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Mr A Dixon
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By email to : afdixon@btinternet.com

Your Ref:

Our Ref: EH/PU/SW

13th January 2010

Please ask for:
Paul Unsworth
Environmental Health
Direct Line: (01903) 737705

Dear Mr Dixon

**Complaint re maladministration relating to the Arun District Council LDF – Formal Complaint Reference 024/09
Ford Enterprise Hub**

Further to your recent Stage 2 complaint under the Council's complaint procedure can I thank you for your time and hospitality in meeting me on Friday 8th January.

Further to our meeting I have tried below to set out my interpretation of your complaint. As I explained I think this is necessary because the issues you have raised cover such a wide area and a complex strategic planning approach.

As I understand it the essence of your complaint is that;

Arun District Council has not considered the LDF "Option 2" i.e. development at Ford, in the same way as and to a similar standard to other LDF Options.

Furthermore in the light of what has happened to date you believe the Council will not now consider all the proposals for future development across the Arun District side by side against similar criteria.

This in your view, has prejudiced the opportunity to pursue Option 2 to the disadvantage of the community as a whole as opportunity for strategic review of issues such as deprivation, inequality, low pay economy, poor education and employment with regard to all future development options cannot occur.

I note your close association with the proposals for development at Ford which go back at least to 2005 through the Ford Enterprise Hub. You feel that action by the Council and its Members have by accident or design failed to bring about proper evaluation of the Ford Options and the other Options for the District in parallel against similar criteria and conditions. You feel the Council has effectively dismissed the Ford Option without real or consistent comparison against other options.

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You seek to illustrate a “pattern of events” in the way the Council has acted in this respect as follows.

1. The Council has closely aligned itself with the campaign against the Ford Eco Town. You are concerned this involvement may have been illegal and ask what powers the Council has to promote and support such a campaign. You also believe this contributes to a perception of pre-determination against development at Ford.

You contend credence is given to this argument by:

- * The Special Cabinet of 14th April 2008 which the Council Leader introduced and then oversaw as speakers were invited from the floor. However you contend that only those who were for the campaign or against the Eco Town actually spoke. You believe the audience was “invited”, and asked were there communications between the Council and those who attended and spoke in advance of the meeting. Your view is that the comments received by that Special Cabinet were unbalanced as was the debate and the conclusion.
 - * Preceding this meeting with a Press Release on 3rd April indicating the purpose of the Cabinet meeting on 14th was to “kick start” a Council lead campaign. This Press Release also indicated the Council’s “consistent and overwhelming objection to an Eco Town at Ford” by implication you determined this to mean objection to any similar large development.
 - * The unconstitutional amendment to the Cabinet Minutes leading to the setting up of the campaign retrospectively following the Full Council meeting.
 - * The blind copying of e-mails to the campaign that were not copied to other interested parties such as the Ford Enterprise Hub.
 - * The support given to the campaign by the Council in terms of meeting facilities, access to Officers, distribution of leaflets from and collecting petition signatures at the Civic Offices.
2. The Council’s continued failure to properly consider the Ford Enterprise Hub proposals as an independent option despite a request for this to occur by the Downland Joint Area Committee.
 3. The demonstration, or suggestion, of predetermination/bias in consideration of Option 2 versus other options. In this respect
 - a. You argue that independence could not exist amongst influential Members of the Select Committee and that a biased/predetermined outcome against Option 2 was a predictable and inevitable outcome. You substantiate this by

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- * Issues identified in 1 above.
 - * Statements by Dr Walsh in public before his appointment about the Ford Eco Town proposals being Eco Fraud and subsequently his failure to be present both at the Developers Proposal Presentation and several other Select Committee meetings. I note you are still waiting a written reply from Dr Walsh which Karl Roberts is chasing.
 - * The possible association of Councillors with Mrs Neno's election campaign which was overtly anti-Eco Town. You state that Councillors who assisted her with distribution of campaign material or provided other support must, by implication, agree with Mrs Neno's position. You wish to know who these Councillors were and what roles they have played in considering Eco Town or similar proposals. In particular you wish to know if this includes Councillor Tyler.
 - * Failure to use widespread consultation mechanisms such as Arun Times for the LDF process leading to poor public response. I have agreed to provide you with copies of any Arun Times requested.
- b. The clear statements, in August 2008, in response to the southeast plan (or regional spatial strategy) and the resolution of the Council by which its "overwhelmingly supports that where Greenfield releases have to be made, this should take the form of sustainable urban extensions in the district".

In other words, the Council overwhelmingly reject proposals like Ford/Option 2 before considering them.

You argue that this must, at best, taint the view of any subsequent administrative process or grouping and at worst prejudice it against development such as Ford/Option 2.

You argue that actively supporting a campaign against the Eco Town and the appointment of Lead Members to the Select Committee who support or are biased by the Council's position or their own means independence of view must have been severely fettered.

You do however acknowledge that you were able to put your points across at the Select Committee and to have them properly recorded as you wished. However you go on to say that you believe there was no evidence that the Select Committee actively challenged information or advice placed before it.

- c. Councillor Bower's statements about development likelihood pre-LDF and his position in resigning from then being reappointed to the Chairmanship of the LDF Sub-Committee must prejudice his independence of thought.

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4. The Council has encouraged development outside of the LDF process effectively weakening it and the options within it especially Option 2. This in effect promotes some development proposals whilst suppressing others. You illustrate this by reference to

* Councillor Dingemans/the Council's alignment with/endorsement of the Greencore proposals encouraging application before the LDF was complete.

* 3b above supporting non-Greenfield development, encouraging application in situations of urban extension circumventing the LDF.

You wish the Standards Committee amongst other things to inspect communications with developers to see if the suspicion of encouragement can be confirmed.

You also wish to see Minutes of the LDF project team.

5. Withholding key documents from LDF consultation in that the joint Arun District Council/SEEDA, SQW report on economic impact could not be found on the website. You wish for clarification as to when it was posted on the web and which committees or groups have considered it.

In my further discussions with you you clearly accept the importance of evidence based approaches to plan making but you are concerned that the Council is coming to decisions in advance of all evidence being submitted and is making decisions in a fragmented rather than a coherent strategic fashion.

You expressed the view that in responding to the Eco Town proposal the Council should have demonstrated impartial consideration especially at Cabinet and Select Committee level. The process should also have involved review of the Eco Town proposals against other LDF options.

I note you understand the outcomes of the Governments consideration of the Eco Town proposals but do not accept these because of numerous inconsistencies.

I should appreciate your comments on my summary of your complaint as above.

It is my intention to consider these matters with the Council's Solicitor to determine which, if any, should go to the Standards Board and which require further investigation by me as a Stage 2 Investigating Officer.

It is my intention to conclude my investigation if at all possible by the end of January and to provide you with a written response to your complaints shortly afterwards.

Yours sincerely

Paul Unsworth
Head of Environmental Health

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