

26 May 2017

Dear Mr Swales

This letter is about the conduct of your Corporate Lead, in respect of her letter to the MP for Berwick. I consider that she misrepresented the drawings I spoke about in making references to the Local Government Ombudsman (LGO) and I therefore include a complaint that the Council had misinformed the LGO.

When I saw her response to [Anne-Marie Trevelyan](#), the MP for Berwick who wrote to you on 01-Jun-2015 from the House of Commons, I was justifiably appalled, mainly at her use of the pejorative 'allegations' but also of her device of not copying me her letter when she was in fact making allegations against me.

As it happens I did not see this response to my email till some six months after she had written it, and only then because I requested a copy from Customer Advocacy who had written to me, 9-Dec-15, about the LGO findings.

The Council would not have known but the email of 31-Mar-15 to Emma Lewell-Buck had been passed to Ms Trevelyan, because of Parliamentary rules.

Although Ms Trevelyan's, summary of what I wrote was fair, she was not specific about which end of the shed has a planned height of 15.5m so I wrote to her on 9-Jun-15, copied the letter to you, saying:

"You have not specified that the stated height (15.5m) is of the river end of the shelter and it is likely that, Mr Swales, if he follows the arguments of the Planning Manager and the Head of Development Services before him, will say it refers to the road end. The drawing, 8296/1A which they have used for their argument also states the height of the river end as 15.5 meters. This is clearly not consistent given the slope of the slipway.

I maintain that that the dimension at the road end has been specified incorrectly and I think that anyone that has spent any time training in a drawing office will agree with me.

Knowing that both ends of the slipway cover were given heights of 15.5m on drawing 8296/1A I used a different drawing to gain the admission of the Planning Department that the cover had not been built to an approved plan. They had said at first it was being built to approved plans.

This drawing, 8296/14, is available on the planning portal for all see (8296/1A is not readily available) and it shows the river end gable with door fittings. It has sufficient detail on it to determine that the height is near enough 15.5m i.e. - nowhere near the 18m of the built height of the river end.

If Mr Swales provides any new plans to show you that I am wrong in my assessment of the development on River Drive by UK Docks please let me know."

There are no approved plans to show that I am wrong which is why none could be sent to Ms Trevelyan. It appears Hayley Johnson has got round this by implying that we were lying: "The matters and allegations raised by your constituent are well documented and have been subject to a number of enquiries from Mr Dawson and other local residents over a lengthy period of time." when in fact it is the Council that was being dishonest.

The preliminary drafts of the LGO's findings bore so little relationship to my complaint that one could easily see that they were being misinformed by the Council and I did not want to wait for the final draft as the LGO had taken over 3 months to produce their first. I will for the sake of brevity use just one paragraph from the final draft to make my point:

34. I have seen the 1996 plans. On plan 1/B the applicant has written the proposed elevations at the inland end as 12.5 metres plus 3 metres. Mr X says the Council should not have taken the applicant's word for this. The planning authority has to consider what an applicant applies for; it can grant or refuse this but it cannot make an applicant submit something different. This developer applied for a shed 15.5 metres high at the land end. The Tyne and Wear Development Corporation as planning authority approved this. The current Council had to accept this as the approved height.

The misrepresentations are:

- drawing (plan) 1/B was an amendment to 1/A made in 1997;
- the Tyne and Wear Development Corporation (T&WDC) did not approve it;
- like 1/A, it shows both ends of the cover to be the same height on a gradient of nearly 3m. Careful examination of it, and reference to approved drawings would show that the river end is 15.5m not the road end.

Corporate Lead has ignored the catch all at the end of [my letter to Ms Trevelyan](#): "If Mr Swales provides any new plans to show you that I am wrong in my assessment of the development on River Drive by UK Docks please let me know." She did not provide any new plans, ergo; my assessment is correct and the LGO Inspector has been misled.

It was an unsolicited letter from Customer Advocacy 9-Dec-2015 who advised me that the Council had in fact responded to Ms Trevelyan's letter to you. This letter also informed me why the Planning Officer, Gary Simmonette, dealing with the extension and replication of the cover had not responded to my emails. I had advised him in some detail how I had worked out cover was too high and asked if he disagreed with the proposition, that the shed has been built 3 meters higher than planned, to give his reasons.

He could not give any because there are no valid ones and used Customer Advocacy to fob me off much as Corporate Lead did when she was unable to provide any 'new' plans to show that the cover had been built to an approved height.

The LGO and MP have been misinformed. You therefore need to ask your Corporate Lead to write and apologise to Ms Trevelyan for misleading her about the cover. You also need to ask Mr Simmonette rethink on the planned height of the cover. Please look at the misrepresentations in another paragraph in the LGO's assessment:

35. In January 2014 the Council wrote to Mr X about this. It said the overall structure on the plans is 15.5 metres at the land end and the foundations are 2.656 metres lower at the river end due to the gradient. It said the agreed structure is much higher at the river end. It said it had taken measurements on site and the shed as built matches these measurements. Since then the Council has consistently told Mr X the shed is the correct height.

The Planning Manager wrote to me twice in January, the first time, using 8296/1A, to mislead the reader into thinking that the road end had an approved planned height. If one looks carefully at his email, he does not actually say that drawing is approved. The second time he wrongly attributes a drawing (gable on 8296/14) the road end. This contradicts the note on the drawing about access which is gained from the river.

There is also no record of the Council having taken measurements on site - [EIR 17772: Summary](#). It appears that they have taken the word of the applicant, UK Docks, as to whether they had built the cover to a permitted plan. After our protests one might have thought that the building inspector, Mike Telford, would have taken some care to go and measure the structure.

I think Mike Harding, Head of Legal Services will be able to help you if you have not understood what I have been saying and you might ask yourself: "Why are the Council saying the cover or shed is the correct height when it is not?"

Yours sincerely,  
Michael Dawson

CC South Shields and Northumberland MP Office