

70 Greens Place
South Shields
Tyne and Wear
NE33 2AQ

Your Ref: (Case Ref: ZA4803)

20th October 2016

Dear Emma,

Slipway Enclosure or Shelter - River Drive South Shields

I wrote to you in March 2015 about the enclosure which had been built without permission but I was lodging in Amble at the time, and consequently my email was passed to the MP for Northumberland, Anne-Marie Trevelyan.

From what you have told me, when we met the other day, you are having trouble getting information out of the Council via the Freedom of Information Act. I am having trouble with obfuscation. Let me explain using my latest correspondence with the Council as an example.

I have now been back at the above address for nearly a year and there has been second submission to extend the enclosure by 25% amongst other things. As the existing enclosure has been built without planning permission I queried it with the Case Officer, Gary Simmonette reasoning that the planned height of the landward end was about 12.5m but he did not respond, he passed the query to Customer Advocacy who advised me the Council would not consider the matter further.

On 5-Oct 2016 I received a letter from Hayley Johnson (attached), which is a modified repeat of the response she had given on behalf of the Chief Executive. I had written to him a few months ago about the misinformation given by the Council to the Local Government Ombudsman (LGO).

Mrs Johnson said that there is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the LGO which is nonsense. Examination of the emails between me and their planning department, in January and February 2014, and comparison with the findings of the LGO Inspector show the evidence is there. I shall be pursuing this with Mike Harding, Head of Legal Services, and let you know the outcome.

When I sent you the email (Parliament Case Ref: ZA4803) on the 31-Mar 2015, Subject: Slipway Cover, River Drive, South Shields, I did not know Parliament had been dissolved the day before. By the time the House returned, I had moved to Amble and my email was passed to the MP for Northumberland, Anne-Marie Trevelyan.

When Anne-Marie wrote to the Chief Executive, she summed up the complaint very well:

It relates to a boat repair shelter at Tyne Slipway, River Drive, South Shields which Mr Dawson tells me was constructed outside the reimits of the approved plan, which was a stated height of 15.5m. According to my constituent, the actual height of the structure is some 3 metres higher, yet was signed off by the Council regardless.

I added a note (letter to her, 9-Jun 2015, copy: Chief Executive):

You have not specified that the stated height (15.5m) is of the river end of the shelter and it is likely that, the Chief Executive, if he follows the arguments of the Planning Manager and Mr Mansbridge 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 also added that the drawing 8296/14 (which is available on the planning portal) also showed a river end of 15.5m (15.6m).

I have attached Mrs Johnson's reply, 25-Jun 2015 on behalf of the Chief Executive. First of all there is the pejorative use of the word 'allegations', secondly there is the omission of what the Inspector for the Local Government Ombudsman (LGO) was actually saying: "The complainant says the enclosure is also 3 metres higher than it should be. The Council says it is not." and thirdly she did not send any new plans to show that my assessment was wrong. I had said: "If the Chief Executive 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."

I also said in my rejoinder to Mrs Johnson that she did not provide Anne-Marie with any new plans – ergo my assessment is correct and the LGO Inspector is wrong in her final assessment and therefore she has been misinformed by the Council. I also asked her, if did it not occur to her that if I had taken the trouble to write to an MP I would be certain that what I said was true and stand in a court of law? And if the river end is 15.5m the road end is not 15.5m, it is less by the slope of the slipway (gradient 2.7m) or 12.8m.

Mrs Johnson has neither answered the question nor provided any new plans. In 3 years the Council have not been able to produce a legal drawing to prove the slipway cover has been built to the planned height and I do not think you need to go as far as using the Freedom of Information Act (FOIA) to get evidence that the enclosure is not only too wide but too high – just ask for a public discussion involving the drawings provided by the agents Maughan, Reynolds Partnership Ltd.

What you will need FOIA for, is to find out why the Council went to such lengths to mislead the public for four months (they were still saying in January that the dimensions of the steelwork were in accordance with the approved drawings) and mislead the LGO. You may need to go back to the Building Control Report on the inspection of the foundations on 26 February 2001 to find out. I tried to find out who was the inspector responsible, and failed.

Condition 2 of the 1996 grant states:- "The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications" and the enclosure fails on width, height and slope of sides. Only the change in angle of the slope was considered by the Council in August 2013 to be non material and the Council did not request retrospective action?

On October 5th I was silenced by Mrs Johnson's application of 'Section F' action and I can foresee the Council employing this to silence objections from anybody else when work starts to extend the development in the same way that they use the LGO's findings to hide planning malpractice.

It was made clear when permission was granted that no further development should be encouraged. The enclosure is already wider and higher than planned and UK Docks appear to have the blessing of the Council to lengthen and more than double its width. The Council's Planning Office have sadly let us all down.

Good luck with your FOIA enquiries.

Yours sincerely,

Michael Dawson

Tel: 0191 420 2235

CC: Corporate Lead for file & Head of Legal Services
Concerned Residents

Attachments: 5-Oct 2016 HJ, 31-Mar MD, ~~9-Jun MD~~, 25-Jun 2015 HJ.