel: 01723 232445 Mob: 07967453613  
Email: [programmeofficer@scarborough.gov.uk](mailto:programmeofficer@scarborough.gov.uk)

Dear [REDACTED]

Date: 23rd May 2016

Scarborough Borough Local Plan – Representation no. [REDACTED]

I have been appointed as Programme Officer for the Scarborough Borough Local Plan Examination. It is my duty to provide all liaison between responders to the Local Plan and the Inspector for the Examination, Mr William L. Fieldhouse BA Hons MA MRTPI, who has been appointed by the Planning Inspectorate.

The Inspector will be examining the Local Plan over the coming weeks and the expectation is that hearings will begin at 10am on Tuesday 16<sup>th</sup> August 2016. The first week of hearings will run from Tuesday to Thursday lunchtime. It is expected that a second week of hearings will be necessary and these will begin on 6<sup>th</sup> September 2016. If subsequent hearings are needed these will be held the week commencing 4<sup>th</sup> October 2016. The first two hearing sessions will be held in the council chamber at Scarborough Town Hall. If a further session is required in October the venue for this will be decided at a later date. I will publish a timetable for the hearings towards the middle of June.

A copy of the Inspector's Guidance Notes is attached for your information. Please note that this, and other additional information, will be published on the Examination Website. It is your responsibility to make sure you read the published information and keep up to date with the progression of the examination.  
<http://uploads.scarborough.gov.uk/localplanexamination/index.html>

If you have already indicated that you wish to attend the examination hearing you will be entitled to do so. However if you no longer wish to attend please let me know as soon as possible. If you did not indicate when making your representation that you wished to attend the hearing but now wish to do so please let me know as soon as possible and by noon on Wednesday 22nd June at the latest. I will then advise the Inspector, who will decide if you can be accommodated.

(W. L. Fieldhouse)

I will contact you in due course with regard to your representation but at this stage would like to advise that all representations, whether written or in person, will be considered by the Inspector in exactly the same way. If you have any queries at this stage I would be grateful if you could contact me either by telephone or via email.

Yours sincerely

[REDACTED]

Liz Dowson  
Programme Officer  
Scarborough Borough Local Plan Examination

