

**LPR Consultation Policy and
Delivery**

Solihull MBC
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COUNCILLOR MAX McLOUGHLIN



14th December 2020

Concerning: Local Plan Review – Consultation response and objections

Dear Local Plan Review Team,

I am writing to you to submit my response to the Local Plan Review Submission Draft Consultation. My responses, in the required format, are included in a separate document. The size of the file may make it difficult for you to receive, but if you wish to call me, I will happily make alternative arrangements. Unfortunately, due to the size of the file, and the functionality of the Council's email system, I will have to send it to you from my personal email address, though I will happily follow up from my Council email address to verify if required.

Before addressing my response, I would like to thank all officers who have been involved with this process. This is an incredibly difficult process at the best of times, and 2020 has not been the best of times. It has clearly placed considerable pressure producing this document in a timely manner. Any fault I find with the plan is not fault I am finding with officers or how they have conducted themselves.

Whilst the contents of the plan are the remit of the consultation, there are factors outside the main document that need to be raised here and also brought to the attention of the inspector/examiner. The process that has been followed has been highly problematic and not been conducive to eliciting responses from interested parties. I would like to raise them here.

1. The legal minimum period of 6 weeks consultation - whilst under ordinary circumstances there are grounds for conducting a consultation for the minimum duration, this has not been ordinary circumstances. Several other Local Authorities conducting their own Local Plan consultations have made the prudent decision to extend. These include (to right):
2. COVID19 – the Coronavirus has caused several disruptions to the process of ordinary life, but particularly to engagement in consultations. The primary means of communication on planning matters is the local press. This is so much so that many planning matters must legally be disclosed in the local newspapers for due process to be followed. This has been hampered by circulation of the two main papers: The Solihull Observer, and the Solihull News, being reduced to their lowest in my living memory. Home deliveries of the newspapers aren't happening, and so the only places many people can find them is in the supermarkets. Many of the most vulnerable residents are still not venturing to the shops, so they will be oblivious to this. The limited communication that I have been

Local Authority	Consultation Length (weeks)
Dacorum	10.3
West Suffolk	10
Copeland	10
Rutland	10
Wakefield	9
Shropshire	8.3
Dorset	8
Mole Valley	8

able to facilitate as a Councillor has confirmed this. Furthermore, the dominance of COVID19 (and now Brexit) has fatigued people, meaning that simply mentioning the LPR is insufficient to cut through the noise.

3. Late uploading of documents – many of the supporting documents were uploaded either immediately prior to the consultation going live, with others being uploaded afterwards. From my calculations, between 25-35 documents were uploaded between 30th October, with the last date of an upload being the 8th December. These accounted for over 40 percent of the pages of the evidence base. When I raised this as an issue in Full Council, whilst asking for a log of what was uploaded and when, I was dismissed by the administration in saying that the documents were not material. If this is legal, it is certainly not best practice, and I would have expected at least 3 weeks extension to the consultation period.
4. Errors in the documentation – I logged 46 errors in the evidence base. These are included for completeness, and as part of my submission, in the file named “Appendix A to Motion at Full Council on 8th Dec 2020”. The response was that these errors were “not material”. In terms of establishing the soundness of the plan, if they are pertinent in that regard, then the documents with the errors are material. Errors, like being unable to establish the date of a report, and hence whether it supersedes or has been superseded by another document, were present. Similarly there were broken links and missing files. I was informed that a further 4 files were uploaded after the motion was submitted. Standard practice would either be to extend, or restart the consultation. Neither were done.
5. The administration claimed the “there’s nothing new here” - This is an entire plan, not simply an update, with over 150 documents, including evidence. These amount to over 10,000 pages of evidence. Over 4,000 pages were published in October, with an unknown number added in December. There were new items in the plan that had not been brought to the attention of Councillors previously, like the Waste & Recycling Facility in Lyndon. Not only were the comments of the administration misleading, they jeopardised promoting the idea that residents need not have their say on this plan.
6. Issues with the consultation portal – many respondents have told of great difficulties using the portal on the Council’s website, where people are directed to respond to the plan. Not only does the website often perform slowly, people have mentioned comments not saving and the whole process being very difficult to navigate. I too have had difficulties with the portal in the past, which is why I have taken to emailing my response in.
7. Residents reporting that their responses “will be binned” – An automated message has been sent to people who have emailed psp@solihull.gov.uk to say that if page and paragraph numbers are not included, their responses will be discarded. This does not strike me as normal procedure. In fact, it comes across as rather poor. At a time in history, when faith in public institutions is at an all-time low, it’s vitally important that all in the sector promote open engagement and inclusion, which this does not appear to be. I would like assurances that anyone who has contacted this email address in relation to the Local Plan will have their views included. If their name or address is not present, I ask that they are contacted and asked to provide that, so that their responses are legally compliant.
8. List of files with dates uploaded not provided – I asked a question at Full Council on the 8th December 2020, relating to when files were uploaded to the website. I was not given a clear answer. I subsequently emailed officers on the 10th December. I would like to thank the officer for a prompt reply, getting back to me on the 11th. However, I still do not have the dates when files were uploaded or published. This seems to me to be a procedural impropriety, that has hampered my ability to make as meaningful a response as I otherwise could have.
9. No date of publication was agreed by Full Council or Cabinet – after the decision to approve publication of the document, I and others were waiting for news of when it would be published.

There were some minor changes to the document, which were not indexed or recorded anywhere, and little prior notice was given of the publication date.

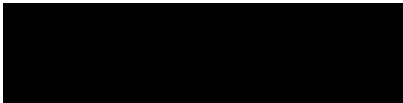
When all of these factors are taken in conjunction, they add up to serious concerns over the process of the consultation. It has appeared unduly rushed, which have resulted in errors and issues that impact the legality of the consultation.

An important measure to see whether or not these factors add up to any degree of impropriety, or at least unfair disadvantage to anyone (which I claim for myself), is to see the number of respondents. The Council's own documents in the evidence base has detailed that nearly 3,000 respondents have engaged on previous consultations for the plan. If "nothing has changed", as the administration asserts, I suspect those people will want to make representations again. If the number of respondents to this consultation falls well short of that number, it is reasonable to infer that people have been disadvantaged and the consultation can be contested.

I appreciate that this has been a difficult year for all (some more than others). I can accept errors being made under the circumstances. What I don't accept is that allowances aren't made for them. The simple solution here would have been to extend the consultation. The administration refused to extend the consultation period 5 times (2 private briefings, Cabinet, 2 Full Council Meetings), with members of the public speculating that they have tried to rush this through with as little public knowledge as possible. Others have postulated that they had originally planned this as no local election was due for 2021, until the 2020 elections were rescheduled. Irrespective of whether or not these postulations have any merit, the fact is that the process was flawed.

I thank you for taking the time to consider these points and to review the attached documents.

Yours sincerely,



Max McLoughlin
Councillor, Shirley South

