

Canal Corridor North Site, Lancaster

Planning Inspectorate Reference:

APP/A2335/V/09/2095002

Rebuttal evidence

by

Dr Jane Hunt

against

Mr Mark Cassidy and Mr Andrew Dobson

Witnesses for Lancaster City Council

I/C/R/01

June 2009

This rebuttal, for the sake of brevity, is confined to the main points. The lack of a comment on an issue does not indicate agreement with the evidence presented by officers of Lancaster City Council. This rebuttal deals only with the issue of consultation.

1. Evidence submitted by Mr Cassidy

- 1.1. Mr Cassidy's proof presents an extremely positive view of the consultation. We contest this assessment, due to the many failures of the consultation in relation to the standards contained in local and national planning policy.
- 1.2. Paragraphs 2.3 - 2.7 imply that the consultation was extensive and satisfactory, when it was not.
- 1.3. Paragraph 2.4 uses the phrase: 'following continued dialogue...' We assert that no real dialogue took place, at least with local residents and some other key stakeholders: what did happen could be called various things, for example information presentation, publicity or PR, but not dialogue. Mr Cassidy's proof misrepresents the nature of the exchanges that took place.
- 1.4. Mr Cassidy considers in paragraph 5.15 that "the proposed development has probably had the most publicity of any major application ever considered by the local planning authority". However, there is a qualitative difference between publicity and consultation. The former seeks merely to inform, whereas the latter is directed towards active engagement with local people with the aim of enabling their participation in the process. This important difference is neither recognised nor addressed in Mr Cassidy's proof.
- 1.5. Furthermore, the Centros consultation was in several ways poorly publicised, as it failed to engage with key groups as detailed in document I/C-01.
- 1.6. The evidence presented by Mr Cassidy refers to 'detailed consultation' (paragraph 5.15) and 'extensive consultation' (paragraph 16.2). There is no explanation of what detailed and extensive consultation should entail, nor how this consultation has met those requirements. Nor does the evidence presented by Mr Cassidy contain any evaluation of the extent to which the consultation met the required standards laid out in local and national planning policy. Mr Cassidy's assessment of the consultation is therefore unsubstantiated.
- 1.7. Paragraph 5.1 states that "the applicant was aware of the need to consult expansively". It is not clear what this means, as no definition of 'expansive' consultation is given, nor assessment of whether this criteria was met. This constitutes a further example of the use of positive language within Mr Cassidy's proof to describe the consultation. We contest this positive evaluation of the consultation as a matter of fact.

- 1.8. Mr Cassidy states that “the initial ATLAS pilot project found no grounds for criticism in the way that LCC had sought to undertake its Development Team approach, including its proposals for public consultation” (paragraph 5.15). This assertion does not appear to be supported by documentary evidence within Mr Cassidy’s proof, and therefore the argument that the consultation was considered sufficient remains unsubstantiated.
- 1.9. Paragraph 5.3 identifies the aims of the masterplanning process as being to “gather information and opinion, analyse the agreed key issues, commission any specific areas of research, review options and agree a set of development principles”. Although Mr Cassidy’s proof implies that these aims were met, there is no detailed evaluation the extent to which this actually happened. Moreover, we contend that these aims were not met; in particular, a mutually acceptable set of development principles was clearly not agreed with the local community, as evidenced by the continuing controversy over and opposition to this scheme.

2. Evidence submitted by Mr Dobson

- 2.1. The evidence presented by Mr Dobson, whilst examining planning policy on retail, transport, housing and the like, makes no mention of consultation. This is despite the many references to consultation within Lancaster City Council’s own policies, and within national planning policy.
- 2.2. There is no discussion of PPS1 and no assessment of the extent to which the consultation has conformed to the requirements laid out in PPS1. There is no evaluation of the extent to which the consultation meets the requirements provided in the SPG 8 Canal Corridor North Development Brief, which is part of the Local Plan.
- 2.3. Fundamentally, Mr Dobson’s proof makes no mention of local and national planning policy on consultation, and the extent to which the consultation conducted by Centros and Lancaster City Council conformed to this.
- 2.4. This is a significant omission and constitutes a major failure of his analysis because consultation is a key element of both local and national planning policy, and evaluation of the extent to which appropriate consultation has taken place is an essential aspect of any assessment of the merits of a planning application. Without such an assessment the planning inquiry is unable to provide a comprehensive evaluation of the merits of the scheme in question.

3. Conclusion

- 3.1. In conclusion, consultation is clearly a key element of planning policy as detailed in I/C-01. The proofs submitted by Mr Cassidy and Mr Dobson present the consultation conducted as unproblematic. However as they conducted no evaluation of the consultation they have no grounds to make this assertion.
- 3.2. The objective evaluation of the consultation conducted in I/C-01 contradicts the positive assessment of the consultation presented by Lancaster City Council. The adequacy of the consultation carried out in relation to this planning application cannot be taken as a fact and must therefore be scrutinised in detail.