

From: [REDACTED] <[REDACTED]>
Sent: 15 July 2022 16:30
To: DevelopmentPlans
Subject: Flintshire LDP - MAC Consultation - Representation

Dear Mr Farrow

Below I provide a response to the consultation on the MACs and iMACs as part of the latest round of the LDP public examination and inspection. It is unlikely that I will be able to attend the hearing sessions, but you will see that at the end of my consultation response I state some specific items which I would hope the council can provide definitive answers to as part of these hearings.

My consultation response is based on the Consultation Matters Arising Changes (MACs) and the Inspectors Matters Airing Changes (iMACs) document and the process around this element of the consultation, and wider public consultation. This includes emails around the consultation which were sent via members of the Flintshire County Council Planning Team (copied at the end of this response).

I have three issues which I believe threaten the soundness of the plan in relation to this:

- 1) Accessibility of information to the public.

Firstly the council has provided confusing communication to members of the public about the consultation on the MACs and iMACs. This has severely weakened the likelihood of members of the public being able to engage in this final consultation process. FCC sent out an email on Monday 13th June 2022 giving details of this consultation. It was a particularly long and confusing email which gave very little context as to the progress with the LDP – particularly when members of the public may not have had any involvement with the LDP for over a year or longer. Planning jargon is not appropriate for engaging with the public as a key stakeholder in this plan.

The email referenced documents being available online, but did not clearly state that the documents would not be available online until the start of the consultation on 17th of

June. In a similar vein the holding text on the website was vague and did not state the simple explanation “Consultation will begin on 17th June, at which point the consultation documents will be made available online”.

Whilst I appreciate the council giving early notification to the public of the consultation, the lack of clarity in their communications, lack of follow up with links to the relevant documentation, and lack of thought about how to engage with the key public stakeholders who are not dealing with planning language or processes every day, has resulted in a flawed consultation. Carrying out a brief survey of local residents who received the same FCC communication, most didn't have a clue about what the council was trying to say, and those that clicked on the link provided couldn't find the information referenced. They therefore gave up. Literally numerous people have asked me “what an earth was that email all about”. I would this flawed engagement to be demonstrated by the limited number of consultation responses you receive.

I am only able to grasp the meaning of the communications from FCC about this consultation because I look yet more time to engage with the council's officers to find out what was actually going on. This point questions the soundness of the consultation process if the council's actions have prevented the majority of consultees from engaging with the material.

2) Needless complexity of documentation, preventing meaningful scrutiny by the public.

Further to the point above, the consultation document itself is extremely poorly set out in terms of providing easy understanding and comment by consultees. I appreciate that the introductory text gave a good overview of some of the main changes to the plan, but the rest of the document is almost entirely unfathomable without spending a significant amount of time cross referencing other LDP documents. Such a document is a useful administrative aid to document every change, but this is inappropriate as the consultation document for members of the public.

In particular I would have been easy and helpful to provide a statement on each and every allocation site and whether any meaningful change had been proposed. IE summarising what hasn't changed as well as what has as. Perhaps also including a statement about the number of public consultation responses received against any site, whether the inspector had reviewed them all, whether they have been covered in the hearing sessions, and whether there were any MACs or iMACs related to them.

Making it easy for members of the public see the status of the sites which they are impacted by or care about. Until I received clarification from the planning department, there was no way of being clear on whether my previous interactions / statements on the LDP had resulted in any change, and I'm still not aware of the Inspectors view on these items, albeit it seems no changes have come of them.

Providing such information / context would have been transparent to the public about progress with the consultation and that due process has been followed. The council should have easy access to all this data, but doesn't seem focused on making it easy for members of the public to scrutinise the plan.

This point echos previous points made about the structure, format and approach to the information provided as part of the main public consultation, when the data was unstructured (random document titles sorted A to Z), hard to follow and generally didn't make it easy for members of the public to understand and comment on. This point intimates that the documents which the council has provided throughout the public consultation have not been fit for purpose for a meaningful consultation, which questions whether this element of the LDP process has been completed appropriately.

3) Validity of the whole public consultation in terms of benefiting the LDP.

I have a grave concern about the approach to public consultation which the council has demonstrated as part of the LDP process. My understanding is that the process should run as follows (using my own words which may not match planning terminology):

- * Council prepares plan based on assessment of candidate sites / data on surrounding data / policy regarding location of sites.
- * Preparation of the plan involving consultation with relevant stakeholders.
- * Public consultation on the plan.
- * Council review the responses from the public and adjusts the plan to take account of responses to optimise the plan.
- * Final plan is put forward for inspection.
- * Inspection of the plan. The inspector/s are only able to demand changes to the plan, where there are elements which are not sound. They are unable to suggest improvements.

- * Council approves final inspected plan.

The above is a robust process with checks and balances to ensure the plan has been scrutinised by the public and an independent inspector – driving an optimum outcome for all.

However during the inspector hearings FCC advised informally that they had made NO changes to the plan following the public consultation. This was then confirmed formally in an email to my associate [REDACTED] (copied below) from Andy Roberts. Point 3 states the council's view was that not one "focused" change was required to the plan following the consultation with the public. Not one. This is despite a huge number of responses by the public (I can't quote the exact number as responses are no longer visible due to the councils GDPR breach), of which the majority of responses focused on two sites in the Hawarden/Ewloe/Mancot area – the Ash Lane site, and the Green Lane site. The council carried out a long and expensive public consultation, including responding to the public to explain why their concerns were not valid (in some cases the councils arguments were demonstrably incorrect), but didn't make a single "focused" change to the plan. They focused their time defending their plan, rather than genuinely looking to improve it. For me, this is a gross abuse of public consultation – demonstrating the council had no intention of engaging with the public to improve the plan, they were only interested in box ticking through the process.

The issue with this, is that the inspectors role is specifically limited to checking the soundness of the plan. Therefore there is no opportunity to improve the plan, only to identify and rectify clear mistakes. In effect the checks and balances designed to ensure the LDP plan is appropriate have failed. The council was able to completely ignore responses to the public consultation, and the inspector is not empowered to suggest improvements. Therefore the council effectively had free reign to propose anything they like, provided they met they followed a process – regardless of whether this was in the best interests of our community.

The points made above in (1) and (2) also support the general feeling that the council is not interested in genuine engagement with members of the public to enable them to receive meaningful feedback from people in the communities impacted by the LDP. It seems they are only interested in box ticking to get the LDP approved.

The final protection for the public in relation to the LDP is that the elected council members voting on whether the plan should be adopted. By the very nature of their

position, councillors need to consider the short and long term needs of their constituents and should be well placed to scrutinise the LDP.

However the 2nd email from Andy Roberts (copied below) states how the Inspectors Report and related changes is binding on the council. This demonstrates that since the draft plan was put forward for public consultation, there has been no other party with the power to suggest improvements to the plan, be it public, councillors or inspectors. All that has been checked is soundness of the plan as defined by planning policy.

I find this situation entirely unacceptable, and is insulting to the time and effort made by members trying to engage with this long and confusing process. I myself engaged with this process from the policy stage onwards and have invested time and money to ensure I can fully contribute to the matters in hand. Likewise several hundreds of other members of the public have taken time out of their busy lives to try and understand the process and express their views to influence the outcome. But what appears to have transpired is that all this time and effort was in vain because the council is not obliged to make any changes to the LDP as a result of these consultation, and do not have the desire to improve the plan.

So given the current stage of the LDP, what do I feel is the way forward, given I'm acutely aware that not having an LDP in place increases the risk of speculative development which will be difficult to control?

My recommendation is that either the FCC planning team makes some commitment to make changes to the plan (which would need to be inspected) taking account of the points raised in all the public consultations. Alternatively I would suggest that the details of the LDP should be subject to meaningful voting by the council, with scope to remove sites which don't meet the expectations of the relevant councillors. Further consideration could then be taken to binding commitments regarding additional committed investment, in the right locations, to enable the right infrastructure to support any additional housing. However I'd welcome any move which means that the planning team is obliged to make improvements to the plan based on the significant input provided by members of the public and/or changes in the data since the draft plan was first completed.

The LDP would then then be our collective plan, in the spirit of public consultation, rather than something FCC planners are imposing on our communities.

Questions on which I would expect the council can provide a formal response as part of the hearing sessions and for the public record:

- 1) How many meaningful / focused changes did the council make to the plan following the public consultation and what (if any) they are. This would be changes to the size or allocation of any of the housing sites.
- 2) How many hours did the council spend preparing for, attending, and then responding to members of the public as part of the public consultation.
- 3) What was the cost to the public purse for carrying out this public consultation.
- 4) In considering the answers to 1 to 3, does the council consider that any value was achieved in carrying out the public consultation, other than enabling them to state that they completed a public consultation in accordance with guidance for carrying out a local development plan.
- 5) Can you council provide details of the guidance provided to council officers reviewing public consultations responses – and in particular how planning department members could use the responses to drive changes in the LDP.

Please acknowledge receipt of this submission. I am more than happy to discuss any of the points at a meeting or otherwise.

Regards

██████████
██████████

Copy of emails providing new evidence to be considered as part of the public consultation:

Dear ██████████

Further to your email to my Chief Officer I have been asked to respond to your queries regarding the Council's recent LDP communication.

In terms of the points that you raise:

1. The Examination of the LDP remains open until the Inspector submits her report to the Council. As the Council's communication explains the consultation on the Matters Arising Changes (MACs) is required by the Inspector so that she can take account of any representations in finalising her report. At the Pre-Hearing Meeting held on Tuesday 23rd February 2021 which I believe you attended, the Inspector outlined all of the stages in her examination of the Flintshire LDP and these are summarised in her note of that meeting, available on the Examination website. Point 13 in that note states:

13. Close of the examination

The examination will remain open until the inspectors' report is submitted to the Council. Further representations or evidence will not be accepted after the hearing sessions have finished. The examination remains open to enable the inspectors to request further information if a deficiency is identified. Any late or unsolicited material is likely to be returned.

2. In terms of the next stages, as the Councils' communication outlines the Inspector requires the MACs to go out for public consultation as a precursor to completing her report into the examination of the LDP. She will then send this to the Council as per her point 13 above and the Examination is then closed. In line with the LDP Regulations the Council then has eight weeks within which to consider the Inspectors' Recommendations and adopt the plan. The Inspectors' Report is also binding on the Council.

3. Your point about changes not being necessary following public consultation on the Deposit Plan is not quite correct. The Council reported to the Examination that no changes were proposed following the Deposit consultation as no significant issues had arisen to warrant the need for what are termed Focused Changes. This was the Council's view which it is entitled to at that stage prior to submission of the Plan for Examination. Once submitted, control of the LDP passed to the Inspectors. The MACs have arisen as a result of the discussion and debate at all of the Examination sessions led by the Inspectors and agreed in principle with the Council, with the

exception of the iMAC change to Warren Hall. Whether the Inspector finds anything material in the responses to the MACs consultation is entirely a matter for her and any change that may result would appear in her report as a further iMAC.

Remember of course that representations at this stage can only be made to a proposed change (iMAC or MAC) and this is not an opportunity to submit further objections on a matter not in the MACs and already dealt with at the Examination.

4. In terms of the availability of consultation documents it is normal practice to make all relevant documents available for the start of a consultation, which is this Friday 17th June 2022. That said the hard copies of the consultation documents are being distributed to the public venues referred to now, and the web pages should be live from close of play today. The purpose of the communication was to give you advanced notice of the start of the consultation.

I hope this provides further clarification for you on the stage reached with the Examination of the LDP and the remaining stages. The Council's communication also provided you with direct contact to the Policy Team who would be happy to deal with any further queries you may have. Either call the helpline on 01352 703213 or email direct to developmentplans@flintshire.gov.uk.

Regards, Andy Roberts

Andy Roberts

Dear [REDACTED]

Following your exchanges of emails with Adrian, in fairness whilst I understand you are seeking as much clarity as possible on the specific objection points you have made to

the Examination, it is difficult for either Adrian or I to second guess what will be in the Inspector's report.

That said I can't fault your logic and the MACs you have seen will be the ones available on Friday. It is the Council's expectation that as the Inspector didn't hold a session to consider alternative housing sites, then the sites within the LDP are likely to be found sound. As I say that is just our presumption and I can't say much more than that at present.

Just in relation to your point about the Council considering the Inspectors' recommendations and a straight vote for or against, remember that the LDP Regulations state that the Inspectors' report will be binding on the Council and should the Report find the plan sound with the MACs and iMACs added and

recommend adoption, that will essentially confirm what the Council's view was when it submitted the plan for Examination. This is because the Regulations are clear that a Council should only submit a plan for Examination that it considers to be sound and capable of being adopted. With a positive report from the Inspector, it would be perverse to not then endorse that view.

Remember also that at the planning application stage we will be considering the detail of how the site will be developed, where with plan adoption the broad scale and principle of development will have been established. Perhaps a better focus for the community at that time would be in ensuring that the best quality of development and integration is achieved.

I hope that helps with your further queries.

Regards Andy

Andy Roberts

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