

Presentation of Complaint to the 15th August 2017 RBWM Overview and Scrutiny Panel regarding an RBWM error in Local Plan Consultation.

Prepared by Andrew Cormie and presented in his absence by Anu Chawla

Chairman, Councillors, Ladies and Gentlemen,

This meeting arises from the petition I created to have the Local Plan Consultation stopped and restarted after residents had been given the correct information. However on 2nd August, Council issued their News Release, listed here as;

Document 1 Here Council announced that they have extended the period of Local Plan Regulation 19 Consultation and that they will proceed in accordance with appropriate Regulation. Council also provide the text of the clarification provided by Government in response to my question.

But Council had drastically failed to operate in a proper legally correct manner and if they had not been stopped, the Inspector would have rejected the plan at the Regulation 20 stage due to non compliance with due process.

The situation has since become worse, as Council on 4th August misled the public again by issuing Document 2 with Document 3 attached.

Document 2 is an email from Council. It states “The information contained in the email we sent you at the end of June 2017 continues to apply during the extended period for making representations; the only thing that has changed is the deadline for making representations.”

The email contains an attachment;

Document 3 which tells us again about the **same scope** of comments as originally stated.

So who in Council is accountable for this past and current misrepresentation of the process?

Document 4 is an email of 21st June from Cllr Derek Wilson, Lead Member for Planning, to Andrew Cormie, in which Cllr Wilson refers to

“...next stage of the regulation process **to test the 'Plan' on 'Technical and Legal Soundness...**”

Document 5 is a letter of 27th June from Council Head of Planning to Andrew Cormie of the Holyport Residents Association. That letter **restricts the scope of comments that may be made by referring only to;**

- 1. Whether or not the plan is legally compliant (including Duty to Cooperate);**
- 2. Whether it has met the tests of soundness:**
 - **Positively prepared - being based on a strategy that aims to meet objectively assessed needs for development and infrastructure**
 - **Justified - being the most appropriate strategy**
 - **Effective - being deliverable over the plan period based on effective joint working**

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- **Consistent with national policy - enabling the delivery of sustainable development in accordance with the NPPF.”**

Documents 6 and 7 are email correspondence between Andrew Cormie and Council Head of Planning. These Council emails fail to address my questions.

So we need an explanation from Head of Planning. Others who may be able to help us understand are;

The Monitoring Officer

The Chief Executive

The Lead Member for Planning

The Leader of the Council

The public needs reassurance. The Local Government process must be transparent and it must be clear who is responsible and who is accountable for errors such as this. Currently the Council Planning Authority is shown to be unworthy of being recognised as an “Authority”.

- From where did the concept of the restricted scope of comment for the Regulation 19 Consultation arise?
- What advice did Head of Planning give to Council, and to whom?
- Was Head of Planning pressured by any Councillor into the course of action taken?
- Who is accountable for the persistent error?
- Was the scope of the Consultation discussed and agreed upon by any Councillors at any Council meeting? If so, who advised them and may we see the minutes of meeting and the documents presented at such a meeting?
- What will the Chief Executive do to ensure that such errors never recur?

Presentation of this complaint prepared by;

**Andrew Cormie,
Chairman Holyport Residents Association.**

Presented by Anu Chawla, Vice Chair HRA, in Chairman’s absence on holiday.

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Document List;

Document	File Name
1	Council_News170802.pdf
2	Council_Reg19_170804.pdf
3	Representation Form Guidelines.pdf
4	From_Cllr_D_Wilson170621.pdf
5	Council_HRA_a_170627.pdf & Council_HRA_b_170627.pdf
6	HoP_series01.pdf (Between AC and Head of Planning)
7	HoP_series02.pdf (Between AC and Head of Planning)

FOLLOWING ITALIC SECTION IS RELEVANT BUT LACK OF PRENTATION TIME RELEGATES IT TO THIS APPENDIX.

There have been a series of COUNCIL press releases saying such as;

*23rd June 2017 “**Regulation 19 tests the legal and technical soundness of the plan as a whole.**” further referring to “**key areas for the public to make representations**” and indicating how “**comments on the soundness or legality of the plan can be submitted**”.*

*6th July 2017 “**this stage of the process allows comments to be submitted “on the legal and technical soundness of the plan as a whole”** and again mentions “**key areas**” for the public to make representations.*

17th July 2017 – similar to above.

In addition there have been various reports in the local newspaper as to what the Lead Member for Planning has said. In every one of these he has reiterated the concept of residents responding as to whether or not the plan is legally compliant and meets the tests of soundness.

The Council’s form provided on their website clearly limited comments.

The Council’s Submission Version of the Local Plan also contains on page 4 the same instruction.

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The Council provided copies of the plan to public libraries, and library personnel were advised;

“Regulation 19 allows interested parties to comment on the legal compliance of the plan as a whole (rather than on individual sites) and how it meets the Government’s test of soundness”

*Staff were asked to urge those “**who would like to respond to any points on legal compliance and/or the Government’s test of soundness**” to do so using the Council’s online Portal for their response.”*

All of the above appendix description of COUNCIL publicity is contrary to the Government ruling.