## 11 May 2021 Robin Walker

Dear Ms Glancy,

I have been awaiting any feedback from Mid Sussex District Council (MSDC) concerning my appeal to the second Freedom of Information (FOI) request, however as nothing has yet been received and I need to submit additional evidence by the 14<sup>th</sup>, I decided to submit the information attached "as of now".

As I noted in the attachments, the "eastern" route of Policy SA37 was definitively abandoned by MSDC in December, 2020, citing drainage issues and maintenance costs impacting overall cost-effectiveness – information which, even if they were unable to send a person for a walk down the late, was explained to MSDC in writing following the Sustrans visit of November, 2019.

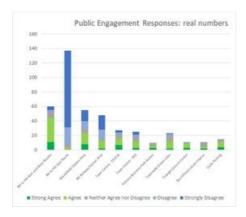
We remain concerned about the broader issue of the quality of MSDC decision making at the stage of project element selection. As anyone involved in major projects would testify (and we fully recognise a District Plan is a major project), it is the quality of decision-making at initial option selection which has the greatest impact on overall success. In this case, the outcome (where the most logical route was rejected in favour of two less logical ones, one of which was then rejected by the council itself on the basis of information available before the process started) strongly implies extremely poor initial option selection.

Yet, when we have tried to find out how this entirely predictable outcome came about, we are met by silence and a complete refusal to be anything less than completely opaque, despite multiple requests, and two rounds of FOI, the second still in appeal.

As this is true of this component of the plan, how are we as Council tax payers and residents able to rely on MSDC to make those critical front-end decisions for this plan in general?

Attached are some documents relating to Policy SA37 which came to light only after the deadline closed on public input to the plan but which we feel require consideration, not only related to Policy 37 but to MSDC's overall decision-making competence and accountability.

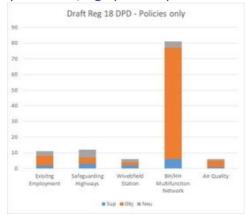
Msdc-pnc-programme-per-v0-5-250920 is the report prepared by CJFounds Associates on the public input on the overall "Place and Connectivity", which includes Policy 37. Note that, whilst this had been available to MSDC well before the period of public input to the Inspector's analysis of the plan closed, they chose to hold it back until the day after, thus attempting to avoid it being provided as input. When you read it, you can see why. Of 278 public responses, 129 were related to the "eastern route" and 94% objected. The graph on page 19 of the report, by equalling all inputs to 100%, does not reflect the scale of the response. For reference, we include an accurate representation below.



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For reference, there are 35 residences plus four countryside businesses in the road; this is not a "NIMBY" response but a widespread issue with a sizeable public bridleway user community.

MSDC cannot say this was a surprise. When the original Reg 18 round of consultation was carried out a year earlier, a graph of responses to non-site policies garnered the result below:



The details of this input have not been made public; however they were verbally dismissed by MSDC council leadership as a misunderstanding (people read what was written and commented on it).

There is support in the CJFounds report for the concept of "a route" – and that is supported on all fronts. The question is, which one, and indeed does *any* route actually make sense.

We have already submitted our documents which demonstrate the eastern route at least does not. MSDC have not commented on this at all, in any form, at any stage.

When finally cornered on the topic at the meeting mentioned below, MSDC had to admit that no route actually made sense. Yet the data that supports that – the latest census – had been available for use for several years.

Given the level of public dissatisfaction with the plans, I filed an FOI request on behalf of the bridleway users and residents. The text of this is included as "FOI request text as submitted". This resulted in a refusal to provide more than a single one-row cut of an unpublished document and one or two references to meetings, the minutes of which were not provided as requested. None of my substantive questions were answered.

After a year of asking, finally, we were granted an audience with the MSDC leadership team shortly after the FOI response. The agreed notes of that meeting, with various appendices and points referenced by MSDC during the meeting is appended as "Meeting Notes Sorted". MSDC's comments do not indicate a council that has done its homework in any meaningful way at all.

As a result of this, I appealed the initial FOI, pointing out that statements made by the FOI team were incompatible with the comments made by the MSDC leadership team, relating essentially to the same period. The response from MSDC was that if anything said at that meeting was referenced, a further FOI would be required.

Accordingly, I field a second FOI request, appended as "Follow up FOI Request for Burgess Hill to Haywards Heath Link". This resulted in no response at all within the statutory window (MSDC FOI claiming that the FOI had gone into a junk folder and MSDC has no procedure for searching junk folders associated with public email addresses). MSDC's lawyer then conceded I was correct. When

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the response was eventually received, it simply dismissed my request and referenced data already in the public domain (and hence excluded from FOI request in the first place), I appealed.

This is attached as an email item "RE: Freedom of Information Request – MSDC's decision process related to the Burgess Hill to Haywards Heath link". To date, no response has been received to this so far but I should point out MSDC is within their statutory 20 days and have never responded before the last possible moment permitted.

There is a lot to digest here and you may feel that it is of marginal interest. The key points are, however:

- a. MSDC clearly cannot demonstrate good decision-making processes in determining optimal element choices to go into a plan
- b. MSDC did not do even the most cursory of objective evaluation at any stage in this process on this topic if not on this, what other decisions were taken without any reference to the facts, data and information available?
- c. MSDC are completely opaque in their decision-making and are determined to prevent any external scrutiny, even to provide basic reports and input or minutes of meeting which should, unarguably, be in the public domain
- d. MSDC are very comfortable with being disingenuous, ambiguous and see no reason to provide truthful responses to FOI requests

Having – we feel – demonstrated these points after months of toil on a single element of this plan, it is perhaps relevant for the Inspector to consider the number of FOI requests and challenges by members of the public in other public spaces in this context this Plan has thrown up. To pursue the truth in the face of MSDC's relentless obstruction and contemptuous dismissal of questions – even when supported by unarguable facts – has taken a great deal of time and frustration. For example, still, two years on, we are denied sight of an initial report on route alternatives submitted in November, 2016, as we understand it, on the basis that it is still in draft form. Note that MSDC are happy to use (and publish) draft documents elsewhere when it suits them. This is simply ludicrous.

We feel this speaks to a council whose decision-making quality (based on the outcomes) is questionable and whose obsession with keeping it hidden is very telling.

MSDC only use selected data and information to support decisions already made. Any information that does not support their apparently subjectively decided decisions is supressed.

I would be happy to speak factually on this topic if there is a slot and you consider it would provide useful insight.

Yours sincerely

Robin Walker