

NFNPA RESPONSE TO FORMAL COMPLAINT

If this email has been forwarded onto you
it is because your friend / relative / work colleague
knows you care about the New Forest and wants to tell you about
ONE VOICE - contact us if you wish to be on the mailing list

Hello everyone,

We have finally received the NFNPA's response to our Formal Complaint, which is attached [see below] for your perusal prior to our meeting next Thursday.

It should be noted that the response is best read a couple of times and, (as some text has been cherry-picked), in conjunction with the Formal Complaint ([available here](#)). There are just a couple of points we would like to flag: (a) the complaint is substantiated by on-line public support, and (b) the complaint was dated 10th December so many points in the response are post complaint.

If you are coming to the meeting please bring a copy of the response document with you for reference purposes. We will try to have a number of copies available on the night, but hope you will appreciate that we do this from our own pockets as the group does not have charitable funds.

We are still in need of a flipchart and easel to borrow for the evening - any offers please?

We look forward to seeing you soon and hearing your views.

Best wishes
Sue, David, Sarah, Rob & Sarah



Mrs S Baillie and Ms S Baillie
One Voice
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Tiptoe
Lymington
Hampshire
SO41 6FT

Our ref: RL/nas/hb

30 January 2009

Dear Mrs Baillie and Ms Baillie

Stage 2 Complaint

Formal Complaint - to the New Forest National Park Authority regarding its handling of and processes used in the public consultation exercise on the Draft National Park Management Plan and Draft Recreation Management Strategy.

Thank you for your letter dated 10 December 2008, addressed to Lindsay Cornish, which is being treated as a Stage 2 complaint and has been passed to me for reply.

In summary, your complaint is based on your own analysis, interpretation and commentary on information on the Authority's website. You are complaining that:

"The NFNPA have acted with tunnel vision to achieve their ultimate goals and have paid little regard or respect for the people who should have been included from the very beginning - the general public.

In conclusion, to continue with such a flawed course of action would be detrimental to the New Forest as a reckless act by the NFNPA."

By way of redress, you go on to say

"The Authority should publicly acknowledge it has made fundamental errors in the process that led to the production of both draft plans. It should accept that they have got it wrong and must now demonstrate how they intend to put it right.

We therefore reiterate to the Authority the necessity for open and transparent public consultation meetings during this next phase and that they NFNPA now, more than ever, should demonstrate courage and commitment to the people of the Forest."

What follows is the Authority's summary response to your complaint, as evidenced by the more detailed responses that are given against your own numbered 'complaints' in the **Annex**. In some cases it has not been possible to identify a specific complaint so no response has been provided. In some others, a simple cross reference has been provided where the issue has already been dealt with in an earlier response.

The Authority believes that it has developed both the New Forest National Park Plan (the Plan) and the Recreation Management Strategy (the Strategy) consistently with relevant guidance, which includes *National Park Management Plans - Guidance (Countryside Agency October 2005)*, statute in the form of *SI 2008 No 1371 Town and Country Planning (Local Development)(England) (Amendment) Regulations 2008 para 25*, and in conformity with the Authority's own *Statement of Community Involvement* approved by government and published in March 2007. This process includes:

- two rounds of public consultation: on *issues and options* and on the *draft Plan and Strategy*
- a series of nine workshops and topic groups involving a wide range of organisations and individuals, including a youth theatre group
- informal discussions with the full range of statutory and non-statutory organisations with responsibilities for the New Forest over two years
- drawing on the extensive local knowledge and expertise of national park Authority members and staff.

Neither guidance nor regulations require, or expect, all members of the public to be involved in consultations on policies or plans. This would be wholly impractical given the substantial numbers and cost involved and in many cases the subject of the consultation. What is expected is that consultation provides the opportunity to comment through appropriate publicity and whatever other means authorities choose to use. The Authority considers that the publicity it provided together with that generated by the media did bring the consultation process to the majority of the resident population of the National Park and the immediate surrounding district.

The Authority regrets that some of the misleading publicity surrounding the documents may have caused unnecessary anxiety to some members of the public, but does not accept that it has 'paid little regard to or respect for the general public'.

In moving forward, however, the Authority has not only identified those topics which have generated most comment or caused greatest anxiety but has decided that a further less formal process of engaging stakeholders, including the public, is needed. This in itself is unusual and demonstrates that the Authority does recognise the need to ensure that the outcome of the formal consultation is given full and detailed further consideration. Indeed it contrasts with the standard approach where authorities will normally move straight from formal consultation to plan revision without any further stakeholder engagement.

So far, the Authority has already announced that it will be setting up a series of *working groups* to review the policies which have attracted most comment and invitations will issue shortly. It has also said that it is developing a strategy which will enable engagement with ward councillors, parish councils and the public. That strategy is still being finalised and will be announced within the next few weeks.

The Authority is tasked with and wholly committed to ensuring the purposes of national park designation are delivered: that its natural beauty, wildlife and cultural heritage are conserved and enhanced and that opportunities for the public to understand and enjoy its special qualities are promoted. It feels that there is much in the draft Plan and Strategy that demonstrate that commitment, albeit that there are policies that need further consideration in the light of consultation. It has not acted 'recklessly' nor does it believe that what it has proposed thus far would have been 'detrimental' to the New Forest or its communities as this would run entirely counter to its statutory responsibilities.

I hope that this response and Annex has addressed the issues raised in your complaint to your satisfaction but if you are not satisfied with the response, you may write to the Chief Executive of the Authority and ask for your complaint to be reviewed. You will normally receive a response within 20 working days of your request.

Yours sincerely

Richard Lemon
Director of Strategy and Planning

Annex

A Preparation of the Consultation Process

Complaint (A1)

Summary of complaint – *That the Authority failed to adopt a mechanism to involve those hard to reach or less well represented groups as well as the general public, or a robust publicity and ‘marketing’ plan to gain public awareness of the proposals.*

The approach of the Authority throughout the consultation process on the draft Plan has followed its ‘Statement of Community Involvement’, published in March 2007 (<http://www.newforestnpa.gov.uk/index/planning>) following consultation and approval by government. The draft statement was distributed to 76 bodies in and around the New Forest in accordance with the Regulations (*SI 2008 No 1371 Town and Country Planning (Local Development)(England) (Amendment) Regulations 2008 para 25*) seeking views on the most successful methods of engaging particular groups. Amongst other things the Statement includes lists of statutory and other consultees, designed to include hard-to-reach and less well represented groups, and invites other organisations to add their names to the list if they wish.

In accordance with the Statement one of the key elements of public involvement in the preparation of the draft Plan was the programme of workshops under the New Forest, New Chapter initiative which has been well documented and is referred to in your letter and table of participants included in your Annex 3. Your letter focuses only on the **participants**. However it is important to note the breadth and depth of the **invitation** list, which is also available on our website and which reflects the Statement’s commitment to reach as wide a range of consultees as possible. The Authority sought to involve a wide range of interests but should not be criticised if some of those interests chose not to be involved.

The proposed scope of the public consultation exercise for the draft Plan, including the questions to be included on the consultation form, was set out in report NFNPA 261/08 which was given unanimous approval by the Authority on 26 June 2008. When the draft Plan was published in August 2008, it was advertised through public notices in the press, a press release, published on the Authority website and placed on deposit at local planning authority offices. Copies were sent directly to 388 organisations and individuals, including all statutory consultees, and a further 111 received copies of the notification letter and details of the consultation. This included members of the business community and youth organisations specifically referred to in your complaint.

As regards publicity, Parish Councils were also all sent either a copy of the Plan or a notification letter and posters for display on public notice boards. The same poster was also sent for display to all New Forest District Council offices in and beyond the National Park, to the New Forest Centre and to the offices of adjoining local authorities.

The Authority’s Park Life publication for households in and adjacent to the National Park was used to publicise the draft Plan (referred to specifically in a response to Complaint I1) and 55 Press Releases were issued to local and regional media contacts, which resulted in extensive coverage, together with a press conference held with Chris Packham. Further press releases were issued during the consultation period. Before the close of the

consultation period, which was extended by two weeks in response to public demand, 1,500 further copies of the draft Plan were distributed on request to members of the public.

These publicity and consultation arrangements are in general accordance with the statutory requirements set out in the government Regulations referenced above, although requirements for public participation at the consultation draft stage are not prescribed in as much detail as they are for later stages of the process. In many respects the activities undertaken by the Authority go well beyond these requirements.

A statutory report describing the entire public consultation and participation process will be submitted to the Government with the formally approved Plan and will be examined at a local public inquiry. The report will include all the consultation activities, a summary of the issues raised through consultation and how the Authority has taken the outcome of consultation into account. An independent Planning Inspector will therefore judge the Plan's soundness, including the consultation processes, when measured against the requirements of planning legislation. The recommendations in the report of the Inspector will be binding on the Authority.

B The Design Process

Complaint (B1)

The text under complaint B1 contains a number of comments and opinions on the design and layout of the published Plan, the quality of the maps and illustrations, and the clarity of the policies. There is also a general unsubstantiated comment about the robustness of the evidence used and the extent to which 'working together' and 'social inclusion' has been embraced.

No complaint against the Authority can be identified.

Complaint (B2)

Summary of complaint – *That paper NFNPA 116/06 referred to 'consultative forums' in the plural, but only one forum, the Consultative Panel, was used.*

See the response to complaint A1 which refers inter alia to the consultation process. Not only was the New Forest, New Chapter process a consultative forum, but other forums were used, including a *Key Partners Steering Group*, the Authority's *Statutory Bodies Liaison Group* and a *Ward Councillors' workshop*, in addition to the Authority's participation in Parish Council-hosted open meetings.

Complaint (B3)

Summary of complaint – *That the Authority acted without due care and diligence in not seeking member approval of the layout and format of the published Park Plan, that the Authority acted unfairly in not using the general public as the priority audience in shaping the draft document, and that the Authority did not signal that the draft document was an interim stage in the production of the final plan.*

Report NFNPA 261/08 makes clear that following approval of the text of the draft Plan, design work would be required before publication. The purpose of the design is also set out in the report. The report was unanimously approved, in other words members saw no

requirement for the design and format of the published document to be remitted to them for approval.

The consultation audience and process is fully explained in the response to complaint (A1). In consulting the Authority has to have due regard to ensuring that consultation with various *statutory* consultees, including other local planning authorities, Natural England and so on takes place and is effective. To this extent absolute priority could not have been given to the general public. For clarification, the use of the word 'consultees', as the target for the consultation draft publication, refers to those who subsequently respond to the consultation. This term is in common use in planning legislation and guidance.

The references to the Plan as a '**Draft** for Public Consultation' in the title of the Authority report, and throughout the text, is a clear indication that this is an interim stage. The published draft document sets this out clearly on page 4 and includes the sentence '*It is not meant to be a completed document, but to elicit comments from all interested parties*'.

C Research

Complaint (C1)

Summary of complaint – *That the Authority acted recklessly in allowing the process to continue with gaps in the available evidence and data.*

The Authority took the view that the available data and evidence base was sufficient to justify publication of the consultation draft, and the Land Use Consultants' paper referred to, indicates that any gaps in the evidence base would need to be addressed through a research programme that informs implementation of the Plan and the five year review. This is not contrary to any statutory legislation or guidance on the planning process. Moreover, as is made clear in the Strategy, where appropriate policies should be based on the precautionary principle in the absence of evidence - this is particularly the case for evidence of environmental impacts of recreation which can be extremely difficult to ascertain and assess.

D New Forest Consultative Panel

Complaint (D1)

The text under complaint (D1) contains various comments and opinions on the autonomy, independence, governance and operation of the New Forest Consultative Panel. These comments should be addressed to the Panel in the first instance. For clarification the Authority provides the secretariat for the Consultative Panel and it acts as one of our primary sounding boards for policy and operational matters. Its views are formed entirely independently of the Authority. Consultation with the Panel was only one element of a much broader overall consultation process.

E Stakeholder Workshops

No complaint against the Authority can be identified. (E1)

Complaint (E2)

Summary of complaint - *That the structure of the stakeholder workshops was unfair and that the Authority failed in its accountability in making the public aware of the draft Park Plan documents.*

This complaint refers to two separate parts of the engagement and consultation process: the New Forest, New Chapter workshops and the publication of the draft documents for consultation. As a result the complaint about accountability to the public emerges from comments about the stakeholder workshop process, which was part of the plan preparation process, but ignores the public consultation process following publication of the draft Plan in August 2008. The subject of the complaint against the Authority is therefore not clear.

F Consultation Arrangements

Compliant (F2)

Summary of complaint – *That in the arrangements for consultation the Authority was negligent and failed in its duty of responsibility to the public.*

See the response to complaint (A1).

In response to the comments about the draft Recreation Management Strategy in the final paragraph, we do not understand how a decision to undertake further consultation on the draft Strategy following public consultation, can be construed as a failure in the Authority's duty of responsibility to the public.

G NFNPA Website Q&A Pages

Complaint (G1)

No complaint against the Authority can be identified.

For clarification, the Authority published the Q and A material as a direct response to the requests from potential respondents, by letter, 'phone or e mail, for more information or clarification about the content of the draft consultation documents and to correct some of the misleading stories carried by local media. The material was updated regularly in response to additional requests or issues raised and each version was numbered and dated. In addition to publication on the website, hard copies of the Q and A were sent out with an acknowledgement letter to all consultation respondents, although a few of the early respondents may not have received the Q and A if their response had been lodged before the publication of the Q and A material.

H Meetings Arranged by Individuals and Groups

Complaint (H1)

The text under this complaint contains a commentary on the events that have been arranged by individuals and groups in response to the publication of the draft consultation documents and attendance at those meetings by Authority members and/or officers. These comments are all linked to complaint (A1) about the public consultation

arrangements and the response to complaint (A1) addresses these matters. No additional complaint against the Authority can be identified.

I Park Life Newsletter Distribution

Complaint I1

Summary of complaint - *That the Authority failed to diligently oversee the process of 'Park Life' distribution.*

The response of the Authority is as follows:

- Park Life is a twice-yearly newsletter; it was not specific to the Plan/Strategy consultation, but it was clearly an appropriate vehicle to achieve wide awareness in New Forest households by using the front page to promote the consultation since it was a major piece of work that could be of wide interest
- The distribution of the newsletter was brought forward from late October to early September so that it could play a part in promoting the consultation process. It was intended to follow on from the initial news release, posters and web coverage
- The distribution is carried out by a local distribution company called Tudor Distribution, who use a network of local distributors to deliver door-to-door. This is a cost-effective method used by others such as New Forest District Council
- Tudor Distribution distribute to 90,000 homes with the aim of covering postcodes inside the National Park boundary and those immediately outside it
- Distribution to every house is not guaranteed for a variety of reasons, but the Authority has always offered to supply by e-mail or post a copy to anyone who is aware that they have missed out
- The newsletter also appears on the website
- The Authority is willing to compile a separate mailing list for homes that have missed out on the distribution but have advised us that they would like to receive Park Life.

J Response Forms

Complaint (J1)

The text under this complaint is comment and opinion on the design and user friendly nature of the consultation response form. No complaint against the Authority can be identified.

Consultation comments were not restricted to use of the consultation form and there is no evidence to suggest that design of the form has deterred consultees from responding or using other formats to make their representation. Seventy three percent of respondents did not use the form. The Authority has indicated at all stages of the process that all representations will be considered regardless of the format used.

K Final Consultation Response Figures

Complaint (K1)

The text under this complaint contains comments on how petition signatures should be recorded and the level of response overall to the Plan consultation. No complaint against the Authority can be identified.

A summary of the provisional results of consultation was sent to every respondent at the beginning of January 2009. This gives a simple illustration of the numbers of comments received on the various policy areas and distinguishes between individual responses, templates and petition signatures.

Additional Information Uploaded to NFNPA Website

Complaint (L1)

Summary of complaint – That the Authority acted unfairly in providing material on the website after the close of consultation which denied the public sight of this information during the critical phase of consultation

All the material required for the consultation process on the draft Plan and the Strategy was made available when the draft documents were published in August 2008. This included references to a number of documents produced as part of the Plan preparation process, such as the Future Matters exercise carried out jointly with New Forest District Council, reports of the New Forest, New Chapter events and various technical background papers. All of these were available from the start of consultation. Any additional material provided on the website was provided in response to requests for additional information, mostly on the subject of the evidence base, some of it in response to Freedom of Information requests or requests under the Environmental Information Regulations.

The interactive maps referred to have always been on the website and provide basic GIS information for the New Forest, unrelated to the Plan or Strategy consultation. A new icon has recently been added which may have made users more aware of the service.