

Kingston Parish Council

Examination of the South Downs National Park Local Plan

Position Statement on the SDNPA's Duty to Co-operate and Legal Compliance

As Part of the examination of the South Downs National Park's Local Plan, Kingston Parish Council (KPC) is pleased to submit this Position Statement on the SDNPA's Duty to Co-operate and Legal Compliance in their preparation of the Plan. KPC notes that in preparing a Local Plan, Section 110 of the Localism Act sets out a "Duty to Cooperate" which includes the requirement that the Local Planning Authority (LPA), in this case the South Downs National Park Authority (SDNPA), "engage councils and public bodies constructively, actively and on an ongoing basis" to develop strategic policies

KPC submits that the process for consulting with parishes, and in particular with our Parish, during the various phases of the SDNPA Local Plan has been flawed, and that the SDNPA has failed to engage with the Parish Council either adequately or effectively. In particular:

1. The SDNPA failed initially to communicate adequately both the importance of the planning process to parish councils and villagers and how the SDNPA would approach consultation on specific local issues. As a consequence many parishes, including Kingston, failed to recognize the significance of the earlier rounds of consultation meaning that full engagement between parishes and the SDNPA only took place at a far later stage in the process than should have been the case. The result of this approach has been that the concerns of the Parish do not appear to have been fully considered and if they were fully considered they certainly have not been fully discussed with the Parish.
2. The first consultation was the Options Consultation which took place between 28th February and 30th April 2014. KPC understood that the aim was to ask for views on what approach the Local Plan policies should take on various key planning issues. The focus was broad and high level considering Landscape and Natural Resources, Historic Environment, Design, Settlement Strategy, Housing, Economy and Tourism, Community Facilities and Infrastructure, Transport and Accessibility. KPC, as with other Ouse Valley Parish Councils, did not submit specific comments as the considerations were very high level and appeared to be intended to set a general framework for the Plan and did not address specific local issues. The vital importance of the need to engage with this early consultation was never made clear to the Parish. The detailed documentation that arrived very much later in the consultation process was perceived as a 'fait accompli', a document that had been imposed **upon** the Parish, rather than something that had been prepared in consultation **with** the Parish.
3. The next stage of the consultation process was the publication in September 2015 of the Preferred Options Study. The only references to any plans for Kingston in this study were an aspiration that 11 new homes might be built in the village but no potential sites were identified. Also an initial drawing showing some revisions to the Settlement Boundary was presented under which the boundary was moved nearer to some existing houses to limit the scope for additional housing in the back gardens of dwellings. No justification or explanation for this change was included with the Study. There were no specific proposals for a site for travellers/gypsies. Again, given the lack of detail in this document, KPC did not submit any comments on it, naively assuming that a detailed document would follow upon which specific comments could be made.

4. Between 7 October 2016 and 9 January 2017, the SDNPA held a workshop with parishes at which some more specific proposals were presented and this was followed by a confidential consultation with local councils. Proposals were put forward for the location of additional housing, a traveller/gypsy site and refinements to the Settlement Boundary. However KPC submits that this exercise was very ill advised, divisive and ineffective. It effectively prohibited parish councils from sharing the main plan strategies being considered at that time with villagers and created a lot of bad feeling both towards the Council and the Authority. This was clearly undemocratic and should have been an open discussion over things that were likely to have a profound effect upon all of the villagers. Nevertheless KPC submitted detailed comments on the proposals to the SDNPA.
5. A very large body of evidence and reports was prepared on behalf of the Authority to form inputs to the Planning process throughout the planning period. However the existence of these and their significance was not well publicised, and in many instances KPC only became aware of their existence in a very late stage of the 'consultation' process. Too late for them to have received detailed scrutiny and adequate deliberation.
6. Because of our growing concerns about the inadequacy of the consultation process, KPC organised for a representative of the SDNPA Planning Team to give a presentation to a village meeting on 28th April 2017 on the Plan progress and to explain the Authority's thinking at that time on how the plan might affect Kingston. They confirmed their proposal for a single traveller site mentioned in the Confidential Consultation, but announced that a new site for housing was under consideration which might accommodate up to 11 new houses. This was the first time that KPC or villagers were made aware of this possibility. The revised proposals only took note of KPC's comments on the proposed site for new housing but not on either the gypsy/traveller site selection or changes to the Settlement Boundary. They also took no account of another housing site offered by a landowner. The negative reaction to both the form and substance of this announcement clearly showed villagers' concerns about the almost total lack of consultation and transparency on the issues.
7. Given the timing of the announcement of specific proposals for Kingston in April 2017, no proper public consultation took place on any of the key strategies (Housing, Gypsy/Traveller site and the Settlement Boundary) until they were made available for public scrutiny in the Pre-Submission version of the Plan. This was issued at a very late stage for public consultation between 26th September and 21st November 2017. KPC, along with a number of villagers, submitted detailed comments in the prescribed format in the hope that our concerns would be heard and would be discussed with us in detail.
8. Although a number of submissions on the pre-submission Local Plan were made, KPC considers that the procedure for obtaining comments was both very complicated and off-putting. The procedures appear to have been designed to try and simplify the work of the Park Authority at the expense of the effort put in by their consultees.
9. In April 2018, following their consideration of the of comments received on the Pre-Submission Plan, the SDNPA re-issued that version of Plan along with a schedule of Changes. KPC were very disappointed to note that none of our suggestions or comments were addressed in the changes. Following the Inspector's request, the Authority issued a further document in August 2018 (NPA Responses by policy and site - Revised Appendix 4 of the Submission Consultation Statement). This was a detailed (392 page) document which was intended to provide responses to all the comments which had been provided to the Authority during the Pre-Submission

consultation. KPC carefully examined these responses but were very concerned and disappointed to conclude that no meaningful explanations of or proposals to our comments were provided in this document. This undermines the value and approach of the consultations adopted by the SDNPA in their development of the plan and clearly demonstrates the lack of meaningful engagement with local councils.

In summary, KPC submits that:

- the consultations on the Local Plan, particularly in the case of Kingston, have been inadequate, flawed and lacking in transparency,
- the SDNPA has throughout failed to engage with the Parish Council and villagers effectively,
- as a consequence, the SDNPA has taken virtually no account in the development of the Plan of the comments and concerns raised by KPC and villagers during the consultations, and
- the SDNPA's approach to preparing the Plan lacks the soundness required by the Regulations governing the process of consultation which is a key facet of Local Plan preparation..

KPC also suggests that that when future work is carried out to develop the Plan, consideration should be given by the SDNPA to restructuring and refocusing the consultation process to ensure that it is optimised to do its job as effectively and efficiently as possible.