

## Question 28

In the light of the comments made in the letter from Savills dated 15 January 2018 noting the availability of inconsistent versions of the VALP on the Council's website during the Regulation 19 consultation period, noting further inconsistencies with a hard-copy version and alleging that even the "correct" version differs from that approved by the full Council, I would appreciate receiving a Briefing Note summarising the nature of the discrepancies and explaining the circumstances which gave rise to them and the action the Council took to advise consultees.

### Council's Response

#### Summary

Table 1 and paragraphs 5.5 and 5.6 of the VALP Submission (Regulation 22) Consultation Statement (January 2018) (submission document CD.SUB.011) provide a summary of the consultation issue about which Savills comment:

*'On the penultimate day of the Regulation 19 consultation, it became apparent that an earlier draft version of the Plan could be accessed online through the Council's website. This was the case even though the main VALP consultation page – to which the vast majority of respondents referred – contained the links to the most up to date draft. The responses which referred to the older draft were identified, 6 in total, and carefully reviewed. The Council's view was that none of these 6 consultees had been prejudiced by referring to a previous draft. However, in an abundance of caution these 6 consultees were notified and given an extended deadline of 15 January 2018 to submit any amended or further representations on the changed elements of the Plan which were minor in nature.'*

*Further checking during the processing of representations at the start of 2018 identified a further three responses which referred to the older draft of the Plan. As before, consideration was given to whether these consultees had been prejudiced as a result of this but the Council concluded that this was not the case. Nonetheless, the three respondents in question were contacted and given an extended deadline (13 working days as with the previous group) to submit amended or further representations on the changed elements of the Plan.'*

#### Nature of discrepancies

The nature of the discrepancy between the two versions of the VALP is that one version, the incorrect version, was an earlier draft which did not include various minor changes made following the VALP Cabinet and Full Council meetings held before the Regulation 19 publication.

#### Circumstances which gave rise to the discrepancies

For the purposes of the Regulation 19 consultation the correct (ie fully updated) version of the VALP was available on the Council's website on the main VALP consultation page. Accordingly, this is the version of the VALP on which almost all consultees comments.

However, elsewhere on the Council's website (not on the main VALP consultation page) there was a link to a pre-publication version of the VALP. This was an oversight on the part of the Council; the earlier draft of the VALP should have been removed from the Council's website before the Regulation 19 consultation began.

#### Action taken by the Council to address the problem

On the penultimate day of the Regulation 19 consultation, the Council learned that an earlier version of the VALP was erroneously available on the Council's website. The Council checked all of the responses received and found that 6 referred to the older draft. The Council's considered view was that none of these 6 consultees had been prejudiced by the fact that their comments referred to an earlier draft. However, to ensure that this was not the case, the 6 consultees in question were contacted and given an extended deadline of 15 January 2018 to submit any further responses relating to the changed sections of the Plan.

At the start of 2018 the Council found a further 3 responses which referred to the older draft of the Plan. As before, the Council examined the responses in question and concluded that there was no prejudice. However, the 3 respondents were notified and given an extended deadline to make any further representations on the changes.

All 9 consultees were provided with a letter of notification, a correct publication-version hard copy of the Plan as well as the schedule of minor changes to the Plan following Cabinet and Full Council, which were approved to be made ahead of publication. For the list of the referenced changes, please see the 'Q28 Appendix 1 VALP combined pre-publication changes' attached with this response.

#### Comments on the Savills letter of 15 January 2018

The Council received a response letter from Savills on behalf of Crest Strategic Projects dated 15 January 2018. In the letter Savills noted that a change to the first sentence of Policy D2, proposed within the table of minor changes following the 10 October 2017 Cabinet meeting, did not appear in their hard copy of the Plan sent by the Council. Upon investigation it became apparent that, erroneously, this minor change had not been included in the up to date version of the Plan and will now be included within the proposed table of minor changes following submission.

The evidence from the initial representation checking process in December 2017 revealed that Savills had also quoted the early draft wording of a section of Policy S2 (Gateley, John 29391 (CSP) CSP Representations statement), a policy subject to a minor change following the 10 October 2017 Cabinet meeting. This therefore demonstrates that in their initial Regulation 19 response Savills responded to the earlier draft of the Plan. This was addressed by the opportunity to make further comments as set out above.