

Local Government OMBUDSMAN

14 June 2010

Mr Tony Dixon & Mr Harold Hall
4 Barons Close
Westergate
Chichester
West Sussex
PO20 3YS

Our ref: 10 000 389/PBM

Please quote our reference when contacting us and,
if using email, please put the reference number in the email subject header

**If telephoning contact: Pat Moriarty on 020 7217 4641
or, if using e-mail, send to: p.moriarty@lgo.org.uk**

Dear Mr Dixon & Mr Hall

Your complaint against Arun District Council

Further to my letter of 17 May with my provisional view of your complaint, I have carefully considered all the information you have provided, and your replies of 28 May and 11 June. I have now reached a decision.

Decision

You complained that the Council was at fault because of its actions in connection with the preparation of its Local Development Framework (LDF). You make various allegations about campaigns in which the Council and Councillors have engaged, and the open opposition to development at Ford.

My decision is that we will not pursue your complaint further because I have seen no evidence that you have been caused significant injustice by the actions of the Council.

How I reached my decision

The Local Government Act 1974 says that the Ombudsman may investigate complaints of maladministration by a Council which has led to significant personal injustice to a complainant. I am sorry to tell you that the evidence I have seen satisfies me that no injustice has arisen because of alleged maladministration on the part of the Council.

In the discussions we had by telephone I pointed out that there were two decisions to be considered. The first was a decision taken by the Council not to support the Ford Eco-Town proposal. Although the decision not to support the proposal was one made by the Council, the final decision on the Ford Eco-Town was made by the government. Even if I accepted an

10th Floor
Millbank Tower
Millbank

T: 020 7217 4620
F: 020 7217 4621
DX: DX 149243 Victoria 13

Tony Redmond
Local Government Ombudsman
Nigel Ellis

assertion that there was administrative fault in the way the Council made this decision not to back the scheme, it would not be possible for me to come to any safe conclusion that injustice had resulted as I would not be able to decide if the scheme would have received the go-ahead from the government if the Council had backed it. I do not intend to pursue this decision further.

You continue to make the case that there was fault in the Council's approach to the adoption of the LDF. You may well be right, but no decision has yet been reached, and there are several stages remaining where the LDF will be considered, including a stage when it will come under the scrutiny of an independent Planning Inspector who will decide if the plan is 'sound'. As no decision has been made (and may not be made for several years) I cannot come to any conclusion that injustice has arisen. For that reason I will not consider your complaint further.

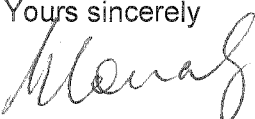
I can confirm that it is open to you to bring back the complaint to us at a later stage if you believe there has been maladministration on the part of the Council and significant personal injustice has arisen.

It does not seem to me that it is unlawful for a Council to have a view on the development of an Eco-Town at Ford, even if the Eco-Town proposals are on land under active consideration in its LDF. It is for the different pressure groups to put forward their arguments about what land and proposals should be adopted in the LDF and for the Council to consider the options at the appropriate time and make a decision on them.

I remain of the view that I have seen no evidence of administrative fault on the part of the Council which has led to injustice to you. For this reason I shall now discontinue the investigation and close your complaint. The 1974 Act requires the Ombudsman to inform the Council of the decision on your complaint, so I will write to let the Council's Chief Executive know the outcome.

If you want any papers you sent returned to you, please let us know as soon as possible. Our policy is normally to destroy files 12 months after we have decided the complaint.

Yours sincerely



Patrick Moriarty
Investigator