

## **20 June 2013: Complaint Email sent to the planning Inspectorate**

Dear Sir / Madam

I refer to planning inspectorate reference APP/Y3940/A/11/2166277/NWF, LPA number 10/04575/OUT

My complaint is that part of the procedure used during the Ridgeway Farm appeal of 9 – 23 May 2012 was flawed. Here are the details:

I attended all seven days of the public Inquiry held in Chippenham last year as a representative of the Shaw Residents Association ([www.shawresidents.org.uk](http://www.shawresidents.org.uk)). I wish to make the following observations and complaint:

1. Mr Blacker of WSP's proof of evidence on behalf of Taylor Wimpey presented to the public Inquiry states in respect to highways issues: *"all three reasons for refusal listed above have been resolved and withdrawn to the satisfaction of both councils and the developer"* and *"agreement between designers and engineers that a carriageway width of 7.3m should be provided"*. The report is unambiguous in this respect and clearly leads the reader to believe that highway matters have been agreed. Here is a link to his report: [http://northplanning.wiltshire.gov.uk/DocsOnline/49452\\_38.pdf](http://northplanning.wiltshire.gov.uk/DocsOnline/49452_38.pdf)

2. Prior to the Inquiry I went in search of the statement of common ground and could not find it. I was told that the statement was not complete and as such its contents were confidential. At no point was I told that highway matters were still under discussion and based on Mr Blacker's proof, I had no reason to believe that significant items such as road widths may change.

3. The statement of common ground was negotiated in private between Swindon and Wiltshire council and the Appellant during the Inquiry. It was only made available to selected members of the Inquiry (not me) until Friday the 18th May (day six of the Inquiry). Only at this stage was the Inspector publicly informed that agreement had been reached. At no point after this were the contents of the statement publicly discussed.

4. Given that Mr Blacker's proof of evidence was so clear as noted previously, I had no reason to second guess that highway specifications had changed whilst the Inquiry was in progress. Even if 3rd parties such as myself had been made aware (or had been smart enough to second guess) of the highway changes, there would not have been any time for a group of voluntary community representatives to pull together a credible argument against the changes – it reduces the width of the main road through the development from 7.3m to 6.5m.

5. Having recently been made aware of the major change in design the SRA created a report called "Ridgeway farm a recipe for gridlock" – a copy can be downloaded from the SRA web site mentioned earlier.

Had the width of the spine road through the development been made clear before the Inquiry, 3rd parties would have had the opportunity to analyse the impact and, as is the case with this change, contest it in the most vigorous terms. Such arguments would have been presented to the Inspector and it is possible it could have resulted in a different decision. As it transpired, the public were excluded from this part of the public Inquiry and as such, I believe this is a major breach of the democratic process.

I ask the planning Inspectorate to investigate my claims with the utmost urgency as planning applications are now in and will be decided in July. I am of the opinion that all development should be placed on hold while the flawed procedure is investigated and the Inspector is provided the opportunity to review and comment on 3rd party concerns reference the serious impact the narrowing of the road will have on traffic in the surrounding area.

Regards  
Kevin Fisher

## 16 July 2013: Response from the Planning Inspectorate



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2 The Square  
Bristol, BS1 6PN

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Mr Kevin Fisher

Your Ref:

Our Ref: APP/Y3940/A/11/2166277

**By email**

Date: 16 July 2013

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Dear Mr Fisher

**APPEAL BY TAYLOR WIMPEY UK LIMITED, D.M WEBB, C.A LINDSEY, J. WEBB AND S. BALLARD – SITE AT RIDGEWAY FARM, COMMON PLATT, PURTON**

Thank you for your email of 20 June 2013. This has been passed to me for reply as I deal with post decision issues and correspondence. I have carefully considered the points you raise. I should clarify that whilst Inspector Katie Peerless wrote a report on this case, the decision was made by the Department of Communities and Local (DCLG), on behalf of the Secretary of State.

I understand your concern regarding the Statement of Common Ground. I have contacted the Inspector who recalls the following from the inquiry. The original Transport statement of Common Ground was submitted before the opening of the inquiry but was subsequently amended and submitted as (ID27) on day 2 of the inquiry. However, appendices to it (ID50) were presented later in the inquiry but before its close. My understanding is that the Statement of Common ground and Appendices would have been available to anyone attending the proceedings if requested. If any concerns had been identified there would have been the opportunity to raise them at the inquiry.

I note that at paragraph 6 of the report the Inspector explains that she will consider the Highways objections raised by interested parties even though the Council and appellants had reached agreement on these matters. The Inspector discusses Highway issues through paragraphs 360-368 of her report. The views of local residents and the Council are, of course, an important material consideration and were carefully considered by the Inspector. However, it is the weight of planning argument, rather than number of parties for or against the proposals that is the determinative factor. In this particular case the Inspector's report found no justification for withholding planning permission, subject to a number of conditions recommended to ensure the effective and proper implementation of the development.

In this case 'outline planning permission' has been granted by DCLG on behalf of the Secretary of State. I should highlight that Condition 16 attached to the permission states that "*No phase of development shall take place until details of the estate roads including the realigned Purton Road, footways, footpaths, verges, junctions, street*

*lighting sewers, drains, retaining walls, service routes, surface water, outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageways gradients, drive gradients, car-parking and street furniture for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details".* I should explain that in terms of ensuring that development is built in compliance with the approved plans and any conditions attached to the decision, these are matters for the Local Planning Authority.

An appeal decision is a legal document that can only be reconsidered following a successful challenge in the High Court, during the period specified in planning law, which is within 6 weeks of the date of the decision. As this period has passed the decision is final.

I appreciate that you may remain disappointed with the outcome of the decision. However, I hope you have found this information helpful in providing clarification on the matters raised.

Yours sincerely

*L.M. Shand*

Quality Assurance Unit

### **30 July 2013 – Reply to the Planning Inspectorate**

Dear Laura

Many thanks for your letter and apologies for my delayed response. May I first ask if you can provide your letter in pdf format?

My complaint was not focused on trying to overturn the decision as I am fully aware that is not possible. My complaint was, and still is, about procedural matters. The event was a public Inquiry and yet, even though all participants including the Inspector were fully aware there were third parties in the room for the entire event that had a strong interest in highways matters, fundamental changes were made to highways in secret during the, and at the same venue as the, Public Inquiry.

Whilst you state the statement of common ground would have been made available to anyone if we had asked, at no stage during the proceedings was it highlighted by any party, including the inspector, that significant changes to highways had been made with the results of those secret negotiations being published in the statement of common ground.

I remain dissatisfied with the proceedings and even more so with your response. I can only conclude that the Planning Inspectorate are content with secret negotiations taking place during public Inquiries and the results of such secret negotiations being inadequately presented to all participants. Remember, the negotiations were secret, I naively thought they were only about S106 contributions (since that is how they were best described to the Inquiry), by the very nature of the word 'secret', I had no information to enable me to ask appropriate questions since I was not aware that the discussions had touched so strongly on the subject I attended every day of the Inquiry to represent. It is a circular argument – best described as 'I did not know what I did not know' but all other parties in the room including the Inspector were kept fully in the picture.

If you, as the representative of the Quality Assurance department of the planning Inspectorate, feel that this part of the Inquiry was conducted in an acceptable manner then I can only come to the obvious conclusion that having internal departments auditing an organisations work is ineffective.

Please let me know who I now take my complaint to.

Regards  
Kevin Fisher



## The Planning Inspectorate

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Mr Kevin Fisher

Your Ref:

Our Ref: APP/Y3940/A/11/2166277

Date: 23 August 2013

By email to kevifish@ntlworld.com

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Dear Mr Fisher

**APPEAL BY TAYLOR WIMPEY UK LIMITED, D.M WEBB, C.A LINDSEY, J. WEBB AND S. BALLARD – SITE AT RIDGEWAY FARM, COMMON PLATT, PURTON**

Thank you for your further correspondence of 30 July 2013. This has been passed to me in line with the Planning Inspectorate's policy relating to complaint escalation.

I am sorry to read that you disagree with the reply sent by Laura Shand regarding your concerns raised over the statement of common ground. I have carefully considered your complaint in light of your further correspondence.

In instances such as this, where the main appeal parties (i.e. the applicant and the local planning authority) are able to establish further areas of agreement between their respective cases, it is not uncommon for revised and updated Statements of Common Ground to be produced. As this process helps the Inspector by allowing them to focus solely on the remaining points of disagreement, they will encourage the main parties to seek any additional common ground during side sessions or adjournments to the inquiry.

In this case, the Inspector recalls that the Transport Statement of Common Ground was submitted before the opening of the inquiry but was subsequently amended and submitted as Document ID27 on day two of the inquiry. However, the appendices to it, (document ID50) were presented later in the inquiry but before its close. Whilst this process is necessarily a closed one as it does not involve anyone but the main parties, it is not a secret one, as the results of such continued negotiations would be made available at the inquiry to other interested parties.

The fact that agreement might be reached between the main parties on a particular issue, in this case highways, does not mean that any similar objections raised by third parties or interested local residents would automatically be nullified, and in principle, these would be capable of attracting

significant weight. It was for the Inspector to consider whether any remaining third party objections outweighed the agreement reached between the applicant and the LPA on highways issues.

The Secretary of State's decision granted outline planning permission, subject to a number of conditions that serve to ensure the effective and proper implementation of the development. Condition 16 requires details of the estate roads to be approved in writing by the Local Planning Authority, who are ultimately responsible for ensuring that the development is built in compliance with the conditions and approved plans.

I hope that this explanation assists your understanding of the way in which the system works and reassures you that the views of local residents remain an important factor in planning decisions.

Yours sincerely,

Ashley Gray

Section Manager  
Quality Assurance Unit

**27 August 2013 – Reply to the Planning Inspectorate**

Dear Mr Gray

Thank you for your response. However, I continue to remain wholly dissatisfied with the process and the responses I have received from you and your team. You have noted in your response that “the Inspector recalls that the Transport Statement of Common Ground was submitted before the opening of the inquiry but was subsequently amended and submitted as Document ID27 on day two of the inquiry”.

This is precisely my issue – I based all my considerable efforts, personal expense and time (I attended every single minute of the Inquiry) on the data available in reports provided to the Inquiry before it started. That data told me the spine road would be 7.3m wide. My efforts focussed on the impact to highways from this development and in that analysis, I discounted any chance of delays to traffic flowing through the new estate. The reduction in road width to 6.5m made to the exclusion of ALL third parties has been made precisely to slow and even stop traffic flow. This change therefore will make the highways arguments I made during the Inquiry much stronger.

Because this change was made in secret and the Inspector chose not to inform 3rd parties of this change I continue to consider the process deeply flawed. Whilst I accept the decision has been made and the developer won, I cannot accept that the process was fair, just, open, transparent and reasonable. As section manager of the quality unit overseeing these activities I am saddened that you do not agree with that simple observation and at the very least offered an apology.

As noted in my last email – please tell me who I escalate my complaint to.

Best Regards  
Kevin Fisher

**18 September 2013: Response from the Planning Inspectorate**

Dear Mr Fisher

Thank you for your e-mail of 27 August.

I note your continued disappointment with this situation but there is nothing further that I can add to our previous exchanges.

As our complaints procedures have now been exhausted, I can only suggest that you take up your concerns, through an MP, with the Parliamentary & Health Service Ombudsman - an independent body that may investigate complaints made against Government Departments and Agencies such as the Planning Inspectorate. The Ombudsman may be contacted at:

The Parliamentary & Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP

Telephone: 0345 015 4033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

E-mail: [phso.enquiries@ombudsman.org](mailto:phso.enquiries@ombudsman.org)

Yours sincerely

**Ashley K Gray**

Section Manager

Quality Unit

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