

## Stroud District Council Local Plan

I am a Berkeley resident. I and others have deep concerns regarding both the plan and the manner in which the consultation has been undertaken.

### The Emerging Strategy Plan

The part of the plan that affects Berkeley, outlined in the *Emerging Strategy Paper*, only mentions 120 additional houses. This is totally disingenuous. The impact on Berkeley of 2,400 houses directly adjacent to the town boundaries will have a huge impact on the social and physical environment. Berkeley had a history that goes back prior to medieval times. This proposal will impact on the settlement to a greater degree than anything else in its long history. Today Berkeley is a thriving community with a strong sense of local identity that will be undermined and even destroyed if it becomes simply part of a conurbation. Why was Berkeley left out of the Heritage Impact Assessment published by Stroud Council in October 2018?

No mention has been made in the strategy document of these issues as they affect Berkeley. This aspect has either been overlooked or downplayed. Good planning should be about people not just property and “infrastructure”.

### Counter proposal

**As a matter of fairness and equitable treatment the additional houses required should be distributed throughout the Stroud District; not build 42% of the requirement in one small area.** The only people to gain from this proposal are the developers who love large green field sites for their sales potential and of course the huge profits that are generated. This is big money and could reach £1bn in sales.

### The consultation

The consultation process as it concerns Berkeley has, up to now, been totally inadequate. There is no clear picture that reveals the fact that Berkeley will be joined to Newtown and Sharpness. The on-line questionnaire embraces the whole of Stroud District, requires at least an hour to complete, and asks many questions that are of no interest to the people of Berkeley. The consensus is that most people will give up half way through. It is compiled from a planning aspect and does not allow opportunity for the people to ask the questions that are important to them. That requires a series of public meetings at a time and place convenient to residents. So why is it that the community that the plan impacts on most were not even listed for an exhibition? This alone raises some key questions as to intent.

There are established legal principles as to what constitutes acceptable consultation by public bodies. Below is a quote from a legal expert who specialises in such matters all based on legal precedents. I have added comments in italics.

**Anyone who undertakes consultation must let people know what they are proposing and why, give them a chance to comment, and conscientiously take into account their responses with an open mind before deciding whether or not to do what was proposed.**

The basic rule is that, whether or not a public body was required to consult, if it does so, then it must comply with the following overarching obligations (unless detailed statutory rules supplant these):

1. Consultation must be at a time when proposals are at a formative stage.

*This is open to question. Developers seem to be at an advanced stage of planning and have already employed consultants. A comment from a well informed contact stated that this level of activity usually occurs after the plan is adopted; not before. A clue could be that the Council have put out a Site Application form. This, and other evidence, would seem to indicate that the requirement to consult at the formative stage has not been met.*

2. The proposer must give sufficient reasons for its proposals to allow consultees to understand them and respond to them properly.

*Not done in the case of Berkeley*

3. Consulters must give [sufficient time](#) for responses to be made and considered.

*The writer only found out about the consultation during the 1st week of January in a local monthly newsletter called the Berkeley Flyer. There were no leaflets to each household, no notices and no announcement of a public meeting. Why was it that a Press Release announcing the consultation was only published on 22<sup>nd</sup> November after the consultation period had started? Surely a Press Release a few weeks before the 16<sup>th</sup> November would have been expected and appropriate.*

*The Consultation period included the Xmas break. It is claimed that this was alleviated by extending the "normal" 6 week period. This fails to acknowledge that for weeks before and at least a week after the focus for most people is on family and festive events. If someone deliberately tried to put this consultation under the radar they could not have chosen a better consultation period.*

*It is generally recognised in planning and government circles that the time allowed for consultation should be proportional to the impact. 12 weeks is considered a minimum for major proposals. For Berkeley this is a major proposal.*

All of those are aspects of an overriding requirement for 'fairness'. The process must be *substantively fair* and have the *appearance of fairness*.

The process had certainly not met the "*appearance of fairness criteria*". From the above if a group decided to mount a legal challenge they would have a *prima facie* case. If that occurred then the cost could be high and likely to delay the Local Plan by many months or even years. To avoid this possibility I suggest that a more informative consultation for Berkeley and Newtown and Sharpness be reopened with a 12 week consultation period. Can I suggest that an insert in the Berkeley Flyer, delivered free to all households, would be a low cost way to ensure full involvement.

