

To Mr Ben Haywood
Head of Development Services
HPBC.

By Email attachment.

15th December 2022.

Dear Mr Haywood

Re Planning Application HPK/2022/0456

Page 1 of 6

I am obliged by receipt of your emails dated 8th and 9th December 2022 re the above.

Case Officer

Your associate Ms Rachael Simpkin's name was posted on the HPBC Planning webpage from the outset in respect of the above application on 7th October 2022 as the appointed case officer.

The application was validated on 3/11/22.

Her name was not removed from it until 17/11/22.

Approximately two days later Mr Steven Gunn-Russell's name appeared as replacement case officer without explanation.

If her name, as you say was displayed in error, that situation existed for some 6 weeks, and during that period the public could be excused for believing she was still the appointed case officer.

You state that she was too busy to deal with the application due to alternative appeal workload. Perhaps this explains why the public site notice regarding the application was not displayed on time and was eventually tied to a telegraph pole on the A57 (near to the proposed future site entrance), and no additional site notices were posted on or adjacent to the main land mass proposed for housing development or the current access road to the application site.

Accordingly, the public consultation period was extended by a mere 6 days.

It is also noted that neighbour representation/advice letters were limited in distribution. Site owners of land masses and property directly adjacent to the site were completely omitted from such process and include –

The owners and trustees of –

Platts Wood Nature Reserve

Dinting Scout HQ

Dinting Guide HQ

Dinting Cricket Club

Dinting Primary School

Dinting Holy Trinity Church – current comment extract - There has been NO consultation and NO contact direct to the Church who are 'local residents' and who serve the local community. This is why this objection comes on the 'closing date' which users of our building made us aware of - As the Priest-in-Charge of Holy Trinity Church Dinting Vale I write on behalf of the Parochial Church Council objecting to this proposal.

The above have had to rely solely on neighbourhood rumour, hearsay, and advice regarding the application.

The press notice was not published until 10th November 2022 and has extremely limited in hard copy circulation.

More elderly residents have limited or no access at all to the online published version.

Regardless of Ms Simkin's unknown diversion, I emailed her on 4th, 6th and 11th of November to issue advice notes and request further information. They were in no way designed as comment, objection or support to the actual application.

She failed to respond to all of them until I received an email from her on 22/11/22 (after Mr S Gunn-Russell had been appointed. She simply advised –

Simpkin, Rachael.

• Planning (HPBC)
Tue 22/11/2022 14:21

Dear Mr Wilcox,

I have asked my colleagues in Planning Support to place your comments on file, which the case officer Steven Gunn Russell will pick up in due course.

Kind regards,

Rachael Simpkin
Senior Planning Officer (Majors & Commercial)
Development Services

High Peak Borough Council and Staffordshire Moorlands District Council

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You will note that she totally fails to provide information requested and does not advise me she has been replaced as the case officer, nor advises when her now apparent replacement - Mr Steven Gunn Russell will respond.

To date, Mr Steven Gunn Russell, has also failed to respond to the above.

Ms Simpkin may have referred my emails to 'planning support' (whoever they are) for filing, but in addition also published my private emails and email address into the public domain on your planning webpage on the same day –

22/11/2022	Consultation Response ALFW New Century(1)
22/11/2022	Consultation Response ALFW New Century(2)
22/11/2022	Consultation Response ALFW New Century

Such conduct is a serious breach of the Data Protection Act and GDPR regulations and has been dealt with under separate cover direct to your CEO. I have not received any response and the matter has been referred to my Solicitor for onward referral to The Information Commissioners Office.

In anticipation that you may claim that she did not publish my email address in full, that is irrelevant as part email addresses can be reverse searched via online search applications available. I have found three to date which when inputted with the above limited information reveal my full email address.

In addition, allow me to provide an extract from your online planning webpage - All comments are published on our website although **contact email** and phone numbers **will be removed.**

Regardless of Ms Simpkin's removal as case officer on 17/11/22, and being too busy with planning appeals, she sent this email response to a member of the public on 6/12/22.

On Tue, 6 Dec 2022, 12:29 Simpkin, Rachael., < wrote:

Dear Mr Miskell,

Please find the attached documents as requested and we apologise these were not available on the public file earlier. I would advise you to contact planning support as cdd should you find that you are not able to access other planning application file documents.

As well, **we shall confirm contact details for the case officer when Mr Haywood returns to the office.**

Kind regards,

Rachael Simpkin

Senior Planning Officer (Majors & Commercial)

Development Services

High Peak Borough Council and Staffordshire Moorlands District Council

You will note that she fails to explain who or what 'CDD' are or reveal their contact details. In addition, contact details for her replacement case officer are pivotal on your availability from leave.

Regardless, Mr Steven Gunn-Russell was appointed as case officer on or around 19/11/22.

I am sure you can imagine my surprise and further disgust when the following was published on your planning webpage on 30/11/22.

30/11/2022	<u>Consultation Response Dinting Primary School</u>
30/11/2022	<u>Consultation Response L Wilcox</u>

Yet again, my private communication to a third party has been published into the public domain.

Such conduct is again a serious breach of the Data Protection Act and GDPR regulations, for which I must naturally assume that Mr Steven Gunn-Russell is responsible.

Accordingly, as a consultant to HPBC, I would be obliged by receipt of his contact details and details of his professional liability insurers for onward referral to the Information Commissioners Office.

You are aware Mr Haywood that as a direct result of Ms Simpkin's conduct, failure to respond, and obvious lack of capabilities, I emailed you on 17/11/22 to provide the information requested in my previous emails to her.

You also failed to respond.

I will now move on to other matters –

Requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015, and Town and Country Planning Act 1990.

I am fully aware that the applicant has served certificate B on the two current site landowners – The Bennett brothers from whom they intend to purchase the land subject to the award of planning consent. Such issue of certificate B is apparent within the application form submitted.

However, the applicant has failed to issue certificate B or place on site certificate C in respect of land now included within their application and confirmed in a disclosed HPBC internal email published on your planning webpage where your employees' class HPBC (the LPA) as consultants to the application. –

24/11/2022	Consultation Response HPBC Development Services
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You are advised that this 6-page document is now in wide public circulation in print form.

The application extends in 5 areas (not 3 as indicated) beyond the red lined site in the applicant's control/ownership into both public asset land (managed by HPBC) and private land. As such, certificate B or C should have been issued 21 days in advance of application. In that respect, the applicant has totally failed.

My personal interest in the application is as a trustee of Platts Wood Nature Reserve, my status as such was placed on me by the landowner Mr Charles Stafford Marshall in 2019.

As such, I retain all of Mr Marshall's land titles, deeds, conveyances, and associated documents for the land now proposed to be part included in the planning application without formal notification under certificate B.

Wain Homes (the applicant) was advised of this at pre application stage and is a matter of record.

HPBC are aware of this of course as they sold the land to the late Mr Marshall and his late mother Ms Gertrude Marshall in 1985. As such, your estates and asset management department will have copies of the documents/evidence to which you now refer and request.

Regardless, due to the proposed incursion into the above, and outside of the applicant's control, development in accord with the applicants GA plans will not be allowed and therefor renders the application in submitted form absolutely pointless. I therefore hereby place the LPA on formal notice that such incursion and proposed development will never be allowed under any circumstances and contrary to Mr Marshall's instructions to me and his final wishes.

Missing Application Supporting Documents and LPA Failure to Publicise.

The LPA are already aware of the missing documents not published into the public domain and clearly detailed in emails submitted by Mr Miskell and I in previous emails to Rachael Simpkin.

Despite two attempts to publish such documents, your I.T Department have failed miserably both on 3/11/22 and the 9/12/22 some **2 days after the public consultation period ended** –

03/11/2022	88. POS Plan – WHDVPP01 - Revision A
03/11/2022	85. Linkages Plan – Drwg No. WHDVCSL01

09/12/2022	85. Linkages Plan – Drwg No. WHDVCSL01
09/12/2022	88. POS Plan – WHDVPP01 - Revision A

You have referred me to your customer services department to provide a remedy to this. However, they have previously demonstrated their incapacibilities in not being able to transcribe a word document format onto your planning webpage. To quote from said page recent ammendment - **Please be aware that copying text and bullet points will lose the formatting of the originating document (i.e Microsoft Word).**

Perhaps Mr Hayward, your CDD could assist you!

Insufficient Information on Which to Make Informed Comment.

In addition to the above, and already advised to the LPA, additional supporting documents provided by the applicant are totally contradictory, lacking in notation and technical detail, and omitted in cross-reference to other documents.

This of course is preventing some statutory consultees i.e., Lead Flood Authority, DCC Highways etc responding in detail **on an informed basis**, and their limited and constrained responses to date clearly detail those facts. In addition, of course, the public are omitted from such consideration process as the consultation period has now ended, and which remains wholly unacceptable. A request by Mr Miskell to extend the public consultation period as a direct result of the above has been totally ignored and not granted by the LPA. Comments as such have already been submitted by me as a formal objection to the application. However, despite advice publicised on your website in terms of timescale to publish objections etc, Mr Miskell and my comments remain totally censored.

The level of detail provided by the applicant in support of their application is clearly required as it needs to be sufficient information to allow the local planning authority to take an informed view. I cannot comment on local LPA requirements as they have not been published, but it would appear that 'back of a fag packet sketches' are acceptable to the LPA, but not statutory consultees. DCC Highways Dept restricted response speaks volumes.

In checking national requirements in this respect, the applicant has clearly failed to deliver as laid down in HMGov requirements, advice notes and statute, revised in 2019. Accordingly, I am at a total loss as to how the application in submitted form was ever validated.

Drainage

Quite frankly Mr Haywood, I find your comment on this issue astonishing. In essence, your expressed opinion is - 'it is a civil matter'. No, it is not just a civil matter, it is also a planning matter. Consideration of surcharge to a minor water course, potential embankment erosion, potential impact/damage on a probable insufficient culvert in volume (not surveyed contrary to the applicants FRA consultant's advice), increased flood risk as a result, and potential resultant flood damage to existing properties and infrastructure are all material planning considerations. If they were not, why do you consult with and consider the professional advice of the LLFA? Do you know the hard surface area catchment volume of a site spanning circa 12 acres? Do you care? If not, please read the FRA report in support of the application. Obviously if you care not to, why do you request such report?

The drainage plans in their submitted form are considered totally lacking in detail and reserve volume-controlled discharge measures, and simply rely on basic hydro brake equipment which are subject to failure. They contain no contaminant run off prevention measures or proposals to deal with such risk thus presenting significant environmental threat. Based on the inadequacies of the proposal, the LLFA are withholding detailed professional comment. Proposals to connect surface water drainage of such volume to a system within private land at two out of three connection points, and outside of the applicant's ownership and control is beyond my comprehension, and I place you on notice now that it will not be allowed, and which renders the application pointless as it is not deliverable.

Do you still think this is a simple civil matter and not material planning considerations?

Building Regulations.

I fully accept that building regulations are outside of the remit of the planning process. However, associated compliance with HMGov requirements in terms of planning proposals in regard to energy conservation and volume occupancy standards are material planning considerations. This application fails in both areas and are therefore material planning considerations. Additional planning matters are included in my letter of objection to application.

Public Costs

You state that all associated costs in dealing with this application are borne by the applicant in the sum of £29,759.00 application fee and include current consultancy costs (you omit reference to Ms Simpkin's associated additional costs up to 6/12/22 in providing alleged professional and technical capabilities). Such payment may not also cover additional associated costs to the public because of circa 3 years of pre application association of the LPA with the applicant. Accordingly, I issue an FOI request for total disclosure of all associated costs over the entire period. Please refer this issue to your FOI Dept.

In respect of dealing with my enquiries and comments (not a complaint) under corporate complaint procedures, you are advised that I received an email from your customer services dept dated 14/12/22.

It advises that my complaint is to be further considered under stage 2 of such process and Mr Neil Rodgers will provide a review within 20 working days.

In consideration of the circumstances detailed above, I believe it is now appropriate to deal with these issues under such process.

As a matter of professional courtesy, this communication will be copied to your director, Mr N Rodgers and your CEO Mr A Stokes.

In conclusion, I find it most unprofessional and unacceptable that the well-established association between the applicant and the LPA over 3 years and disclosed under a previous FOI request clearly compromises what should be an impartial, independent, and balanced approach by the LPA in determining this application under what should be quasi-judicial process.

Clearly, the LPA cannot, as consideration to land ownership/management of adjacent proposed development sites as designated within the adopted structure plan and policies, clearly influences the outcome of this application and potential financial benefit to both parties involved.

The one thing above all else which concerns me most is that disclosed in an internal HPBC memo/advice note which clearly indicates that encroachment of the applicant into areas not designated for housing and associated development outside of that designated in the adopted local plan, and appears acceptable to the LPA, Para 3, Page 3.

Accordingly, I will now refer this matter to the Secretary of State for call-in procedure and determination by HM Planning Inspectorate.

Yours Sincerely

Mr L C Wilcox

CC N Duckworth LLB

