

Elizabeth Strang : Respondent Number 1273442

Of Whitegate Farm, Reynolds Lane, TN4 9XJ. PSLP Representation No : 813 and also member of Speldhurst Road Community Action Group. (SRCAG)

Submission to Stage 1 Hearing . TWBC Local Plan Examination.

I refer to Matters, Issue and Questions for Stage 1. Issue 4 Q1 and Q2.

My argument is that contrary to the stipulation in Q1 and Q2 referred to above, TWBC did **not** carry out the public Consultation in accordance with their *Statement of Community Involvement* (Q1). Nor were adequate opportunities made available for participants to access and make comments on the Local Plan and other relevant documents, in different locations and in different formats – i.e electronically and in person (Q2)

The *Statement of Community Involvement* referred to above tells us :
“Consultation is carried out for a variety of reasons: To provide people with information about proposals; to ask people to comment on proposals; or to ask people to contribute to the decision-making process.

It goes on to say that the Council will : - ***..Raise awareness of consultations in the most effective way, to make it easy as possible to take part and ensure that we provide enough information for people to give their views***

They will also ***..Consult at a time when proposal are still at a formative stage so views can be listened to and considered before making decisions.***

TWBC completely failed to keep to these promises on two occasions.

1. When they inserted *Site AL/RTW5 Land to the South of Speldhurst Road and West of Reynolds lane at Caenwood Farm Speldhurst Road* in their Draft Plan Regulation 19 at the last minute without telling the public.
2. When they failed to take into account, and ignored, the fact that many of the Councillors had not had access to all relevant plans and maps before the meeting of 3rd February 2021. Despite being told on many occasions by many people throughout the meeting that this was the case they carried on. They were asked to delay the decision, not to rush it through, to pause to allow time for all to have access to all documents and time to read them. They did not do so. They thus rendered the final decision invalid and undemocratic

Point 1. Failure to inform the general public of the insertion of Site AL/RTW5 in the Draft Local Plan Regulation 19.

TWBC made no effort to make this unexpected and controversial insertion, which was contrary to previous decisions, known to the public. It was made known to the Planning and Transport Cabinet Advisory Board for their meeting on the 11th January 2021 but not to be made known to all Councillors and certainly not to the general public.

This lack of transparency was doubly dishonest as only 12 months earlier in their Draft Local Plan (regulation 18)(November 2019) this site was not allocated for residential development (as indeed had been the case in both 2016 and 2017) . It was found to play a major part in preventing the sprawl of large built-up areas and also have “ *sensitive , heritage and landscape features*”, and if developed “ *the location would cause noise and air objectives to score very negatively*”. Thus, because in November 2019 this site was deemed unsuitable for development and listed in the non-allocated sites. (Sites 30 and 100) there was no reason for anyone to believe that this decision would be reversed in 12 months.

Although the site was not allocated for residential development, some residents were concerned that in that Draft Local Plan (reg 18) council had split it into two parcels. Some queried this and made their concerns known to the council, asking for an explanation. The council knew therefore that there were local residents interested in this site knew their contact details. So not only did the council fail to inform the general public of this very sudden change of plan, they were doubly remiss in their duty as they did not even contact those they knew as interested parties (eg Mr. Peter Avgherinos of White Gate Farm Reynolds Lane). This is totally contrary to their “*Statement of Community Involvement*”

This unseemly haste and lack of transparency could well be called furtive and dishonest and is certainly not democratic.

To support my argument, I attach a transcript of extracts of the Full council Meeting held on February 3rd 2021 when this plan was passed. I do not expect you to read it but it is there for your verification. (I have also sent the link to the recording of the full meeting)

On page 15 Cllr Morton says ... *Most of us are disappointed that something as wrong as releasing greenbelt land for development, that was not in the draft Local Plan, can then be inserted in the pre-submissions Local Plan stage .. doesn't seem fair or democratic to me.*

...It is ironic that the Caenwood Farm site that is now chosen was previously refused at the Regulation 18 consultation stage because the land had previously been designated as strong greenbelt land and judged too sensitive to release

.. How does the same parcel of land, originally judged to be too sensitive to be released go to one that would result in negligible harm? ... We need to see how that assessment was made and I would like the matter to be looked at again.

On Page 17 Cllr. Lidsdale says: ... *a couple of speakers have already talked about releasing greenbelt and particularly the land at Caenwood which is in my ward and as Cllr Morton said was NOT put out to public consultation at Regulation 18. Now developers have obviously fed back to the Council and had the say, but local residents didn't on the premise that nothing was planned at the site. I don't believe that that is fair."*

When challenged about the lack of openness on this late insertion, TWBC said that all documents had been released in time for everyone to look at them and comment on them. This is absolutely not true. Having learnt (from our councillor) of the 3rd Feb. decision to include the Caenwood site in the Plan, I wrote to Steve Baughen Head of planning (11th Feb) asking why residents had not had access to this information earlier on. He replied (16th Feb) that all relevant papers *would* be released (future) at the *end February/ March* and the public would then be able to make submissions to the Secretary of State. He had no apology for this lack of transparency and delay

We know that members of the Planning and Transport Cabinet Advisory Board had access to the Draft Plan REG 19 for the 11th January but this was **not** the whole Council and certainly not the general public. Indeed, councillors were told that this information was not to be made public It would seem then that TWBC were doing all in their power keep the insertion of this controversial site known only to a few.

The fact is that this very vital information and covering explanatory documents was NOT on the website (the only place the general public can) until well after 3rd February with the result those involved and concerned with the Caenwood

Farm site, did not have this information in time and were thus denied their democratic right to challenge the decision ***early enough to alter it.***

TWBC also claimed this change of status of the Caenwood site could be found from reading Green Belt Study 3. (November 2019). But as above, this was not made public or put on the website until after 3rd February.

Once more, not making the existence of this Green Belt Study 3 known to the public earlier was contrary to their *Statement of Community Involvement*. Green Belt Study 3 contains vital and relevant changes to the decisions made in Green Belt study 1 and Green Belt Study 2. In both the latter 2 studies, the Caenwood site is deemed too sensitive to be developed because ...” *as regards settlement and countryside*” it plays a vital role *“in preventing the sprawl of a large built up area”* and in *“the separation of Tunbridge wells and Southborough”*

Again, this delayed publication meant that we were not given the opportunity ***...at a time when proposals are still at a formative stage so views can be listened to and considered before make decision ..*** (Community Involvement Statement) to challenge the decision and ask “what has changed”? . How was the decision to overrule the earlier judgements reached? Surely the separation of urban sprawl becomes more vital every day.

It should be remembered that these decisions were been taken in the time of the Covid pandemic and that all meetings were on Zoom. Thus, the TWBC Planning Website was the only way the public could learn of planning developments and decisions, be informed of dates etc, and have access to relevant documents

We have been told by TWBC that we could have attended earlier meetings to contest this decision and put in complaints sooner, but it is invidious of them to say so.

We were confident (Draft Local Plan (Nov 2019) that the site we wished to protect was deemed unsuitable for development. How could we complain about a decision we did not know had been taken? Why would we apply to attend a meeting we did not know was going to take place and of whose content we were totally ignorant? We were kept in the dark knowingly and intentionally by TWBC.

Point 2: Failure to ensure all members of the full council were in possession of all relevant documents at the time of the meeting on February 3rd 2021, so that they were in a position to make an informed judgment and vote accordingly.

Again I refer you to the transcript the meeting of the 3rd February and would urge you to listen to/watch the recording of the meeting.

The reason for asking you do this is to see how many members of the Council requested that the meeting be delayed because of not being able to access all relevant papers. These were papers and information on which they were being asked to vote for or against on that day, the 3rd February.

Cllr. Hayward (pg 20) raised this point on behalf of those members who had not received all the documents. I gather from my councillors (but this you can no doubt verify) that access to the documents was done electronically through a special password, supplied by the IT department, which had a time limit. It was obviously not straightforward given the numbers of members who did not manage to download all documents. Whatever the reason, surely the Head of Planning and Cllr McDermott should have ensured that all members of the Full Council who had to vote on the 3rd February were in possession of all the relevant and necessary documents. They could have enquired and doublechecked in advance to make sure everyone not only had access to the documents but time to read and digest them. It was their duty to do so.

You will note that Cllr Hayward tried to make his early on in the meeting (pg. 3) but because of 'points of order' and legalities, was not able to do so until page 20, well into the meeting. The whole tenor of this meeting up to this point and beyond seems to be totally undemocratic.

Eventually Cllr Hayward is allowed to speak. I quote: -

...As at around 4 p.m. today at least 12 members of this Council had not accessed the server which means that many members expected to vote have not accessed those documents let alone read and understood them.

...Members aren't in a position to make an informed decision with so many missing documentsThe Local plan is very important for the future of our borough, our wards our communities. We must be seen to be making fully informed decisions. ...

...I am concerned about the sudden need to rush this.

Cllr Hall also states (page 24.)

...We are being asked currently to vote for a plan of whose documents we haven't yet managed to read because the documents and not yet been published and uploaded to the website

...I cannot endorse something until I have fully grappled with it and I haven't been able to do that because not all the documents have been made available.

...The process currently is flawed and probably premature.

Head of Planning, Stephen Baughen replies to the above points that the documents had been available to all since the 18th December 2020 (Were the council told this on the 18th December in Christmas week? When were they made aware of the existence of the documents?) but fails to address the fact that if that were the case, why were so many councillors adamant that they had **not** received them.

Cllr Baughen goes on to say that the documents had been seen and thoroughly discussed by the Planning Policy Group at the 11 January meeting, as if this were sufficient. Cllr Hayward quite reasonably asks: -

... "what about the Councillors including Cabinet members that did not attend Planning Policy Working Group." This would appear to be discriminatory.

In all there were at least 8 councillors who asked for a delay / pause to rectify the situation but were all totally ignored. Other councillors questioned the need for haste, stating it would be better to delay the decision-making process to ensure that all members were in a position to vote. If you listen to the recording you will hear one councillor being muted whilst she was trying to explain that No! she had not had access to the documents.

Obviously, all those who had not had access to the documents were unaware, amongst other things, of the inclusion of the Caenwood Farm Site, and thus unable to comment on it or vote against it.

In his introduction to the meeting, (pg1) Cllr McDermott says:

.... I have sought to ensure that all members from across the Council have had the opportunity to have their say and be involved in the process of producing the Local Plan ..

And again *...We have ensured that there has been significant engagement with the public*

The word “ensure” is totally misplaced in both these statement for that is exactly what they did not do.

I claim that the meeting of the 3rd February was invalid and undemocratic as the Council did not follow correct procedure when they did not ensure that all their members were suitably and adequately, in a timely manner, informed as to the matters they were voting on. Also, in withholding and delaying access to such information, they also prevented the public, their constituents, from exercising their democratic right to comment on and challenge their decisions.

TWBC did not therefore carry out their duties in accordance with their Statement of Community Involvement.