

Submission on Compliance and Conformity of the DPD with the NPPF

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1. Administrative background and collective working

The SLDC has pressed forward its regional development plan through its formal responsibility as the Local Planning Authority. Cumbria CC has a responsibility for infrastructure and county matters. In the East of the region Kendal TC has a local responsibility for the largest town in the South Lakeland region. Confusion arises from the split responsibility for planning in the LDNP. At the governance level addressed by the NPPF, there is clear lack of accountability as many SLDC councillors represent electoral wards which lie in the LDNP for which the SLDC's DPD does not apply, yet in which they still have voting rights.

The NPPF provides (1):

".. a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

More precisely, the NPPF requires (155) that:

"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made."

.. and (157) requires that plans:

"be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations..".

Against this requirement to work collectively there is clear and detailed evidence that SLDC has ignored and refused to consider professional reports commissioned by other bodies such as: Kendal TC (e.g. Galpin Report and Taylor Review); Cumbria CC (objections on infrastructure grounds) and, Friends of the Lake District; all of whom provide evidence counter to the views held by its Planning Group.

Councillors elected to represent communities on the SLDC privately report that they cannot make any representations for fear of being accused of having an interest (as in most cases they obviously and reasonably live in the community). At the full SLDC meeting that approved the DPD almost one third of the councillors chose not to attend, apparently so that they did not have to vote on the DPD, which is known to have poor community support.

2. Over-arching NPPF direction

The NPPF (Forward) directs and comments that:

"[Planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate".

3. General SLDC mode of development

In developing its DPD the SLDC has acted in isolation through a small group of development staff in association with its planning committee, aided mainly by external consultants. This group has in the past few years produced a Core Strategy (CS), followed a by a set of Land Allocations which now with further added note form its DPD.

Doubtless all members of this group believe that they have acted sincerely and properly. But even the most cursory analysis reveals that the methods and processes adopted by SLDC offer a prime exemplar of everything that it at fault with current regional planning, as reviewed in the NPPF and summarised (Forward) above.

Instead of involving communities and people in an accessible way at an early stage to develop mutually agreed and sustainable plans, SLDC acted in a remote and unaccountable fashion. There is overwhelming evidence that the people of the South Lakeland region view the action of SLDC as arbitrary, high-handed and totally lacking any fundamental and serious consultation.

4. Cooperation and Consultation

The NPPF requires (7) that development should be:

".. be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and cooperation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency..".

Consultation on the CS was minimal in that it was not widely publicised and open only for a short time. Instead of an early plan of principle, SLDC produced a large, detailed and highly technical proposal, filled with tables and graphs (many of which have been shown to be incoherent and inconsistent). The CS is in effect is an example of the flawed 'one-size fits all' direction of the ODPM and the RSS process that aim to 'average out' development needs. This methodology is implicitly criticised in the NPPF. Examples of the

failure of this approach, in the form of unfilled mass housing, litter in the centres of many of our cities. Recent figures also confirm that many basic assumptions in the CS (e.g. housing needs) are wrong.

There was a public out-cry at the lack of any reasonable consultation in the CS. The SLDC response in its Land Allocation consultation was again to offer a highly detailed plan at an advanced stage of development, based upon work by consultants (Gilespies). There was no attempt to step back and offer consultations with the communities in the region on the prioritisation of the needs of the CS and how they should be achieved in principle. Instead SLDC simply held meetings to inform people of its plans. In many cases local people reacted negatively to the remote and non-inclusive mode of operation in which SLDC is simple 'handing down' plans developed without any involvement by a small remote core of planning staff.

If biased responders (offered site owners, etc) were removed there were of the order of 4500 respondents to the 'consultation' who opposed the SLDC plans. Perhaps these 1000's of people have more local knowledge than the small group based in Kendal. Perhaps they see that our local infrastructure is already creaking; our hospitals can barely cope; our drainage systems increasingly fail to prevent flooding. Some the responses were perhaps 'unprofessional' in tone but written perhaps from a sincere and heartfelt position of wishing to protect our heritage and landscape for our successors. In the words of the NPPF: "ensuring that better lives for ourselves don't mean worse lives for future generations". The response clearly demonstrated a positive interest in the region and its development.

In more technical terms many respondents clearly were totally opposed to the scale of the plans proposed, which will make major incursions on the green spaces that define the South Lakeland landscape. The Kendal Town Council members have captured this public view much more clearly. It was particularly patronising (and to some perhaps insulting) to hear of one (County Councillor?) dismiss all public respondents as NIMBY's. It is not surprising that people feel excluded and marginalised when their views are effectively shelved after a little "Sir Humphrey" 'civil service' massaging. In statistical terms, relative to the population of the SLDC region, in statistical terms this is a highly significant dataset and in terms of majority views expressed, is likely to be highly representative of the general view of the whole electorate.

In more technical terms there was no significant attempt by SLDC to review or assess these responses. The resulting final Land Allocation proposals failed to include any significant analysis of the responses in relation to specific sites. The public were asked to specifically nominate the site reference in comments; it would have trivial to classify the responses, and even briefly to set out a simply classified analysis: to note the statistics of responses, their summary view, special issues raised and the resulting changes made to proposals against each of the proposed sites. Since no such analysis results are included there is a clear question (based upon NPPF) of what purpose this public consultation had, except to comply with the requirement to hold a 'consultation'. In contrast to the requirement of the NPPF the clear and

reasonable inference is that no systematic use was made of the mass response from 4500 members of the communities; and that their individual time and the costs of the consultation were completely wasted. The (almost irrelevant in this context) ethnicity and gender data takes more space in the Consultation document than the substantive consultation analysis from 4500 respondents.

This mass response clearly raised concerns in SLDC planning group, who then mount an additional 'consultation' on extra land. In this case they did carry out a more detailed assessment of feedback, but this is a belated and trivial action against the major and obvious 'good practice' requirements set out in the NPPF which have been roundly ignored by SLDC.

There are countless and detailed examples of the lack of care and lack of meaningful inclusion. In fact many of the 'NIMBY' relate strongly to needs set out in the NPPF which carefully sets out 'collective' and 'inclusive' principles for Local Planning (150-157). Many of the (4500) 'objections' note their agreement with housing and growth needs but clearly set out objections in line with the above terms under sustainability arguments as defined in the NPPF: on landscape, flood risk, biodiversity etc.

In the final Land Allocations proposals it was confusing that alphanumeric designations, e.g. E4M, used in previous stages were completely omitted. This clearly made it difficult to align the various stages of the process. This is a further example of the 'institutional' blindness of the SLDC development group to accept the need for accessibility and clarity in involving its stakeholders. Even if these had been omitted for legal reason words such as, "previously part of E4M", etc could have been included.

5. Specific non-compliance

I have made submissions to the 'consultations' on a number of sites in the Kendal area, which I know well (although as a local member of the community under SLDC apparent de facto rules my views are ignored).

In both cases the emerging consensus from the mass feedback is that landscape should be preserved where it has high impact, specifically at the edge of settlements to prevent 'urban sprawl'. I could not find a single instance in the Land Allocations final proposals where changes have apparently been made in response to this key issue which was raised by many responders

The 'landscape' issue (whose preservation and development features strongly throughout the NPPF) is dealt with solely in Table 4 of the Consultations review document in a few lines. Here the recommended "solution" is to take steps to "mitigate the impact". It is difficult to see for example, for the Kendal high impact sites E4M in the West, and R121 in the East, how the landscape impact of major building in these highly prominent sites can possibly be alleviated unless the building is underground.

The draft proposals also simply suggest 'mitigation' as the solution in the proposed R121 area for: serious drainage issues (further major flooding over the nearby roads in the recent weeks); biodiversity terms (use of the plot by the Great Crested Newt colony); road access (Oak Tree Road is significantly narrower than current requirements) for the proposed development of 60 properties. In the Land Allocation feedback ~200 people highlighted a mixture of these concerns about this site for all these valid reasons (all highlighted as major factors in the NPPF). But these concerns have been ignored almost without comment. It is surprising that there has been no detailed site inspection or assessment of these key NPPF factors for this site.

6. Conclusions

SLDC has no systematic process for involving communities and people as directed by the NPPF. Although it has provided 'consultations' these have been based upon a minimal formal compliance with statutory requirements. When there is no serious involvement the reality is that advanced and detailed plans are offered on a 'take it or leave it' basis. These are not 'green papers' of ideas for consultation for which feedback and comment can be comprehensively considered and major local knowledge and wisdom gained. These are in effect 'white papers' developed in great detail and intended for formal legal adoption in which only minor changes are viable, or appropriate.

People and communities (who under the NPPF directions should have been invited to take a positive role in the planning process) who then make negative responses have been dismissed as 'NIMBYs' by some councillors, but more importantly their views have been rejected or ignored without justification in the whole process. Their local knowledge, their positive interest in the community, in its need for development and growth; and in protecting our landscape and heritage for the future generations, has been ignored and brushed aside.

The DPD is not a Local Plan as described by the NPPF; it is a plan devised and owned only by a small number of SLDC officers and planning committee members. It has little or no validity or acceptance by the communities and peoples who are stakeholders in the South Lakeland area. It has been adopted by SLDC not in cooperation with its communities, but in conflict with them. The DPD is superficial and flawed in many of its recommendations relative to the key requirements for sustainability set out in the NPPF. The current status of the DPD is the antithesis of the goals and processes of the NPPF.

Planning is implicitly a 'change management process'. It is widely understood that these critical processes can only be successful when stakeholders (people and communities in this case) are sincerely and effectively engaged at an appropriate level. The SLDC development process has actively excluded involvement at all stages: it has provided zero opportunity for early stage involvement; and then rejected or ignored active, major and mass responses at the advanced later stages, where it has offered a minimal

consultation whose results, along with recommendation from other councils and bodies, it has ignored almost in totality.

In contrast with the open and inclusive process demanded by the NPPF to develop effective sustainable and widely accepted plans, the SLDC process has been a master-class of applying the letter of the planning process rulebook to exclude and ignore the people and communities it has a duty to first consult and then represent.

The NPPF has been available in various draft forms over the past few months and was published in March 2012. It is disappointing that SLDC have continued to press ahead with submission of the DPD which, in NPPF terms is clearly deeply flawed in terms of the underlying process and contents.

SLDC has signally failed to achieve a DPD that its communities support, accept and believe to be sound within the NPPF agreed terms of sustainability. In taking this approach it has also failed to use public resources effectively in compliance with explicit and implicit requirement of the NPPF and its general duty of care in the use of public funds.

To repair this critical failure SLDC should be required to speedily take action to widely consult its communities and other local bodies to develop revised plans that are sound, and are widely accepted and supported by the people and communities of South Lakeland to generate truly sustainable development.

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