

We Heart Hart Response to Overview and Scrutiny Committee Investigation into the withdrawn Local Plan consultation

1 Introduction

Thank you for inviting contributions to your investigation into the recently withdrawn consultation. I understand the scope is as follows:

Overview and Scrutiny will review:

- a. How decisions were made to approve and authorise the Refined Housing Options Consultation going 'live' in November 2015
- b. How decisions were made to alter consultation documents part way through the consultation process
- c. On what basis and rationale were decisions taken to withdraw the consultation
- d. Identify actions that the Council should take and recommend improvements to the process in regards to future consultation exercises.

I have some insight into parts a, b and d, but I would also like to draw your attention to some additional issues that I think should also be scrutinised, as well as offering a suggestion as to how this particular investigation could be improved.

2 How were decisions made prior to the consultation going live?

2.1 Actions give impression of pre-determination

A sequence of actions from prior to the council meeting on 27 November 2014 has created the impression that a number of councillors have 'pre-determined' the outcome of the Local Plan in favour of a new town in Winchfield.

This includes moving from a non-site specific consultation in the summer of 2014, straight to a preference for a new town a Winchfield; censoring questions at council that challenged this view; ignoring a 2,130 name petition calling for a brownfield option to be included in the consultation; making unexplained changes to the stated brownfield capacity; arbitrarily rejecting brownfield sites whilst retaining green field sites with very significant challenges; mis-stating the capacity of the sites in the New Homes Booklet (NHB) compared to capacity stated in the SHLAA evidence base; choosing a restrictive and mathematically unsound selection and ranking approach and not deciding how the results of the survey were going to be weighted and marked until after the results had been analysed.

The sections below go into more detail on some of these points.

2.2 Ignoring the We Heart Hart petition

The We Heart Hart petition was discussed Cabinet on 1 October 2015. At the time of submission, it had 2,130 signatories (at the time of writing this paper, it had grown to 2,281 despite no active publicity). At that Cabinet meeting I [called for](#) a formal brownfield option to be added to the consultation as a “reasonable suitable alternative” to either a new town or urban extension. A request was also made to [create a vision](#) that would protect Hart’s rural nature. It appears as though both these requests were ignored.

2.3 Brownfield sites

I believe you should examine the decision-making surrounding the miraculous reduction in brownfield capacity between September Cabinet and the consultation papers being released. The assertion made [at cabinet](#) (Paper E 5.2) in September 2015, and in [Hart news](#) (p2), was that 1,800 units on brownfield land could be “readily quantified”. This fell by 75% to 450 units in the consultation papers. Even more strange, is that when you go through the sites that make up those 450 units, in the official evidence base (the SHLAA), the capacity of those sites is listed as 592 units. Analysis [here](#) point 1.

It appears as though the criterion for inclusion in the consultation documents for brownfield sites was that a brownfield site needed to be “deliverable”. However, substantially all of the green field sites put forward for consultation were “not currently developable”, that is to say even further from being able to be built. This applies to most sites in Approach 1 and all sites in Approaches 2 and 3. It is clearly very odd that more onerous criteria were applied to brownfield sites compared green field sites.

There were a significant number of brownfield sites that were rejected in the NHB (or worse SHLAA sites not even included in the NHB in any form, with no real reason given) that the public were not given the opportunity to rank. Examples include sites: SHL21, SHL106, SHL158, SHL39, SHL127, SHL140, SHL80, SHL174, SHL41, SHL42, SHL50, SHL69, SHL102, SHL113, SHL127, SHL245, SHL275, SHL95, SHL216, SHL111, SHL296, SHL119, SHL70, SHL34, SHL84, SHL114

We have also yet to get to the bottom of what has happened to the 750 units that it was said were available on brownfield sites in November 2014. There is an FOI request outstanding on that.

2.4 Site Capacity Anomalies

Perhaps as significant, there is also a long list of sites that appeared in the New Homes Booklet (NHB) where the capacities shown were very different to those in the SHLAA (the official evidence base). I have asked why this is so, twice, and I am yet to receive an explanation. The detail supporting this can be found [here](#) point 4 and Appendix. It appears to be highly irregular to me that consultation documents should contain different capacity data to that in the official evidence base.

These points were drawn to the attention of the council in [my letter](#) to Daryl Phillips and Stephen Parker dated 20 November 2015 (based on an earlier version of the consultation documents than the ones that went live). The committee will note this is about a week before the consultation went live, thus giving plenty of time for corrections to be made.

2.5 Site Selection Methodology and Ranking Approach

The methodology for accepting and rejecting the sites that appeared in the New Homes Booklet also needs to be thoroughly investigated. By way of example, take a look at Odiham. Sites SHL58, 66, 119, 232, 233 and 327 had been put forward as part of the Neighbourhood Plan, but had been listed as rejected in the NHB. Moreover, if one wanted to respond to Q6 of the consultation, one had to rank the accepted sites, implicitly endorsing their development to some extent, even if you wanted to add a comment saying you didn't want to develop the "shortlisted" sites and wished instead to draw attention to the sites in the Neighbourhood Plan or other brownfield sites. A number of people have told me they were afraid of responding to Q6 for their own parish out of fear their answers would be construed as supporting the development of sites they disagreed with. This, again appears to be highly irregular, especially as it could be construed as the council seeking to override the wishes of the local Parish.

Nobody has been able to explain the rationale that was used to shortlist and reject sites in the NHB. A cursory glance at some rejected sites doesn't appear to reveal constraints that are more significant than many of the sites that were shortlisted. Please take a look at Crondall's consultation submission that shows very significant issues with sites SHL73 and 74 (shortlisted) and puts forward alternatives that were rejected (e.g. SHL159).

The way the ranking was put together made it effectively impossible to make a comparison across parishes with some parishes having a large number of sites to rank (e.g. Eversley) and other sites having none or only one (e.g. Bramshill or Heckfield). It is not clear to me how say 10 votes at rank 6 for site SHL23 at Eversley can be compared to 5 votes at rank 1 for SHL92 in Heckfield.

Moreover, even though site SHL106 at Bramshill was a rejected site, you could only express a preference for it to be developed in some way by entering a comment.

It gets even more complicated with parishes like Blackwater and Hawley with a mix of shortlisted and reject sites, as I drew to the attention of Daryl Phillips in an email dated 30 November:

I am working through the consultation form on the website, and must admit to being more than a little confused.

If I get to page 2, and consider for sake of argument, the Blackwater Parish.

There are two sites there to rank: Sun Park (SHL100) and Brook House (SHL153). There is also a rejected site, Linkwater Cottages (SHL21) in the booklet, but with no opportunity to express a view. The main reason for rejecting SHL21 is that it is remote from other settlements, yet the proposal is a redevelopment of existing houses.

How would I, for sake of argument, express support for developing SHL100, oppose SHL153 and support SHL21 being looked at again?

Simply ranking SHL100 as 1, and SHL153 as 2 doesn't do it, as the act of ranking SHL153 expresses support, and you can't simply rank SHL100 on its own. There is no process to ask for SHL21 to be re-looked at in an automated manner. To complicate matters further, some parishes have sites in the SHLAA that are not in the booklet at all (e.g. Fleet).

Of course you can put these things in the comments, but then the back office time required to make sense of it all will be very onerous

I also put forward an alternate methodology for ranking which called for each SHLAA site to be listed and ask for everyone to rank the sites on an absolute scale (rather than a relative scale). For example, the scale could be Strongly Support Development, Support, Oppose, Strongly Oppose and Don't know.

This would allow valid comparison across all sites in all parishes.

Before the new consultation is released, you should examine these issues and form an opinion.

2.6 Weighting Scheme

One of the strangest events was the decision to announce that answers to the consultation would be weighted in some way, but the way in which they would be weighted would not be decided until after the consultation had closed.

This obviously creates the impression that the council might gerrymander the results of the consultation if the raw scores did not give desired outcome. Whether true or not, the council should do all it can to avoid such an impression being created.

2.7 Sign-off process

I note that the consultation papers went to LPSG on 10 November with many details being changed in preparation for a cabinet meeting on 18 November, where according to the minutes, further significant changes were requested in a number of areas. Nevertheless, it was resolved that “the Planning Policy Manager, in consultation with the Portfolio Holder for Planning, be authorised to make any minor changes and updates to the respective consultation documents deemed necessary **prior to consultation**”.

It does appear as though there was no formal sign-off of the final documents by members prior to publication. It looks to me that there was a headlong rush to get a consultation out and a political decision was taken to minimise the apparent brownfield capacity in the district with members paying attention only to presentational matters and nobody paying sufficient attention to the detail of the sites, the numbers or how the process would work once the consultation had ended.

3 Changes to documents after the consultation went live

I am aware of a number of changes that were made to the documents after the consultation went live.

First, shortly after the consultation went live I wrote to Daryl Phillips on 27 November pointing out that there were no comments boxes on Questions 4 and 5 on the on-line form, despite Q6 referring to said boxes. This was changed shortly afterwards. You should request a record of all other changes made to the on-line response form during the entire process.

Then, on 10 January I was alerted to changes that had been made to the downloadable response form that now made Q4 & Q5 not mandatory. I sent these to the council and published the error on the wehearthat.co.uk website on 11 January.

This then led to two further errors being reported to me, namely that Q4 did not have a comments box on the printed form and that Crookham Village, Dogmersfield and Eversley had been added to the Q4 text. In addition, the text of Q6 had been changed to not mention that comments could be made on rejected sites.

It should be noted that these changes were made to V4 of the document that was then re-released as V5 of the download document. It is not at all clear what versions 1, 2 and 3 of the document said, nor when they were 'live'. You should request a record of all changes to the download form and seek a log of who instigated, made and authorised each and every change.

Later, the council then released V6 of the download document stating that the new version reflected "*the main consultation document itself (Refined Options for Delivering New Homes) which is correct*". However, this was an untrue statement as both the main consultation document and the summary booklet delivered to all homes distributed (both called Refined Options for Delivering New Homes) had the earlier (similar to the V4 document) wording.

All these changes are documented on the wehearthatco.uk website [here](#) and [here](#).

Three days later, the consultation was abandoned. With delicious irony, the original release on the website got the date of the abandonment wrong, stating 14 February, not 14 January as is documented [here](#).

It is clear to me that the quality control process used to create the documents in the first place was poor and the change control process undertaken once the consultation had gone live was very poor. It is beyond belief that anyone should think it would be a good idea to change the exam question part way through the exam.

It appears to the outsider that a concerted attempt was being made to frighten Crookham, Dogmersfield and Eversley residents into voting in favour of a new town; perhaps because early analysis of the results to date demonstrated that the voters were coming up with the 'wrong answer'.

It is inconceivable to me that a single officer acted on his or her own initiative to change the documents some time before 10 January. You need to get to the bottom of who instigated the changes, who made them and who authorised and signed off the changes and their reasoning.

4 Changes to process

There are a number of areas in which significant improvements should be made.

4.1 Document Configuration Management

It is clear that managing such a large consultation with so many different documents is a challenge. But it is also clear that such a task is carried out every day across the world in a wide range of organisations. It is obvious that there should be more care taken in configuration management to get the documents right in the first place.

4.2 Change Control

There should also be a formal change control log on each and every document setting out a summary of the change, who made it, who signed it off and the date of the change.

Each document should have the version number and date of publication in its filename and in a header or footer in the document.

In addition, once the consultation is underway, it is obvious that the documents and online forms should not change at all during the consultation. The only possible exception could be for very minor changes, but if the changes are minor, it is difficult to see how they can be justified at all – by definition a minor change simply doesn't matter.

4.3 Document Sign-Off

Given the sensitive nature of many of these documents and how easy it is to create the impression of bias or wrongdoing; you should consider making a recommendation that such significant consultations are reviewed by a competent external body. The scope of review should include the content of the documents, the question scheme and the way in which answers are to be analysed.

4.4 Governance

It is clear that the errors made before and during the consultation are simply an obvious manifestation of a broader governance issue.

The body responsible for the Local Plan is the Local Plan Steering Group (LPSG) and it failed at the last inspection and has failed to meet every deadline it has set for itself since. We now face the real risk of missing the deadline for submitting the Local Plan, meaning the government may step in. Even worse, Hart faces losing the New Homes Bonus which is a substantial proportion of council funding.

LPSG is made up of only 5 individual members covering 7 different roles, including the leaders of each political party. Four of the five members represent urban wards and two of them are members of a political party that is implacably opposed to any development in Fleet or Church

Crookham. Since meetings of LPSG are not public it is not possible to see how the appropriate balance is struck between members with an agenda and the professional views of the officers.

It is easy to see how the impression can be created that the LPSG is biased. Even worse, it is now clear that it is not competent.

You should come up with some recommendations to replace the members of the LPSG with group that is more representative of rural residents and you should insist on a terms of reference that make it clear the role of members and the role of officers. You might also take a look at whether the joint-CEO arrangement, with the absence of a single CEO, means that there is no officer with sufficient clout to stand up to members who are intent on pursuing an unwise path.

5 Other Observations

I would like to make a number of other observations and recommendations about this process, that I think you should take a look at.

5.1 Look at the Big Picture

Even though the withdrawal of this consultation is a serious matter, you should not overlook the catalogue of failure that has bedevilled this Local Plan project. First, you should note that the last attempt at a Local Plan failed. Since then, in [October 2013](#), the council said that it would submit a new version of the Local Plan to the Inspector in Autumn 2014. Since then, each subsequent year has seen the schedule slip by a further year, with the current LDS indicating a Local Plan ready for [submission in Winter 2016](#), and overall slippage of over two years in just over two years. This highlights very significant weaknesses in project management and governance, with apparently no accountability. You should look at how much this has cost to date and ask serious questions why this whole process has taken so long to produce nothing of substance. You should also make recommendations on changes in staffing of the project, request a proper project manager be hired and challenge the weak and ineffective governance.

The implications of this slippage could be very severe for Hart residents. The council is so far behind schedule that we are running the risk of Central Government stepping in and doing the Local Plan for us. Moreover, the Government is currently consulting on plans to remove the New Homes Bonus from councils that do not have a Local Plan, so this further failure may result in a hit to services or increases in council tax.

You should also challenge the ridiculous notion that the consultation be re-run when the new SHMA is due to be released during what would be the consultation period. The new SHMA is likely to make fundamental changes to the evidence base and reduce our overall housing requirement, which would thus render any consultation conducted on earlier evidence totally irrelevant and lead to a further waste of taxpayers' money.

5.2 Missing evidence

Back in May 2015, the council ran a consultation on open spaces in the district, referred to here:

<https://www.surveymonkey.com/r/?sm=4g0St...>

and here:

<http://www.crandall-pc.gov.uk/file/2015/...>

The results of this have never been published, even 8 months on. One might imagine that resident attitudes to open spaces might have more than a little relevance to the Local Plan and the consultation, so the results of this should be published before the new consultation gets underway.

5.3 Consultee Eligibility

The Council has made a virtue out of making the consultation open to everyone. This appears to mean there are no restrictions on age or location, making the consultation open to babes in arms from Aberdeen or Timbuktu.

This is clearly ridiculous. The consultation should only be open to people who live or work in Hart and are either of voting age or above the age of consent.

You should form an opinion on this, and make representations on your ideas on eligibility criteria.

5.4 Verification of Identity

The identity of those completing the consultation is not being checked because only name and postcode are the required identity fields. Clearly this means that the consultation could be skewed by people going through the electoral register (and from 5.3 above, it appears as though someone could go through the electoral register of some places other than Hart) and simply enter names and postcodes.

There does not appear to be any, let alone adequate, security measures in place to prevent abuse. You should look into this, and make recommendations on how security can be improved.

I might suggest some sort of reporting on the number of submissions made by the same IP address as a very basic check.

5.5 Independence of Overview and Scrutiny Committee

It is clear that some members of O&S attended the LPSG on 10 November to discuss the consultation document. It is thus clear that some members of O&S will to some extent be

“marking their own homework”. Moreover, many members of O&S are relatively junior members of each party and they may therefore be reluctant to be seen to be criticising their more senior colleagues.

This clearly creates the impression that the deliberations of O&S may not be entirely independent, so you should consider bringing in an outside body to conduct this investigation.