

A PERSONAL SUBMISSION against ‘SOUNDNESS’

Objections to the INTEGRITY of the Responses to Submissions made to the South Lakeland District Council’s “Land Allocations Development Plan Document”.

Prepared by Peter Nightingale, Grange-over-Sands – April 2012. In due course I hope that I may be called for Interview by the Delegated Planning Inspector to discuss the complexity of information leading to this submission.

OVERVIEW

1. Personal Information
2. Introduction
3. Outline
4. Factual References
5. Summary
6. Conclusions

1 - Personal Information

- 1.1 **My name is Peter K. Nightingale,**
- 1.2 My submission is based upon a spreadsheet I have compiled from documents recording all the Submissions made to SLDC when the Land Allocation Plan was made available for the Consultation process, and noting all the SLDC’s responses to those submissions. (The particular documents (2.2 below) refer only to Grange-over-Sands.) The spreadsheet is very extensive, and is an integral part of this submission; it is attached by way of an accompanying CD. (AVAILABLE ON REQUEST FROM DEVELOPMENT PLANS TEAM 01539 717490 - please give reference 7910_nightingale_XL)
- 1.3 In addition, I have to report that the documents to which I refer (2.2 below) are extremely difficult to locate and have rarely been publicly available. Currently (12/4/2012) they do not appear on the SLDC website. It has thus been extremely difficult, perhaps impossible, for members of the general public to discover the responses to their individual submissions; other than by paying a visit to the Grange Town Hall or SLDC premises; and even then the printed document may not be immediately available, if at all. My own copies were provided by the Town Clerk at Grange-over-Sands in the form of an e-mail attachment; and are thus unavailable to folk who do not have a computer. I believe it is incumbent upon the District Council, in the course of open consultation, to make their responses easily accessible, and in my view this has not occurred.
- 1.4 Moreover, I aim to indicate that many responses within their Documents are themselves very far short of satisfactory.
- 1.5 Because I make frequent reference to the ‘Responding Officer’ who wrote these Appendices, I refer to him/her as **RO**.

2 - Introduction

- 2.1 This document refers to my belief that the data recorded within Appendix 8 – “Grange over Sands Emerging Options Consultation Stage 1 (Final Version)” and Appendix 9 - Grange over Sands Emerging Options Consultation Stage 2 (Final Version)” is very substantially flawed. I shall refer where necessary to these two documents as [A8 GoS.EOCs1](#) and [A9 GoS.EOCs2](#). It is essential, I would suggest, that the examining Inspector has both of these documents to hand.
- 2.2 The appendices referred to record all the submissions by Grange-over-Sands residents and other interested parties to the SLDC Land Allocation Plan. The RO’s answers (responses) are in three categories – Support, Neutral and Objection. In general terms it may be assumed that neutral submissions are those from Utility Companies; or from County & District/Town Council officials who are responding to queries on such matters as Environmental, Highway, Drainage or Water issues; and the like. Nevertheless, the RO’s responses are recorded.

2.2a The remaining categories are those of ‘Support’ or ‘Objection’. In both cases they refer to submissions from such bodies as Grange Town Council, Friends of the Lake District, Natural England, The Environment Agency, Landowner’s Agents and so forth. Overwhelmingly however, the responses are from local residents from the two areas of Grange and Kent’s Bank.

2.2b I have separated these two districts – Grange and Kent’s (Kents) Bank - at the outset of this report as there is a degree of disagreement within the documentation regarding their separate identities as individual settlements.

2.2c Not surprisingly, the overwhelming majority of submissions are objections.

2.3 Because there have been an extremely large number of submissions from the Grange locality, these two appendices (2.2) are respectively **108** and **17** pages long in printed form. Each proposed Allocation studied here contains a huge amount of submission / response data in the form of:

2.3a **Name & Reference Identity** of the person or public entity making representation.

2.3b **Submission:** One might have expected submissions / comments / objections to have been recorded verbatim by the RO. A large number have, but many others (indeed, the majority) have been bundled together as one ‘type’ of submission and their content has clearly been paraphrased. (See paras: 4.2f / Table 4 & 4.2g/ Table 5.)

2.3c **Paragraph(s)** by the **SLDC Responding (Planning) Officer** - responses to submissions.

2.3d Each page of the printed document contains from 1 or 2 up to 10 of these individual sections. Hence, locating any specific submission and its response can be extremely complex. In my view, this is ‘spreadsheet’ territory.

2.4 This submission is therefore accompanied by a CD containing an Excel spreadsheet replicating all the information in said appendices. The data has been analysed to obtain a series of illuminating facts, which I believe are entirely relevant to the matter of ‘soundness’ of the whole DPD; certainly as it applies within Grange-over-Sands.

3 – Outline

3.1 The spreadsheet has provided data across a wide range of calculations. For example, submissions of **Support** totalled **53**, **Neutral** submissions amounted to **95**, and **Objecting** submissions were **1253**.

3.2 Many Supporters, Neutral commentators and Objectors have submitted *multiple* representations. As is fully explained in the notes to the Spreadsheet, where comments were submitted individually and thus were allocated their own, separate SLDC ID code, they are counted individually. However, where multiple comments were made as one single, overall submission, although the Correspondent’s ID code is repeated (*but not invariably*) throughout various sections of the response document, the second (and subsequent) appearances of the ID code is/are not counted. This has the effect of clarifying the overall context of the submissions and responses. See the next paragraph for a very clear indication of how this ‘clarifying’ effect works – e.g. 53/16 & 95/21.

3.3 Support and Neutral submissions were combined by the RO as one entity. Of **148** examples of supporting comment, **53** were from only **16 Supporters** and **95 Neutral** comments came from only **21** sources. On the other hand, a total of **1253 Objections** were submitted by **297 Objectors** (of whom **114** Core objectors –appearing more than once – submitted **956** between them. (Table 1)

Table 1

Type of Submission	Total Submissions	Supporting Submissions	Actual Supporters	Neutral Responses	Neutral Commentators	Objecting Submissions	All & Core
SUPPORTING & NEUTRAL Combined	148						
SUPPORTING	(53)	53	16				
NEUTRAL	(95)			95	21		
OBJECTING	1253					1253	297
CORE OBJECTORS						956	114

3.4 Moreover, the manner in which the RO ‘bundled together’ individual objections, paraphrasing many into his own frequently recognisable and repeated phraseology (see 4.2g), resulted in ALL **1253** objections merely receiving **466** Officer Responses. Of these, **81** responses may be termed as ‘Genuine’, with a further **31** being ‘Genuine Variants’ (a genuine phrase with a previously-used comment tacked on), Therefore, ‘genuine’ or ‘genuine variant’ phrases were written once and then re-used, becoming ‘Formulaic’. Meanwhile, **65** of the Officer Responses quoted the essentially valueless comment ‘Noted’. Thereafter, all responses were ‘Formulaic’ (**240**) or a variant thereof (**116**). (See Table 2)

Table 2

Type of Objection	Total Objections	Total Officer Responses	Initial ‘Genuine’ Responses	Responses Of ‘Noted’	‘Formulaic’ Responses	‘Formulaic Variant’ Responses	Responses requiring ‘Mitigation’ Measures
ALL OBJECTIONS	1253	466	81 + 31 Variants of ‘Genuine’	65	240	116	182

Note: I include ‘Mitigation’ because the RO seems to assume that ‘mitigation’ is a universal cure-all! ‘Variants of Genuine’ is my description for a Genuine Response incorporating a ‘formulaic’ phrase as a rider. As an example, refer to GADAG Line # 1090 of the yellow ‘Objection Response Tally’ – a genuine response regarding United Utilities, but with the standard ‘mitigation’ phrase added. This genuine response was given the code AL, then became formulaic, and appeared 7 times in all.

4 – Factual References

4.1 This submission is accompanied on the CD by a Word.doc “*Analysis of Officer’s Response Wording and Total Appearances*”. May I ask you to print this, if it is not already available? But it is not necessary to read it in its entirety!

4.2 For it is merely provided as a reference to the total number of times that the RO has re-used an original comment as a further response – illustrating repeated instances of a ‘genuine’ reply then melding into a ‘formulaic’ reply. Under the circumstances, this may have become an inevitable practice. Whether it is a justifiable practice may be another matter, particularly in the overall importance of local consultation being seen to be transparent.

4.2a Referring to the accompanying spreadsheet – yellow “Objection Response Tally” – Column **R** attributes codes from **A** to **DF** to each newly-phrased, ‘genuine’, response to an objection. Column **S** tallies the attribution codes applied.

4.2b A quick glance through the items mentioned above will indicate that there is a huge hidden arsenal of responses, which have been deployed to eliminate each objection (or, indeed, to eliminate multiple objections!) without – in the view of the writer – serious consideration. A most simple matter: side-step thought by the use of ‘copy and paste’. This ingenious invention may be labour-saving – but its introduction was not, I assume, intended as replacement for the brain cell! (Table 3)

Table 3

Code Letter Attributed	A	D	F	G	K	I	M	O	P	Q	AB	AI	AL	AR	BC	BV	DA
Total Appearances	8	84	4	4	8	10	11	19	22	20	30	22	7	9	7	6	4

4.2c Total **84** in code column ‘D’ is NOT a misprint. This particular response related to traffic measures; all traffic-related submissions have been treated with what is effectively the contempt of a non-response. Nowhere throughout the documents that I have copied and typed in full into the spreadsheet (not *copied*, in the RO’s sense) is there ONE genuine written reply to any specific traffic issue raised, at whatever location discussed in the submission. They have invariably been greeted with this (initially) ‘genuine’ response. Which one can take at face value – the RO is not a traffic expert – but perhaps that should not prevent his taking a rather more considered approach to his duty to provide responses that are realistic in their context.

4.2d Use of the ‘code’ letters A to Z and then through AA/BA/CA to DF indicates a total of 110 different responses. 3 of these were overlooked by compiler’s error (leaving 107) and the total of ‘genuine’ responses in the Excel summary sheet also amounts to 107. Therefore this indicates **that a mere 16.8% of the total of 1263 objections received a genuine response**. Is this acceptable consultation? One would doubt it.

4.2e On page 33.8 of the printed version [Row 196 / GADAG Line 1138 on the spreadsheet], two (unidentifiable) objectors from (a mere!) 10 on page 31 wrote a very specific description of problems when walking/cycling while intermixed with traffic at a precise location. Assuming that they did not confer in their submissions, the RO has nevertheless combined them together, which must have entailed a degree of ‘editing’. So he has applied his thoughts to combining their questions, rather than to preparing a response; for at hand he already has a pre-written ‘traffic’ weapon with which to lance this particular pustule.

4.2f The most glaring example(s) of the RO’s ‘one size fits all’ view of multiple objectors and their individual objections comes between pages 59 and 75 of [A8 GoS.EOCs1](#). This concerns the prospect of building upon an area known as Grange Fell, hitherto sacrosanct. GF in particular caused a huge public outcry amongst local residents and there were 103 objectors listed, many with multiple objections. The RO’s propensity and determination to bundle objections together under a single heading really built up its own magnificent head of steam here - see Table 4.

Table 4

Page No.	59	60	60	61	61	62	62	63	64	64	64	65	65	65	66	66	66	66	67	67	68	68
Paragraph	3	2	3	4	5	2	3	1	4	5	6	4	5	6	2	3	5	6	4	5	3	4
Bundled Objections	6	4	18	4	6	13	4	14	13	13	70	60	58	58	59	61	12	6	5	5	4	9

Note: Compiler’s threshold for quoting Multiple Objections bundled together has been a minimum of 4 – there are frequently a mere 2 or 3 bundled which are not quoted in this table. In this particular sequence of pages (59>75), the formulaic responses are repetitive to the tune of 57, but the RO has also managed to conjure up 12 brand new genuine responses, only one of which appears more than once – they were therefore entirely specific to this location. There is a certain irony in the fact that – because of this public outrage – this site was withdrawn from the allocations procedure before the consultation process was completed, meaning that the land was no longer available – its potential 36 dwelling allocation was therefore divided between the other locations under review, increasing their ‘risk’. A further irony is that there may have been a ‘misjudgement’ in the decision to ‘withdraw’ this site before the completion of the LAP, and Grange Fell may yet be re-included if there are subsequent consultations!

4.2g In regard to this particular problem – Multiple Objections – one can identify the RO’s method of bringing them together beneath one heading. He identifies a theme – ‘Highways access’, p59.3 – and finds objections to fit (6). ‘Traffic congestion’, p60.3 (18). Indeed, so drawn is he to this manner of combining objections that he appears to first of all think of a category and then search for objections to fit it – not always with a degree of success. For example, on pages 60/61/62 are these ‘multiples’ drawn together. Some objectors may have used these shorthand phrases; but surely not with such broad strokes of the pen? ‘Highways safety’ – 2; ‘Flood risk’ – 2; ‘Settlement character’ – *not a phrase rolling from everyone’s lips* – 2; ‘Landscape impact’ – *when did this, as a phrase, last slide across the bar in the ‘Coach and Horses’?* – 4; ‘Biodiversity’ – *the answer to a crossword clue* – 4; ‘Social Infrastructure’ – *here he was disappointed in his quest for candidates* – 1 only; ‘Residential amenity’ – *is this a loo?* – 2. However (p64.6), alongside the phrase ‘Scale of development’ – “*SLDC has identified 8% more land than it was supposed to*” – the RO has hit pay dirt. 70 objectors quoted ‘Scale of development’ as their talisman, and the RO has attributed one singular phrase submitted by one single objector as their banner motif. This attribution alone, within 108 + 17 pages of documentation, shows that the RO had lost his hold on reality and that the consultation has been nothing but a farce.

4.2h A slightly different example of the RO’s style of responding is to be seen (once again in [A8 GoS.EOCs1](#)) in the ‘objections’ pages regarding site MN25M, which starts on Page 6 with ‘support’ comments, and a discussion of ‘other issues raised’. On Page 9 are listed, en bloc, all the ‘objecting’ parties, including one or two public bodies. (In the spreadsheet, this starts at Row 42 (line 1028) of the yellow ‘Objector-ID-Objection’ tab.) You will note here that for pages 7 & 8 – support or comments – those submitting have their SLDC ID noted. However, from page 9 onward everyone’s identity is ‘lost’ in the ‘bundling together’ of individual objectors as one, solid phalanx. The very serious consequence of this is that it is utterly impossible for anyone to identify responses in relation to a specific objection – perhaps one of their own – and indeed the way that the objections themselves have quite clearly been paraphrased or received one response for many submissions cannot be acceptable. I know in particular of one objector (Valerie Kennedy, identified under (EM427) & (EM404) on page 9) who submitted an extremely detailed and well-argued piece of research running to many pages of objection, argument and conclusion. Not only is neither of her identity #’s quoted as a source anywhere between pages 9 & 21, where the objections to MN25M conclude, but it would appear that many of her very cogent arguments and conclusions have never been addressed. Moreover, NONE of the ‘identities’ of any of the objectors have been quoted, other than for those of two public bodies (p17 pp3/4). Therefore this whole section is impossible to analyse in any serious manner whatsoever. “Who objected where, how and why?” is an utterly impossible question to answer. For this reason alone I consider this whole process to be flawed. Table 5 indicates how objections have been ‘bundled together’ to ‘fit’ a response. In order to achieve this, objections have had to be paraphrased.

Table 5

Page No.	9	9	10	10	10	11	11	12	12	12	12	13	15	16
Paragraph	1	2	1	3	4	1	3	1	2	5	7	6	3	3
Bundled Objections	30	10	5	12	20	6	10	6	15	23	6	7	5	5

Note: ‘Bundling together’ of less than 5 objections has again been disregarded in this table. In this instance, as discussion of this projected site is almost at the beginning of the RO’s report, about 25 newly-generated ‘genuine’ responses have been devised within the total of 63 respondent paragraphs. In addition, ‘Noted’ scored 9. ‘Noted’ is essentially meaningless – has the objection been noted anywhere other than in this document? It is equivalent to a shrug of the shoulders, or the flicking aside of a mildly aggravating fly.

4.2i Without quoting more specific data from either of the two appendices or the spreadsheet, may I refer you to page 83 of the printed Appendix 8, which is a very clear instance of 15 or 16 combined objections under one heading receiving a single response, and thereafter pages 85/86/87, where for approximately 34 ‘suggestions’ each (bar 1) received a response of ‘Noted’ (further skewing the balances) and which emanated from 20 different identifiable sources. In this instance, the source and the suggestion have been tied together (which did not occur within 4.2g above, where no sources were linked to any objection). Similarly, on pages 88/89/part 90, 13 individuals have suggested a further 22 courses of action for GTC to effect in the future. Not one of these, however, has been attributed to a quoted individual. These inconsistencies throughout the document(s) indicate, to me at least, that whatever consultation (comment, objection) was received by SLDC was treated with no serious consideration whatsoever, and there are quite clearly elements of a dismissive attitude of mind on display. See 4.2j.

4.2j The tenor of this submission is now becoming very clear – there are multiple ways wherein the manner in which the RO addressed the important task in hand may be analysed, and the flaws are clear to see under this particular scrutiny. I shall therefore turn to only two more specific instances which add further doubt to the integrity of his review of objections. These both occur in [A9 GoS.EOCs2](#), the Appendix prepared after the consultation had ended, but before the LADP was published and initially accepted by the District Council. Fortunately, this is only 17 pages long – but it contains a lot of matter. (Within the spreadsheet, this appears as pages 111 to 127, to permit the same ability to analyse the extra data using the existing spreadsheet formulae. These additional analyses start at GADAG line 1483 – Row 497 – on either of the yellow tabs, or at GADAG line 184 – Row 164 – on the blue tabs.) Firstly, the initial pages incorporate a very large number of ‘Noted’ responses, almost entirely in response to Utility Companies and so on, which skew the final balances quite heavily. Once again, ‘bundling’ occurs, as in Table 5 (but not to the same extent), but still making it impossible to discern responses to particular further objections, and in that whole section there is only one ‘new’ genuine response (DF), which is in reply to an objection from Network Rail for possible access to the Lido across their railway line. In every other instance of ‘new’ submission and objection, the RO has resorted to the original formulaic answers he had devised and used previously. In my view, no serious consideration at all appears to have been given to the second Appendix (9).

4.2k The most serious indicator, in my opinion, of how the RO views his responsibilities comes in his total disregard for comments made by Grange Town Council, which as a body of some merit and import, and a channel of opinion both to and from the District Council, should properly receive respect from the RO. Who is, in essence, an employee of the wider public, including the ratepayers of Grange via their precept to SLDC; of whom he is a direct employee, of whatever status, importance or seniority. Within [A9 GoS.EOCs2](#), the ‘Further Consultation Responses’, GTC has had occasion to submit a ‘block’ commentary of four paragraphs on issues raised; this first appears on page 8 (118 in the spreadsheet), and has been copied and pasted across pages 9/10, 12/13, 14/15 – a total of four appearance. As have the RO’s responses. But the telling thing is this: there are four paragraphs – three receive a (formulaic) response. The one paragraph that has never received a reply – and it is my belief it has never received a reply, anywhere, whether within or without these pages – is as follows: **“Previous consultation responses from the Town Council do not appear to have been taken on board, and no response has been received addressing specific concerns raised.”** In so far as the RO gave replies to the three other paragraphs contained in this submission, it is inconceivable that he had not read this specific comment. Indeed, he may himself have typed it from the GTC submission; it is not clear whether this has been done by a secretary throughout, for instance, and subsequently the RO has sat down to devise his responses. Nevertheless, he chose to ignore it (copying and pasting it a further three times after the initial appearance). To my mind, this is totally indicative of a smug, pompous, self-important and dismissive attitude that appears to be endemic within this whole consultation process, which seem to have been a matter of condescending to hold a ‘consultation’, with no genuine intention to seriously respond to issues raised (even from Councillors) and to hustle the whole procedure through the District Council in a series of nods and winks, strong-arming and Party whipping. If it started with noble intentions, as one would hope, it became diverted into a quagmire, and ultimately this was no consultation at all.

5 – Summary

5.1 It is evident that in regard to submissions from Public Bodies, Utilities and in particular members of the public, SLDC entrusted their ‘responses’ for Grange-over-Sands to a senior Planning Officer. I have referred to him/her as the ‘Responding Officer’,

the RO. He/she (generally referred to in these notes as 'he') established a very comprehensive system with which to annotate all the comments and objections received, and a system to 'respond' to them competently, fairly and with candour and dispassion.

5.2 At the outset, responses were considered, individual and professional. However, at some stage the floodgates were opened and a tide of submissions was received. The RO and his staff were presumably beset, daily, with a never-ending, ever-swelling paper mountain - a Vesuvius, indeed, of comment or objection. (And it has to be visualised, additionally, that a similar tsunami of paperwork was arriving from every locality within SLDC. A factor we may have overlooked.) And so, whether or not 'our' RO also had responsibility for other settlements in the locality, it is very easy to be critical of his or her motives as the consultation period drew to a close. Presumably, there was a huge pressure to commit 'something' to paper.

5.3 Hence, perhaps, the chaos into which the response system descended. In light of the two paragraphs above, perhaps it is no surprise that matters went a little haywire.

5.4 However, battleground chaos is no excuse for poor decisions – we learned (or thought we had learned) that lesson at the close of the First World War. Almost a century ago.

5.5 Our RO made many poor decisions in putting his name to the data disclosed in Tables 3, 4 & 5. Rarely were his 'formulaic' responses used with perception – had he realised that they would be illuminated within such an uncomfortable spotlight, there may have been many moments for reconsideration. However, time and circumstance were not on his side. There can be little doubt that the report that he produced – however challenging the circumstances – leaves very much to be desired. It is full of inconsistencies in approach, is riddled with shortcomings in factual presentation, omits accurate attributions and latterly has an air, unfortunately, of the hurried and slapdash. In consequence, it is clearly not fit for purpose.

6 – Conclusions

6.1 My conclusions are extremely simple – because it is evident that SLDC were unable to publish clearly and unequivocally their responses to every individual objector to the LAPD, the process is intrinsically unsound. It is manifestly important that – in a public consultation – every view is accepted, weighed on its merits, and upheld or discarded. Drawing a balance may be a fine line – so be it. But when – as in this case – so many individual comments and objections have been subsumed into a greater maw, within which very little is finite – then the process is unsound. Naively, perhaps, I believe that 'soundness' for the individual is founded in natural justice – that is: the right to have been heard; and to have been heard to have been heard. For many people in this process, that has not occurred. Therefore, 'soundness' itself has not occurred.

Peter Nightingale, Grange-over-Sands, Cumbria. 15/04/2012