

Dear Rebecca

Since I last wrote to you about this I have been distracted by the developments concerning the Council's handling of my complaint about Sunday working (condition 5). I anticipated that the Council would mishandle any complaint about the conditions attached to 1996 Grant and they have. But there are a couple of things I need to tidy up before I give you the whole story about condition 5.

My main complaint about the enclosure is that it does not comply with condition 2 and the Council had allowed UK Docks to continue building it even after they were advised that it was too high and also too wide in January 2014. I have attached the 1996 Grant of Approval and there is [a plain text version](#) on 'theharbourview.co.uk'

Before any consideration is given to whether a structure is built to plan one needs to study the plans. I have rewritten [Plans and drawings](#) for you and made it less accusatory (second attachment) and posted it on the website so that others may also refer to it:

- any reference to named staff has been replaced by the general term 'the Council' and similarly I have replaced references to Residents, myself etc. by 'we'. I was reminded that it is dangerous to make any form of accusation without robust evidence and while the Council seem to not to be practising this I think it safer for me just to record what and when the Council have told us rather than specifically attributing it to an individual;
- anyone reading 'Plans and Drawings' should now come to the conclusion that the enclosure has been built nearly 3m higher than planned whatever the Council have to say;
- to save on the number of attachments I have placed links to documents held on my web site so that people can check things if they wish. All the evidence (plans, drawings and emails) is held in [/docs](#).

Since we first queried the height, four days after the first frame was erected, the Council have either flatly denied it was wrong, avoided answering any questions about it, passed the query on and/or referred the questioner to the Council's Complaints Procedure. The Case Officer, Mr Cunningham, was very helpful for those four days even told us that a building inspector would keep an eye on things. None of the drawings he supplied were authorised and an eye was not kept on things.

Strong but circumstantial evidence points to the Council not realising that the enclosure was too high until we had started questioning them about it on 9-Sep-13. From that date the Council, Planning Manager excepted, have refused to answer any query about the height.

We were told at a meeting 25-Nov-13 that the boat repair shelter was 'legal'. Two days after the meeting I realised I could measure the width from Greens Place. The columns were 0.7m wide and the whole structure was over 13m wide and the plans showed it was 12.2m wide.

'Plans and drawings' deals with the height, and the width is only briefly mentioned but the fact remains that the Council denied that it was too wide for nearly 5 months after the first frame went up. It appears that they were not aware that it was too wide until I measured it and told them. I wrote a Councillor, 16-Dec-13, copying it to the Principal Planning Officer advising him that we had been misinformed about the width.

The none of the staff of the Council's Planning office had answered any queries about the dimensions of the enclosure, as far as I know, until I posited, 24-Jan-14:

I maintain the overall width of the structure is 13.2m and first mentioned this in an e-mail dated 16th Dec. You have informed me that the width of the structure has been measured, but have not stated the

dimension or informed me that my measurement is incorrect. You have only told me that the measurements are to the approved plan. We are still waiting to see the approved plans (date stamped and approved in 1996). I would also like to add that as the columns are vertical it would seem reasonable to assume that the footings, laid in 2001, are also 13.2m.

It is difficult to argue about whether a structure is built to plan if the developer, or Council in this case, will not tell you how big it is. One of the first things I noticed about the drawings provided by UK Docks, apart from the fact that they were not authorised, was that the draughtsman had shown the height of both ends of the enclosure as 15.5m and the gradient is 2.7m – an impossibility. Study of the drawing shows the lower height to be more likely.

Mr Cunningham, in my opinion, is in trouble for telling the Committee of a Local Group that the enclosure was 'legal' especially as he confirmed it to me in writing a few weeks later:

20-Dec-13: Mr Dawson – once again – I have measured this on site and have copied the 1996 plans across to you twice already (attached again for your use) and I have explained during our meeting that **the base and height of the structure are compliant**...this is the end of the matter as far as I am concerned. Please do not email me again.

It was the email to the Councillor, 16-Dec-13, advising him that we had been misinformed about the width that prompted this reply. Some of the residents and I had already come to the conclusion that the enclosure was nearly 3m too high. The emphasis has been used to highlight misinformation. He had been asked twice for approved plans and I had been sent the plans provided by UK Docks which were not approved. The third was 8296/1A which is not approved either. The last one was from the Council's archive.

Mr Cunningham gets into deeper water in his response to my complaint, 10-Jan-14, which I send in when work resumed on the enclosure after the Christmas Break, and this puts his Manager, Mr Atkinson, in a difficult position as you will from see from the main attachment.

He can either defend Mr Cunningham's, and UK Dock's, action over the development or come clean about the non-compliance. His first reply indicates he has chosen to defend Mr Cunningham's and UK Dock's view.

All that has been said since then has been an attempt to cover this up and that includes misinforming the LGO and the MP for Berwick, Anne-Marie Trevelyan.

I will deal mostly with the height issue as it impacts on the LGO etc. In view of the large amount of correspondence I have gathered over the last three and a half years I will break it all down as follows:

1. Conduct of the Planning Department – Job No 248789: attachment 3;
2. Head of Services and Customer Advocacy – Job No 253539;
3. How the LGO was Mislead;
4. Letter to the MP and the Expansion of the Yard – Job No 266782;
5. Width: non-compliance of the base;
6. Sunday working – Condition 5.

How the Council have continued to maintain the myth that there is little or no variation from the planned height and misinformed the LGO naturally falls into three parts and there is the question of the letter to the MP, the width and Sunday working as well. Hopefully the rest of the explanations will be with you in the next week or so.

Yours sincerely,
Michael Dawson