

## **WORK PROGRAMME SUGGESTION FORM**

Ref: 17/Cllr

**Please return this form to:**

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Name: Mr Paul Kornycky 31/1/17

Proposed Scope/focus of review:

The North of Horsham strategic development, with regards to the applicant's viability submissions & the subsequent analysis by Dixon Searle Partnership/Planning Officers of such evidence. In particular how/why some key data was incorrectly classified as 'Commercially Confidential' & thereby consistently & repeatedly wrongly withheld from the public. Even councillor access to the DSP report (assessment of applicant viability submission) was made 'difficult' resulting in only a minority of councillors voting on the application with full knowledge of it.

Your rationale for selection:

This is by far the most important strategic site in the adopted HDPF. The ICO issued a decision notice on 14th December stating that all remaining redacted paragraphs (of the DSP report) should be disclosed & rejecting the Councils evidence in support of EIR Regulation 12 (5) (e). Only revealing this data over 7 months after the planning application determination (DC/16/1677) could have impacted the validity of the process & led to legal challenge. The perceived reputational integrity of the Council is also at risk.

Evidence:

Please see reverse for a chronology of the actions endeavouring to secure public access to the withheld data. The process of and conditions for councillor access to this same data should also be scrutinised, to determine if the democratic process was thereby impaired.

Desired outcomes/objectives/possible terms of reference:

In future, residents will not have information wrongly withheld & only released 'after the event'.  
Clarity over the viability assessment process & correct disclosure of data (EIR compliance).  
Compliant 'open' planning process thereby minimising risk of call-in &/or judicial review.  
Alignment with HDC's own 'Open Book' strategy. Also see 6.1.55 of Planning Obligations SPD.  
Direction of Travel – Government White Paper – Fixing the Broken Housing Market.  
Consider Impact of Brighton & Hove Council's 'Open Book' Initiative – adopted January 2018.  
Aim to restore public confidence in such processes.

Other comments:

It is anticipated that the S106 negotiation completion is imminent. That would appear to be the ideal time to commence the review.

What time scale do you perceive to be necessary for this review?

Urgent

Within six months

Within 6-12 months

## Evidence

30/03/2017 – A heavily redacted copy of DSP report is lodged under planning reference DC/16/1677  
27/04/2017 – Fol request submitted for an unredacted copy (EIR 1444)  
28/04/2017 – Application considered by Planning committee but deferred to full Council  
04/05/2017 – Email to HDC Planning director regarding Fol & need to respond  
04/05/2017 – A significantly less redacted copy of said report is loaded onto the planning portal  
22/05/2017 – Full Council approve outline planning permission DC/16/1677 (with detail delegated)  
25/05/2017 – Fol response received from HDC claiming 'commercial confidentiality'  
25/05/2017 – Fol review requested to remove most (if not all) remaining redactions  
26/05/2017 – Email to HDC Planning Director re concerns over Fol process  
29/06/2017 – HDC's Fol review maintains all redactions citing 12 (5) (e) & Public Interest Test failed  
11/07/2017 – Appeal to ICO to unredact data in DSP report  
11/12/2017 – On request of ICO, HDC review again, but still only agree to unredact partially  
14/12/2017 – Key data still withheld, so ICO rule that all remaining paragraphs must be unredacted  
16/01/2018 – Unredacted DSP report finally disclosed & loaded onto planning portal

The data finally revealed has a huge impact on the viability calculations, in excess of £75m. This aggravates concerns over the 18% on-site Affordable Homes (v Local Plan policy of 35%) achieved & whether it should have been significantly increased. But, regardless of that, the public (& their councillors) have been denied proper access to data that they should have been allowed to see & comment upon. Arguably this has 'prejudiced' the whole process.