

Attachment 29-Mar-17

Conduct of the Case Officer – Mr P Cunningham

All of the Council Officers involved with this development and I mean all, from the Case Officers to the Chief Executive, have left something to be desired about their conduct and the lack of respect they have shown to the intelligence of the people with whom they have been dealing and I think it is the business needs of the Port of Tyne that is driving the process.

The Port of Tyne had a desire to extend their biofuel handling facility for which there were substantial Government grants available and one of the ways to do this was to extend a quay across Tyne Dock and therefore close it off from the Tyne.

It was the closure of the Tyne Dock that put an end to the slipway business which subsequently became UK Docks but there was no point in forcing the closure of the slipway until Readhead's Landing was closed which required an Act of Parliament. There is possibly a provisional order to stop the navigation from the Tyne to both the landing and slipway (they are adjacent) and this would normally have required confirmation by an Act as well. This was handled by Mr P Cunningham who was also the Case Officer for the UK Docks development on River Drive.

The closure of the Tyne Dock slipway meant that the maintenance of ferries, ships and boats carried out there would have to be transferred to the only slipway on the Tyne, that was of sufficient size, to take the trade. That was the site owned by Tyne Slipway and Engineering on River Drive, now owned by UK Docks, but that slipway needed a cover before the work could be transferred.

The Port of Tyne could not close off the Tyne Dock slipway until they had ensured the continuity of the maintenance of their pilot boats, and UK Docks have the monopoly on both the Tyne and the Wear provide maintenance of boats of this size. The port would shut to shipping if there were no serviceable pilot boats and it would not be politically acceptable for them to be maintained by UK Docks in their yard on the Wear.

A Director of UK Docks has told us that his preference is that they remain in the South Shields area and that they develop their facility at the River Drive site in order to continue with their existing and future contracts. Their premises in Sunderland, like the one that they were forced to close, are leased and they say River Drive, South Shields is their only available option for investment because they own it. The Council, however, say that ownership is not a planning consideration.

On 9-Sep-13 the Case Officer forwarded the plans (longitudinal section and 8296/1B) that he had received from the applicant a few days earlier. This was very quickly followed up by the question from a neighbour:

Date: Mon, 9 Sep 2013 15:20:49 +0100 CC: 5 Neighbours; the 3 ward Councillors To: Peter Cunningham

Subject: Re: Approved boat repair shelter at Tyne Slipway, River Drive, South Shields

Dear Peter,

From the stamp date on the revised plans, you have received plans on the 06.09.13 the day after construction commenced which show an increased height to the structure to that which was originally approved in 1996. Has the revised height of 15.5 metres been approved or is it in breach of the 1996 Planning approval?

Up to this point Mr Cunningham had been very helpful but by mid afternoon of the 9th September he changed.

He did not answer the question about the height but referred the neighbour to the Council's complaints procedure. The answer to the question appears to be that the height is in breach of the 1996 planning approval.

The neighbour wrote again on the 13th September and this time copied our MP in because there were quite a lot of unresolved issues as well as the question of planned height. He had not responded by the time the local residents met at the Littlehaven Hotel on 9th October. The meeting decided to try and resurrect the Tyne Gateway Assn as the Council were no longer responding properly to any enquiries about the slipway cover.

I had become suspicious that Mr Cunningham was hiding something and turned to drawings provided to work out for myself what the planned height was and noted:

- the drawings were not approved by the Tyne and Wear Development Corporation;
- the general arrangement showed both ends of the cover to be the same height and reference to the longitudinal section suggested that the river end had to be the intended planned height (15.5m);
- we had not been given a complete set of drawings, the drawing of the cover itself was missing and some surveyors heights had been chopped of the longitudinal section as well as the drawing identification and date details;
- the general arrangement was an amendment from 1997.

It was clear to me that UK Docks had sent drawings to the Case Officer to falsely claim that they had approval to build to 15.5m height at the road end. At the same time the Agent sent a drawing made to the original specification, some 3 meters less, to the Planning Manager for approval having agreed that the change of angle of the slope was not material. Analysis of both these drawings is in Plans and Drawings.

The TGA was reconvened on 11-Oct-13 and Councillor Anglin was tasked with finding out whether the cover had been built to plan or not. At the meeting he arranged, 25-Nov, we were told the cover was 'legal'. We were not convinced and measured the width for ourselves and I advised Cllr Anglin and others at the meeting that we had been misinformed about the size of the cover.

Mr Cunningham did not provide the supposedly legal documents at or after the meeting which shows he could not justify his view on the height. He sent the UK Docks drawing, 8296/1B, when I requested the drawing seen at the meeting. It was not an approved drawing and he just sent it again when I asked him for an approved drawing.

Perhaps he did not know the cover was too wide when he wrote and told me the base and height were compliant, 20-Dec-13, either way he should have checked before he wrote. Both the increase in width and the height turn out to be material considerations and the Council should have asked UK Docks to remove the shed or submit a retrospective planning application. Mr Cunningham did neither of these things and it appears that the height was a known issue with the Council before the frames were completed if not before that.

The Agent's drawing which was published by the Council in December confirmed that the cover was too high as well as too wide and even after I raised a formal complaint Mr Cunningham continued to stand by what he said to us at the meeting and referred me to the Council's complaints procedure.

M Dawson, 29-Mar-2017