

HERITAGE

Hordle and Everton Residents In Tandem Against Gravel Extraction

Reply to: 4 Yeatton House, Hordle Lane, Hordle
Lymington, Hampshire, SO41 0HW.

Mr. Andrew Smith,
Chief Executive,
Hampshire County Council,
The Castle, Winchester,
Hampshire, SO23 8UJ

21 January 2008

Dear Mr. Smith,

Complaint relating to Regulation 26 Consultation Development Plan Document, October 2007

In our letter of 10 December to you, by which we copied our submission to HCC on the above consultation document, we informed you that we had serious concerns on two issues:

1. The content and presentation of the Consultation Document: and
2. The manner in which the Consultation was undertaken

This letter is to submit to you a formal complaint, which covers both these issues. This complaint relates predominantly to the site of Downton (pPA13), although many of our comments may have a more general application to the Consultation Document as it relates to the Forest area.

We are aware that HCC is required to prepare and implement a Minerals Plan and that all parts of the UK are required to contribute to meet local and national mineral needs. This complaint is *not* about that need, which we accept.

We would also draw your attention to our submission of 10 December, which contains greater detail of not only our disagreement with the Document as it relates to pPA 13 but also to our concerns about inaccurate information leading to inaccurate conclusions. A copy of our submission of 10 December is attached for ease of reference.

The content and presentation of the Consultation Document:

1. The document is both technically inaccurate and presented in a way which is misleading.
2. The Downton site which covers two Parishes comprises three farms, an area of 130 hectares (326 acres) with a proposed extraction of 3.9 million tonnes of sand and gravel is listed as a single site. However, the Consultation Document does not include it as a large site, as per guidelines, thus requiring additional investigation, but notes it to be considered as three sites. Why was this done? Either this is a serious error in the document or it is a deliberate attempt to nominate three sites as single site for planning purposes but not for investigation purposes.
3. The Plan shows Downton coming on stream as from 2008 with an annual tonnage of 200,000 tonnes (Annex 5, Table 2). This is obviously not possible unless there is a *fait accompli* of which we are unaware. In the table this appears to be very helpful to meet annual requirements but it is an inaccurate reflection of the real situation. In addition this serious error forces the conclusion that the Downton site is vital to achieving the Forest quota. However, if the site is tabled from a logical starting date of 2011 the situation is very different.
4. There are a number of other rather glaring errors and distortions in the document, including:
 - The Plumley Wood site is listed as 400,000 tonnes per annum, whereas according to TARMAC they propose extraction of 500,000 tonnes.
 - Other sites have been under-estimated in yield resulting in the conclusion that more sites are required than is actually the case. For example, Roeshot figures are based on a yield of 3 million tonnes, whereas information in the public domain indicates that the actual yield is in excess of 7 million tonnes.
 - The inaccurate information predicts a need for additional sites whereas accurate information contradicts this.
5. We have serious concerns that the judgements in the Sustainability Appraisal Report (SAR) and the basis for excluding sites shown in the eliminated locations list are not justified. The SAR would appear to be a superficial and narrow appraisal which distorts the weight given to some potential sites in relation to the sustainability objectives of the Plan. In addition when considering sustainability no consideration appears to have been given to the environmental impact of gravel extraction so close to the already seriously eroding coastline between Milford-on-Sea and Barton when considering sustainability.

These issues are covered in detail in our submission of 10 December.

We are also concerned that the Council spent a great deal of council tax payers' money in 2007 in defending the appeal by New Milton Sand and Ballast against the HCC decision to refuse planning permission for a part of the newly designated Downton site (Downton Manor Farm). Within weeks of

the publication of the Inspector's report upholding the HCC decision HCC the Council introduced this Consultation Document nominating an enlarged Downton as a new preferred site due to start gravel extraction from January 2008.

We are aware that Ashley Manor Farm (pPA14) and Downton (pPA13) are the only two sites in the Forest area owned or contracted by New Milton Sand and Ballast (NMSB). We have also some knowledge of the proposals of NMSB through various requests made to HCC under the Freedom of Information Act. The presentation of the Development Plan as it relates to the Forest area, with its factual errors, ignorance of guidelines and unclear methodology, has given rise to serious concerns locally of bias in favour of the requests of the minerals industry. We would here quote our local Member of Parliament, Desmond Swayne, MP, who has spent considerable time talking to local people and ascertaining their views: *"The impression that there is, even in the consultation document, a desire to smooth their way only serves to reinforce the now widely circulating opinion that New Milton Sand and Ballast and the County Council have stitched it up."*

We believe it is in the interests of both HCC and local residents that an independent investigation is undertaken into whether the Consultation Document is an appropriate basis on which to base policy decisions; whether it permitted a fair public consultation; and, whether the inaccuracies and flawed presentation were a deliberate act or incompetence. Additionally, any investigation should consider whether the inaccuracies in the document are sufficiently serious to negate the consultation that took place.

The manner in which the Consultation was undertaken:

The basis for this Consultation is a legal requirement under the Planning and Compulsory Purchase Act, 2004 and the agreement made through the Hampshire Statement of Community Involvement, November 2005.

The following are definitions from that Statement:

Engagement: Entering into a deliberative process of dialogue with others, ***actively seeking and listening to their views and exchanging ideas, information and opinions*** (emphasis added)

Public Consultation: A process through which the public is informed about proposals by a planning authority or developer and invited to submit comments on them.

1. A six week consultation period is extremely short for consultation on a Plan which could have far-ranging, and direct, consequences on the lives of many residents in the Forest area. This is particularly so when the document is 203 pages long, is highly technical and relies on information provided for public consultation being accurate. The public have a right to receive from HCC accurate and reliable information presented and elaborated in a clear way.

This is not the case with this document and can only serve to create tensions and undermine trust between the Council and the residents the Council seeks to serve.

2. We requested a meeting between Council officials and Hordle /Everton residents to discuss the proposals as the outcome could seriously affect their quality of life. This was refused on the basis that HCC *“takes the view that public meetings on planning issues are counter-productive.”* On querying this we were informed *“We are prepared to listen to local people, but public meetings do not in our opinion allow us to do this”*. HERITAGE issued another invitation to HCC: *“Whilst HCC was not willing to call a public meeting HERITAGE felt it necessary to be able to discuss with local parishioners the very complicated, and somewhat confusing, issues raised in the consultation document prior to any workshops or other meetings with HCC. This meeting will be held in Hordle at 19.30pm on 23 November. I am enclosing herewith a leaflet distributed in the Parish on the meeting. The purpose of this email is to invite you to attend this meeting should you and/or your colleagues wish, although we appreciate that you will not wish to participate. Please rest assured that we will not call on you to answer questions or do anything to identify your presence. However you may wish to judge local feelings by listening to what we have to say and what parishioners feel about the potential of a 326 acre gravel site in the middle of our villages”*. We received no response. We do not accept that either refusal or lack of reaction to genuine requests is in keeping with the spirit of community consultation.
3. The information regarding the public consultation was sent to very few people by mail and until HERITAGE undertook a house to house hand delivery of information virtually no-one in Hordle or Everton was aware of the consultation document. A large turnout at our meeting, the raising of sufficient funds to cover the costs of an expert opinion and various newspaper adverts on the subject, as well as serious expressions of outrage highlighted the anger at what was seen as both a lack of information on the process and inaccurate information in the document. It indicated very little understanding by officials in Hampshire County Council of the make-up of the population of Hordle Parish. The population of Hordle Parish comprises 28.7 percent people over the age of 65 and of these 67 percent require assistance. Hordle has no public library and has extremely limited public transport and large numbers of the population have no internet access.
4. Whilst we understand that in order to reach large numbers of people we need to rely heavily on the internet to share information recognition must be given that ‘hard to reach’ groups (phrase used in the Statement of Community Involvement) need a different and more thoughtful approach if HCC is to satisfy its commitment to community involvement. This was certainly not done in this instance.

5. We acknowledge that the HCC web site in general attempts, and mainly succeeds, to provide a great deal of information to the public. However, where environmental planning is concerned, and in particular this Consultation Document finding and navigating through the site is exceptionally difficult. Even those of us who are computer literate have some serious difficulties with it. So, even though all the information is available on the internet it means that even people with access to the internet are unable to benefit fully from the information and consultation as presented.
6. HCC requested responses either by email or via the postal system through a questionnaire. This questionnaire was 18 pages long, asked leading questions and was definitely not user friendly, nor did it permit detailed answers. HERITAGE itself was sufficiently intimidated by it to respond in the form of a statement referring to the relevant parts of the questionnaire. We did not recommend that Hordle parishioners used the questionnaire but advised them to respond to the relevant questions quoting the question number.
7. Apart from the complication of the form we are appalled at some of the questions. (pPA14) Ashley Manor Farm lies in the next village to us yet HCC chose to pit community against community by asking us to nominate which site we preferred. Firstly, this assumes a degree of advance decision-making by HCC in that it has already decided that NMSB will get at least one site. This is supported by much of the misleading information contained in the consultation document leading to a conclusion that one of these sites is required. Secondly, it is crass in the extreme for a Council knowingly to attempt to destroy local community relations.
8. The failure of the consultation process is further highlighted by the need to extend the deadline for one community (Warsash), where no letters were sent out and where the community were completely unaware of the consultation document. It is interesting to note that on this occasion HCC officials did not take the view "*that public meetings on planning issues are counter-productive.*" and attended the meeting. This raises the question of how well the commitment to publicise the consultation went if a whole community was unaware and the explanation was that a small number of letters had not gone out. In Hordle before HERITAGE started its own information campaign only the small number of people living immediately next to the proposed site were aware of the Consultation. The fact that a reported 1000 persons attended the Warsash meeting underlines the importance of these issues in local communities and the need for HCC to review how it manages community involvement if it is to be anything other than lip service.

We trust that the information above highlights sufficient flaws in the Consultation process to merit a review of what happened in this instance and to ensure that lessons identified are then learned. In the event that your investigation finds that the flaws in the Consultation Document are such that they negate the Consultation process we assume that you will consider, and share with us, what alternative action you are able to take

both to amend the document to reflect more accurately the situation and to ensure democratic and effective public consultation.

It has been painful to write this complaint as we are aware that this is a complicated issue and that human error often plays a part when things go wrong. We are aware also that HCC has a deserved reputation for efficiency and rates highly in audit reports. However, in this instance, where an inaccurate document has been compounded by what, at best, has been inadequate consultation, there is perhaps a need to rebuild trust with some of the communities affected by this document and consultation. This can only be done through a full investigation of complaints regarding the content and presentation of the document and a thorough review of the consultation process to identify how it can be improved on.

We are available for discussion on any aspect of this complaint if this is useful to you.

Yours sincerely,

Angela Meads,
Chairman, HERITAGE

Maureen Connelly,
Secretary, HERITAGE