

I/C-01A: Summary

Public consultation and participation in decision making is increasingly a requirement throughout national and local Government. The need for community involvement in planning is well established; relevant policy is cited in the first sections of the proof.

This proof demonstrates that the consultation carried out in association with this planning application was deeply inadequate, both in terms of stated policy and in relation to good practice, and that the planning application should therefore be rejected.

Lancaster City Council (LCC) committed to further public consultation in relation to the development of the Canal Corridor North. This further consultation was primarily carried out by Centros Miller and their consultants, with LCC only implementing a standard, written consultation in relation to the application itself.

The consultation carried out by Centros Miller was fundamentally inadequate; it

- 1) Based consultation on biased information.
The presentation of information was entirely positive and did not acknowledge the real costs and risks of the proposal.
- 2) Misrepresented the constraints on the development
Centros Miller claimed they were approaching the development of the site with 'blank piece of paper', when in fact they were committed to large scale retail development centring on a department store.
- 3) Failed to give adequate time and attention to the first stage of their consultation, in particular.
This stage is critical especially in terms of complying with sustainability policy, as it establishes, or should establish, the key aspirations and considerations relating to developing proposals, and sets up the relationship between developer and community.
- 4) Failed to consult with key groups, especially 'hard to reach' groups, disadvantaged groups, and key demographically defined groups.
Policy specifically identifies this requirement; none of the methods used by Centros (public meetings, publicity material, surveys/polls, and a public exhibition) satisfy this requirement.
- 5) Failed to consult with key stakeholders.
Identifying stakeholders, and engaging them in discussion, is a basic requisite for adequate consultation.

- 6) Confused consultation and community involvement with PR.
The information materials presented by Centros Miller were clearly designed to present proposals as attractively as possible, rather than providing unbiased information in a way that engendered comment.
- 7) Ignored other relevant consultation
Both prior to, and during, the period during which these proposals have been discussed, other relevant consultation took place; this is not acknowledged by Centros Miller (or LCC).
- 8) Attempted to marginalise and discredit opponents to their plans
Rather than entering open discussion with critics of their proposals, or of substantial elements of their proposals, Centros attempted to represent these people, who included the local residents' group and the local, elected, Green Party, as an unrepresentative minority.
- 9) Failed to make adequate provision for accessibility for those with disabilities.
Disabled access at some events, including the public exhibition, was not available, large print information does not appear to have been available, and it appears that Centros gave no consideration to accessibility issues when planning their consultation.
- 10) Failed to report consultation accurately and sufficiently comprehensively.
The Centros reports of their consultation activity contain substantial inaccuracies and omissions.
- 11) Misrepresented responses in reporting.
Positive responses are over-reported, whilst negative responses are under-reported and/or dismissed. Poll and survey data is presented as supporting the proposals when it does not.
- 12) Failed to properly analyse or consider responses
Reports contain little analysis; issues are not properly summarised and many are ignored or misunderstood.
- 13) Failed to identify key issues
Heritage, and the value of retaining existing buildings where possible, was entirely unreported by Centros until the final stages of their consultation; even then, only the significance of Stonewell was acknowledged. In the first stages of consultation, Centros failed to acknowledge the strong local preferences for development of the site primarily for cultural and leisure purposes.
- 14) Failed to incorporate responses adequately into plan revisions
Plans were not amended to incorporate major responses, most notably the retail dominance on the site and the destruction of heritage.

- 15) Misrepresented the extent to which responses were incorporated in plan revisions
Presentation of plan revisions fails totally to acknowledge responses which were not incorporated.
- 16) Abandoned consultation part way through the planning process
The failure to at least maintain contact with stakeholders and update the website contravenes the sustainability requirements for community building.
- 17) Failed to acknowledge or respond to criticisms of their consultation
Good consultation seeks feedback on the way it is engaging people, and responds to this. Despite a large number of unsolicited criticisms, Centros made no attempt to adapt their consultation.
- 18) Engendered mistrust and alienation rather than engagement and involvement.
The PR style, misrepresentation and dishonesty, and unwillingness to listen and respond to the local community, have led to mistrust and alienation, in direct contradiction of the requirement to build engagement, involvement, community and democracy through consultation.

LCC have committed themselves to consultation good practice in their Consultation Strategy [CD87]. It is reasonable to expect LCC to demand the same standards of good practice from developers; LCC would not accept low standards of performance in relation to other elements of their responsibilities. LCC therefore failed in their duty to local citizens by accepting the Centros Miller consultation as a valid component of the planning process.

The consultations carried out by LCC were entirely related to the planning applications, and subsequent to their submission. The withdrawal of the first set of planning applications does not appear to be related to public or neighbour consultation or responses, and revised plans did not incorporate comments from that consultation. It is therefore clear that the LCC consultation played no part in the development of the plans, and that LCC thereby failed to comply with national and local planning policy.

Further, LCC failed to sufficiently explain its decisions in relation to responses to consultation, in contradiction of its own Statement of Community Involvement.

LCC argue that they have fulfilled policy requirements by consulting on the development of the Local Plan. It is questionable whether this does, in fact, fulfil policy requirements, which, while focussing on the development of Local Plans, make clear that local authorities have a responsibility for adequate consultation on any major proposal, and that this is in addition to statutory consultation on planning applications. In any case, the Canal Corridor Development Brief, which is effectively part of the Local Plan, identifies objectives which are sufficiently at odds with the development proposed by Centros to warrant further consultation to amend – or not - the Canal Corridor Development Brief.

Responses to consultation, particularly to the LCC consultations, are clear that the majority of respondents consider consultation carried out by both Centros and LCC to be inadequate, and to fail to comply with policy. This, of itself, is sufficient to reject the consultation: participants' judgement of adequacy of consultation is a pre-requisite.

Consultation in relation to this planning proposals does not comply with

- PPS1 [CD48]
- LCC consultation strategy and associated guidance [CD87 and CD88]
- LCC Statement of Community Involvement [CD89]
- LCC Canal Corridor Development Brief [CD65]
- LCC Core Strategy [CD62]
- Any general standard of good practice

Other, more generic, policy is also not complied with.

The planning decision is thus inappropriate as it:

- Relied substantially on Centros consultation, which was fundamentally inadequate and did not meet LCC's standards for consultation
- Relied on inadequate reporting of LCC consultation
- Failed to take account of other relevant consultation
- Failed to recognize this inadequacy
- Therefore failed to sufficiently take account of consultees views.

This failure to consult adequately provides grounds to refuse the planning application.