

**Mr M. Ainley – Further Comments upon Newark and Sherwood District Councils DPD,
regards Southwell.**

Representor Number 137

For the attention of The Programme Officer – Louise Cooper

Dear Louise,

Thank you for your recent e-mails in which you attached a list of Participants and the “Inspectors” matters and issues for the hearing(s) and in which you “invited” further written responses.

Detailed below are my observations / comments :-

1. I notice from the list of Participants that you detail a “Mr M Evans” attending the meeting with regards to the “Southwell Area” and that he will be representing a Mr C Holroyd and also the Southwell Care Project.

In my opinion I do not consider it appropriate for Mr M Evans to be presenting matters in relation to the offer by the owners and / or undisclosed developer in relation to influencing the decision on the land if it involves the gift (or sale for some nominal figure e.g £1.00 GBP) of the substantial bungalow and large portion of garden land to the Southwell Care Project.

The conditional “gift” of the bungalow and garden in exchange for planning permission being granted for Land South of Halloughton Road (DPD ref SO/HO/2) to be developed with approximately 46 dwellings as advertised in local newspapers.

The publicising of this “gift” was declared entirely **inappropriate** at the Southwell Town Council (STC) meeting as it was publicised during the Options Report Consultation period, no doubt in order to sway the opinion of any consultees, **and should not be taken into consideration.**

Mr Holroyd is the brother of Cllr Nora Armstrong, both of whom are, according to Cllr Armstrong, part-owners of the land DPD ref: SO/HO/2 put up for development and his Representation Reference 132/SO-HO-2/Supp does not disclose that he is a part-owner and has a direct financial interest.

Nor did Cllr Armstrong declare her part ownership of the land with Mr Holroyd on her Declaration of Interests form. Therefore Mr Holroyd’s interest and relationship to the land and Cllr Armstrong are not transparent. I believe that this is also a failure to disclose interest. Mr Holroyd could make applications which would not be identifiable as being on behalf of the Elected Member. It would rely upon Cllr Armstrong making a declaration of interest at appropriate times when discussing issues affected. This also was not declared.

In fact Mr Holroyd, whose financial interest in the land was hidden by Cllr Armstrong’s non-disclosure of his part ownership on her Declarations of Interest Form, was able to respond during the consultation phase- eagerly supporting the suitability of the development - as though he were an independent consultee.

There have been numerous official Complaints (which have not been addressed to the satisfaction of the complainants) about Cllr Nora Armstrong not declaring her interests in the Land South of Halloughton Road (DPD ref: SO/HO/2) when she was attending and decision making during Core Strategy and Local Development Framework Meetings and Cabinet level meetings on the subject of land preference and strategy. I find it incredible and

perverse that Newark and Sherwood District Council (N&S DC) found that to be acceptable behaviour as there are specific and wide ranging rules governing personal interest.

The Localism Act makes non declaration of pecuniary interest a criminal offence. Prior to this it was certainly a breach of the code of conduct and contrary to acceptable standards in public life.

I also note that Mr M Evans is believed to be Michael Evans the former Head of Planning at Newark and Sherwood District Council (N&S DC) until 2010. I hope that he is not afforded extra favour given his past relationship to the council members at N&S DC, as he has only made 1 Representation (ref: 134/1/SO-HO 3/2) regarding Southwell as far as I can ascertain from N&S DC's website with the over-complicated renumbering system implemented part way through the Consultation Period (see attached Appendix A and Appendix B).

The aforementioned Representation that M. Evans made was in opposing Becketts Field DPD ref: SO/HO/3 and I fail to see why he is being invited and allowed to now represent owners regarding DPD ref: SO/HO/2 (C. Holroyd / Cllr Armstrong's) Land South of Halloughton Road and the Southwell Care Project, given the reasons outlined above.

2. With regards to Matter 3 – Housing item 11, I would state that DPD ref: SO/HO/2 (Land South of Halloughton Road) “Outside of the Town Boundary” is not the most suitable for a multitude of reasons (see list A to H below) and the number of dwellings can easily be accommodated “elsewhere within the Town Boundary”(sites DPD ref: SO/HO/3, DPD ref: SO/HO/6 and DPD ref: SO/HO/7) with increased density :-

A)DPD ref: SO/HO/2 is Outside of the Town Boundary.

B)DPD ref: SO/HO/2 is elevated agricultural land behind the current bungalow and new dwellings would be visible from the Nottingham Road A612 approach to the “Iconic Gateway” to Southwell as can be seen when approaching from Brackenhurst and Thatch Cottage...

C)Development of DPD ref: SO/HO/2 would obscure the views of the Holy Trinity Church and the Minster especially when viewed from placard number 22 on the Southwell countryside walk.

D)DPD ref: SO/HO/2 land has a long history of flooding (hence it's being named “Springfield Land”) and regularly can't cope with the surface water in prolonged periods of rainfall with excess water cascading onto Halloughton Road and then onto Nottingham Road alike.

E)N&S DC incorrectly detailed part of the land (0.4 acres) in their DPD for SO/HO/2 despite it previously being proven in the Options Report Consultation and again raised on DPD Representation Form ref: 137/6/SO-HO/2/2 as not part of the parcel of land being offered for development as it had been sold off and not available for development (also there is a right of way over the land DPD Ref: SO/HO/2 detailed in the aforementioned Representation Form).

Furthermore the Bungalow has been offered (inappropriately in my opinion) as a gift in exchange for Planning Permission being granted and this represents a further 0.7 acres of land that is incorrectly shown as being put up for development, hence circa 1.1 acres incorrectly indicated and in fact only circa 1.3 hectares is available, but is not appropriate for reasons outlined above and below.

F)Serious traffic issues related to adding 46 dwellings onto Halloughton Road which is already extremely narrow where it meets Westgate, it has no pavements and visibility onto a major 'A' road is extremely poor.

G) There is a larger, flat (non-elevated land) site “Within the Town Boundary” that is extremely well suited for development (Becketts Field DPD ref: SO/HO/3 that has an “Existing Road Entrance” on the corner of Halloughton Road directly opposite to the unsuitable (DPD ref: SO/HO/2) Land South of Halloughton Road which would add too much traffic to Halloughton Road, hence only one site should be done either SO/HO/2 or SO/HO/3.

Becketts Field (DPD ref: SO/HO/3) should be developed and should not have to have its existing entrance moved from the corner of Halloughton Road to opposite the Minster School on Nottingham Road just to accommodate DPD ref: SO/HO/2 (Cllr Armstrong’s land outside of the town boundary) in order to get this Springfield Land South of Halloughton Road approved for development which would be to the financial gain of Cllr Armstrong and at the detriment to the local residents given the issues with this land (DPD ref: SO/HO/2).

H) N&S DC have recently issued a Schedule of “Proposed Modifications” to their DPD in the middle of which is a “Housing Trajectory” (see attached Appendix C) **which shows Cllr Armstrong’s land DPD ref: SO / HO / 2 as having the largest percentage of its allocation first to be developed ahead of the other sites in Southwell.**

I find it questionable as to why N&S DC have found it appropriate to schedule this highly controversial site Outside of the Town Boundary (DPD ref: SO/HO/2) partly owned by an N&S DC Councillor / Cabinet member that has had such strong opposition (more representation opposing it than any other site) in favour of Becketts Field (DPD ref: SO/HO/3) which is within the Town Boundary and has generally been well received and positive.

- 3.** Notwithstanding the above; “if” the inappropriate lobbying methods for DPD ref: SO/HO/2 of gifting or selling the bungalow for some nominal fee to the Southwell Care Project were to be allowed then this land **DPD ref: SO/HO/2 is somewhat reduced in size by circa 25% and as such based upon N&S DC’s own density statements, 46 dwellings would not be deliverable.**

- 4.** At the Hearing scheduled for 11th-13th December 2012, I would anticipate that the owners of DPD ref: SO/HO/2 (Cllr Armstrong and her brother Mr C. Holroyd) and Mr Evans detailed as representing Holroyd and the Care Project, might then argue for increased density on this unsuitable land **(DPD ref: SO/HO/2) Outside of the Town Boundary** as it appears that they may have already gone to great lengths to try and gain **approval to change this open countryside / agricultural land (DPD ref: SO/HO/2) into building land, despite the strong opposition during the Options Report Consultation from local residents and also from Southwell Town Council (STC) alike.**

It should be noted that it is not just Mr Holroyd and Southwell Care Project who are being represented by Mr Evans but also Cllr Armstrong’s financial interest by virtue of the joint ownership with Mr Holroyd. N&S DC have, in my opinion unjustifiably accommodated this land DPD ref: SO/HO/2 to get through to this stage.

N&S DC made an extraordinary decision to renumber and swap the unique reference numbers already allocated to specific sites during the Options Report to detail the “Land South of Halloughton Road” (Options Report ref: SO/HO/3) to a new reference which had already been used for a more favoured site, having received more positive consultation responses (Becketts Field Options Report ref: SO/HO/2) for N & S DC’s Development Plan Document (DPD).

I had real concerns about this decision to swap the references and raised it at the time of it being enacted. Viewed dispassionately, the decision added no value to the process and was completely unnecessary but had the potential to confuse consultees. It did however bestow a potential advantage in terms of the consultation responses to the land owned by the

Cabinet Member (Cllr Armstrong) as anyone commenting again in the Final report inadvertently using the reference number originally used in the Options report for a different site, were highly likely to be more positive as the other site had received more positive responses in the preceding round of consultation. This was known at the time of swapping the references as the consultation returns for the Options Report had been published. There was little or no risk of Cllr Armstrong/Mr Holroyds land receiving poorer responses than the Options report had out-turned and could only gain from any confusion in my opinion.

Whilst it may appear as a great many of my concerns are centred around an individual, my comments are not personally based, they are a natural consequence of the Councillor who did not declare their pecuniary interest are one and the same as the person who is attempting to develop that undeclared interest i.e. Land South of Halloughton Road (DPD ref: SO / HO / 2). In addition to this that same person has an undisclosed joint interest with Mr C. Holroyd who appears to be acting in conjunction with the Southwell Care Project as both parties are detailed to be represented by Mr M. Evans.

To summarise in my opinion:

- The owner(s) have been involved at decision making level within the NS&DC.
- The owner(s) concealed their relationship to that decision making process by not declaring their personal financial interest. Instead the Cllr was making and having an influence on decisions relating to that pecuniary interest without having declared their personal interest.
- The owners or developers have in conjunction with others, attempted to influence the consultation inappropriately by releasing a conditional “freebie” offer to the Southwell Care Project. The unfair pressure being applied to the decision makers because of this has completely tainted the fairness and objectivity of the process.
- The council then decide to re-number, or rather ‘swap’ reference numbers of the land options after the options report consultation. Curiously the land owned by Cllr Armstrong and Mr Holroyd was ‘given’ a reference which had previously been on a piece of land with more positive responses. Confusing? But only beneficial to the aforementioned land owners.
- The Cabinet Member (part owner) of the land has been in a position to be able to direct decision making in her own favour at the outset through non-disclosure of interest, and presumably continuously throughout. For if the previous non-disclosure of pecuniary interest was deemed acceptable by the council following the hearing of numerous complaints, then the Cllr would have been allowed to continue with their involvement in spite of the pecuniary interest. If however they were not allowed to participate formally, and some change in approach was taken, then surely that is indicative of the fact that the original complaints of breach of code should have been upheld. I do not consider it appropriate for someone to profit from this activity by virtue of their position as an elected member of the Council. The legislation makes this abundantly clear.....but no one in N&S DC seems interested in tackling these issues. I may be able to suggest reasons why not.

I believe that it has been more than adequately demonstrated that the Concillor has breached many elements of the code of conduct and potentially the law, in this case, yet they have all been ignored. This is despite the minutes of the meetings (copies available) showing where discussion and decisions relating to land allocations and strategy of the council plan in which the councillor’s prejudicial interest were undeclared and the councillor voted on them and participated fully. For the council to ignore this is simply perverse in my view (the correspondence outlining rationale for decisions following complaint and what I believe reveal conflict of interest are also available)

The whole episode has highlighted to me what I believe are real conflicts of interest within N&S DC officers and members, and I believe seriously undermines local government. If a locally elected Member is allowed to profit from what appear to be clear breaches of the Code of Conduct and the obligations under the Localism Act, it would bring the council into serious disrepute. Failure to

disclose Pecuniary Interest is a very serious matter, and particularly so if in the high ranking position of Cabinet Member which attracts such significant influence within the Council.

Fundamentally, it is my opinion that the land is completely inappropriate for the proposed development on its own merit; hence the less than transparent manoeuvrings and “free offers” being inappropriately attached to it.

- 5.** With regards to Matter 5, Q.19 I would refresh my previous views that sites within the Town Boundary such as Becketts Field (DPD ref: SO / HO / 3) and Rainbows (DPD ref: SO / HO / 6) and Southwell Deport (DPD ref: SO / HO / 7) should have increased density and be those to be delivered first in the Housing Trajectory.

Land South of Halloughton Road Outside of the Town Boundary (DPD ref: SO / HO / 2) should not be developed for the reasons given previously above and the dwellings would be catered for by increased density on DPD refs: SO / HO / 3, SO / HO 6 and SO / HO / 7.

- 6.** With regards to Matter 5, Q20, flooding and traffic are a particular problem for DPD ref: SO / HO / 2 for the reasons previously detailed in Item 2 above and previously submitted Representation forms.

- 7.** With regards to Matter 5, Q21, the bypass is alleged to have insufficient funding and some would not welcome it so close to the Minster School. If the bypass is not to happen in the foreseeable future then good, sound sites should not be precluded due to the slight off-chance of the bypass, in my opinion.

Yours sincerely,

Michael Ainley

Enclosed: Appendix A – Question to N&S DC regards renumbering of sites with identical numbers already been previously used and N&S DC’s response.

Appendix B – Confusion caused by N&S DC renumbering system and 90% of representations opposed to DPD ref: SO/HO/2 being developed.

Appendix C – N&S DC’s housing timeline for Southwell in which N&S DC have put land outside of the town boundary (DPD ref: SO/HO/2 Land South of Halloughton Road) through ahead of other sites that are within the town boundary SO/HO/3, 6 and 7.