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Westergate
Chichester
West Sussex
PO20 3YS

The Local Government Ombudsman

PO Box 4771
Coventry
CV4 0EH

Submitted online and by post

10th April 2010

Dear Sirs

Complaint against Arun District Council

We have raised a number of concerns relating to the ability of Arun District Council to consider its Local Development Framework (LDF) option 2 objectively and under the same conditions as all other options. We believe there is already sufficient evidence to demonstrate maladministration.

The matters raised in our complaint demonstrate a clear pattern of events, in which the council sought to avoid full and equal consideration of LDF option 2, a new settlement on the disused airfield at Ford.

We have progressed through three stages of Arun District Council's complaints procedure and remain dissatisfied with the council's response. We feel that the council has avoided addressing some of the key issues raised in our complaint (the Investigating Officer could not find a copy of the press release referred to – calling into question the soundness of the council's investigation).

Therefore, we now formally refer this complaint to the Local Government Ombudsman (LGO) with a request for independent determination.

The LGO online complaints procedure does not enable inclusion of all of the relevant evidence, or copying in of interested parties and so, we have submitted a hard copy by post (with appendices) and as a matter of courtesy we have also provided copies to interested parties. We can e-mail copies of the appendices separately if it is helpful.

We have summarised our complaint below by addressing the three questions posed by the LGO:

Q1: What do you think the council or authority did wrong?

- a. The council **launched and led a campaign** against proposals for development on a site which was under active consideration in the preparation of its Local Development Framework. The council has not denied this. This occurred before the various LDF options had been considered by the council itself and by residents. We believe that such action is illegal or unlawful and constitutes clear evidence of a closed mind.
- b. In conducting a Select Committee inquiry into the option to develop on land at Ford Airfield the council was **acting both as objector to and judge of the proposal**, contrary to the law of natural justice - *nemo iudex in causa sua*.
- c. During a by-election campaign members of the council **gave support to a candidate openly opposed** to the Ford Airfield proposals.
- d. District Councillor Dr. J. Walsh in his role as a member of the County Council **declared his opposition** to the Ford proposals in questions to the Leader on the 18th April 2008. This was widely reported in the local press and was seen by viewers of a webcam broadcast by the County Council.

- e. Officers and Cabinet members of Arun District Council failed to bring to the council and its relevant sub-committee an important report on the economic impact of development and **we believe this may have been withheld deliberately.**
- f. Councillor R. Bower was re-instated as Chairman of the council's Local Development Framework (LDF) sub-committee **after having resigned from that post following complaints that his behaviour had been inappropriate.**
- g. The council's **consultation with residents on the LDF options has not met the spirit and intentions of its own Statement of Community Involvement.**

Q2. How has this affected you?

We are local residents, former Councillors, and co-authors of the Ford Enterprise Hub Eco-Town submission (see www.fordenterprisehub.com). We are not developers, not landowners, are under no Party political influence and we have no beneficial interest in development at Ford. We were stakeholders in the national Eco-Towns programme.

We and other local residents have been affected by the council's conduct in the following way:

- a. The council's promotion of a campaign against one in a number of alternative strategies for sustainable growth has prejudiced objective consideration of all options and its presentation to residents. By its actions, the council has unfairly disadvantaged residents in other locations under consideration through the LDF, for instance, Bersted, Barnham, Eastergate and Westergate, Angmering and Lyminster/Toddington.
- b. We have questioned the legality of a local authority leading a campaign against development proposals, especially when those proposals are on land under active consideration in its LDF. The council has declined to respond on this point. Illegal or unlawful conduct would be detrimental to the interests of all residents.
- c. Residents have been denied an open-minded approach by the council to major issues affecting the lives of present and future generations which the council had undertaken to provide for in its own Statement of Community Involvement. The council's response to our complaint about the inadequacy of its LDF consultation concedes (explicitly and implicitly) that it could have done better. The council's failure to follow both the spirit and intentions of its own plans for community involvement has undermined confidence in the council itself, to the detriment of all residents.
- d. Councillors delivering leaflets openly opposed to the proposals for Ford Airfield provide further evidence of closed minds, undermining public confidence in the council's role as a strategic planning authority, to the detriment of residents. By their actions the councillors involved have disadvantaged residents in other areas.
- e. Cllr Graham Tyler, Chairman of the Select Committee, said: *"This is going to be an open, professional and unbiased investigation into the viability of establishing an eco-town at Ford. The members of the Committee and I are all entering into this with completely open minds and will examine all of the evidence placed in front of us with complete objectivity"*. Councillor Dr. J. Walsh's comments demonstrated a closed mind and his subsequent presence on the Select Committee did not meet the council's promise of open mindedness, calling into question the soundness of the Select Committee's findings and public confidence in the council.
- f. The denial of natural justice resulting from this process has been to the detriment of residents, present and future.
- g. Residents have been denied the opportunity for fair consideration of development on brownfield land as opposed to greenfield sites and this has not been in the best interests of residents.

- h. Failure to bring evidence of a crucial nature to the relevant committee impaired the ability of the members to consider subsequent issues in the LDF process.
- i. The vacillation over Councillor R. Bower's role in the LDF sub-committee has undermined confidence in the council's role as a strategic planning authority to the detriment of all residents.
- j. The council has produced no specific evidence to demonstrate proper consideration of the Ford Enterprise Hub proposals (it should be noted that an Enterprise Hub is not the same as an Eco-Town) despite the Joint Downland Area Committee's request that it do so. This undermines public confidence in the council's Area Committee and the council's conduct of the local democratic process.

Q3. What do you think the council or authority should do to put things right?

Local residents should not be expected to participate in an LDF where the planning authority has so clearly indicated its desired outcome and shown prejudice towards consideration of alternative proposals. Given the evidence already in the public domain it is not fair to expect local residents to wait for an EiP before they can make the case for an open-minded LDF. They have a right to a fair and open LDF now.

We believe that it is important to restore public faith in Arun's LDF, and that the only way that this can now be done, is for the LGO to recommend that the Arun LDF is called in for independent review.

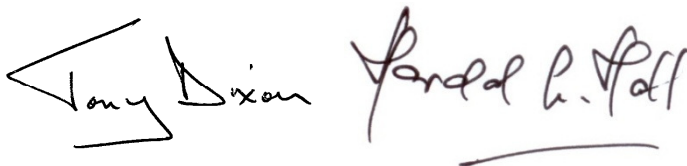
We have enclosed a copy of all correspondence between ourselves and the council to date.

We also attach new appendix 21 in which the Chief Executive sought to reassure members of the Select Committee – who appear to have raised concerns about the conduct of some of their fellow members.

See also new appendix 22 - a full transcript of Councillor Dr Walsh's statement at West Sussex County Council on 18th April 2008. The county council meeting was recorded and they can supply a copy if required.

Can you please acknowledge receipt of this complaint.

Yours sincerely

The image shows two handwritten signatures in black ink. The first signature on the left is 'Tony Dixon' and the second signature on the right is 'Harold Hall'. Both signatures are written in a cursive, somewhat stylized hand.

Tony Dixon & Harold Hall
Ford Enterprise Hub

Copies to:

Mr I Sumnall – Chief Executive, Arun District Council (by e-mail)
Mrs W Ashenden-Bax - Solicitor to the Council and Monitoring Officer (by e-mail)

Group Leaders:

Cllr. Mrs. G Brown (by e-mail)
Cllr. S McDougal (by e-mail)
Cllr. M Northeast (by e-mail)
Cllr. Mrs. S Olliver (hard copy by post)

Councillor Dr J Walsh (by e-mail)
Planning Inspectorate (by e-mail)