

This document represents a complaint made to Durham County Council regarding the actual application and committee meeting. Feel free to use it as basis of your own complaint.

Gloria's comments are marked in [blue](#)

Our responses are marked in [red](#)

From: Gloria.Coates@durham.gov.uk

Subject: CCU/3930949 - Coal Depot Planning Application, Wolsingham

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Your complaint received on 20 July 2010 has been investigated by an Officer from the Service Area about which you complained and I set out their response below:-

'Since receiving your initial complaint the application has been determined. On 27 July 2010 the County Planning Committee resolved to grant planning permission for the temporary coal depot having considered the officers report and listened to you and other objectors who addressed the Committee.

Request to speak at Committee and determination date

Your request to speak at the County Planning Committee was recorded and noted and a letter was sent on 20 July 2010 informing all those who have made representations of the date of Committee and of the opportunity to address the Committee in person. The agenda for the County Planning Committee was made public on 19 July 2010. Only when the necessary assessments were completed and the Committee report finalised could the decision be made if the application was to be reported to the meeting on 27 July 2010. Local County Councillors are advised of the position at the same time as members of the Planning Committee when agendas are published.

You state regarding my request to speak "... a letter was sent on 20 July 2010 informing all those who have made representations of the date of Committee and of the opportunity to address the Committee in person." This was a general letter sent to all objectors who had asked to be kept informed; this was not specific to those people intending to speak. As such there was no detailed information on the process of speaking at committee something I had never done before. The letter does have a link to a webpage with a guide to speaking, nowhere does it make mention of needing prompt for any materials to be shown.

There is a requirement for Committee reports to be publicly available 5 working days before the scheduled Committee meeting and this was met.

The planning application was received on 2 February 2010 and was subject to 13 weeks statutory determination period. Whilst this Government target is a guide that cannot always be met as the application had been with the Council for nearly 6 months it is not considered that it was rushed to Committee.

My complaint regarding the application being rushed was the speed it went from a further thirteen documents released on the website (after repeated requests) to Claire Teasdale report being complete. The advantage is clearly with planning here as they had time to study these documents, before we were even made aware of them. Claire Teasdale was repeatedly asked when it was likely to go to committee, Councillor Anita Savoury even asked the week before it was announced to be told it would probably be September. This was either an attempt to mislead objectors in to thinking they had more time to research the documents or sloppiness on someone's part, there must have been some notion that the report was virtually ready to go before this comment. It is noted that the Committee met just before a Summer Break with the next one not being until late September, again it seems quite purposefully placed in that session along with a similarly controversial Tesco application,

not to mention the recent care home closures, to get it stamped and out the way giving objectors a month of virtual silence before any meaningful feedback/minutes.

Request for notification of any developments on the application

Many of the letters of objection received included a standard sentence requesting that the writer be informed of any developments on the application. Whilst this was noted it is a huge undertaking that could not reasonably be met. The key information in the application has been made available in accordance with procedural requirement and those making representations were informed of critical matters such as when the application was to be reported to Committee. It is up to individuals to contact the office from time to time to check on progress with the application and some individuals did. Certain information is available to view on the Council's website and all correspondence is available on the planning file which can be viewed by appointment.

Being kept up to date – as you state many letters did include the instruction to be kept up to date, the fact you deemed it unreasonable to reply is irrelevant. This is a legally valid request and should not be simply dismissed due to admin or effort. If as you state “those making representations were informed of critical matters” I would argue this point, I was making representations (If I indeed count) and was not sent anything regarding further submitted documents. What constitutes a critical matter? Clearly 13 new documents which heavily favours the applicant are not deemed critical, by the LPA, at least not requiring notification of those speaking. “. It is up to individuals to contact the office from time to time” Where is this bit of information? If you ask to be kept informed it is your duty to do so. “Certain information” Can you please describe what this covers? - What are the criteria by which information is categorised as important enough to publish on your website? - “is available to view on the Council's website”. I work in web site design, development and administer a 30 thousand plus page site, I am aware of the difficulties in running such a large site. Durham Country own site is difficult to search, three of the last set of PDFs were corrupt, and my Acrobat Pro (latest version) downloaded them fine but showed either missing information or blacked out pages. I accept these were later repaired but initially they were damaged. Lastly in this section you state “and all correspondence is available on the planning file which can be viewed by appointment.” This presupposes I and others can take time off work to go and view the files, I work 8-5, 5 days a week and do simply not have the time, this is where your site become ESSENTIAL, and the information provided on it CRUCIAL.

Availability of additional information

Additional information requested by statutory consultees was requested from the applicant and information provided.

Additional information that was submitted on 22 and 25 June 2010 was not placed on the Council's website until 6 July 2010 although it was thought to have been available earlier. Nevertheless, it was available for a sufficient period in the run up to the Planning Committee for people to view by this means. The information was also available on the planning files which can be inspected by appointment.

Reports that documents were corrupt were investigated and no problems were found.

Representations are accepted up to the day of Planning Committee therefore the opportunity for additional comments to be made remained. Some additional comments were reported to the meeting and you along with other residents took the opportunity to address members about your concerns.

Availability of Information – “Additional information that was submitted on 22 and 25 June 2010 was not placed on the Council's website until 6 July 2010 although it was thought to have been available earlier.” – This strikes me as a pretty **damning admission**; does nobody administer this site and the release of information? I know that with Clearing for students starting in one week if I ‘forgot’ to put up information for students my Manager and way more senior people would be on me in seconds. Who was responsible for this failure to check? You go on “Nevertheless, it was available for a sufficient period in the run up to the Planning Committee for people to view”. View perhaps but not to study and respond this much information released so late was nothing more than a stalling tactic, to get people bogged down in information which ultimately had little or no merit to the actual application. A ‘revised’ bat survey using half information from the previous one, this can be seen by some pretty sloppy

editing/copying and pasting in the file where sentences are taken verbatim from the previous one. "Some additional comments were reported to the meeting and you along with other residents took the opportunity to address members about your concerns..". Yes but these were not based on all those documents that we did not have time to study. You continue "As stated above there was never any undertaking given by officers to provide all information regarding this application. Copies of documents have been provided when requested" - not always and sometimes only after repeated requests and reminders – "and emails responded to" – See previous comment. - "Relevant information has been made available." – Not until the last minute in some cases because we have often been unaware that we were allowed to see docs. That some docs existed, Visit Durham's initial letter for example, which we knew nothing about until a very late date. Are there any therefore that we have not seen? How does Ms Teasdale know what I will consider relevant information? This categorisation is open to wildly varying interpretation by individual officers and allows potential incompetence to occur without recourse or feedback to ensure similar incidents do not occur in future.

Poor administration

This application generated significant levels of public interest and representations and procedures have been managed acceptably.

Administration – "This application generated significant levels of public interest and representations and procedures have been managed acceptably." Who determines this? There are many examples of poor administration as put to you in critique produced by Mr Pounder that were ignored. One such example would be a query regarding the base line for the noise level survey and how accurate it was, despite repeated requests this has never been acknowledge much less answered.

As stated above there was never any undertaking given by officers to provide all information regarding this application. Copies of documents have been provided when requested and emails responded to. Relevant information has been made available.

Representations that have been submitted have been considered when the planning assessment has been undertaken and included in the Committee report.

Specific elements in the application – You state "Representations that have been submitted have been considered when the planning assessment has been undertaken and included in the Committee report." – The entire report is massively slanted towards the approval. When mentioning objections or concerns they are glossed over in a paragraph or two, when discussing the positives we get pages of information.

Further issues raised in emails from you sent on 27 July 2010 and 30 July 2010 regarding Committee procedure

Voting at Committee

Members of the Planning Committee operate to a code of conduct and vote on the planning merits of a scheme following consideration of the officer report, visiting the site and having regard to the representations made.

Voting – "Members of the Planning Committee operate to a code of conduct" - Where does this document exist? – "and vote on the planning merits of a scheme following consideration of the officer report, visiting the site and having regard to the representations made." – Is it the norm in planning applications that those supporting the application would perhaps also ask questions? Or as in our case do they sit silent some looking disinterested giving the impression a group have on masse already decided to pass it regardless of what is actually said in chamber?

Questions at Committee

Mr. Gribben answered the Councillor's queries to the Councillor's satisfaction and the views of the Environmental Health officer were included in the report that was presented to the Committee.

Mr Gribben – He did not as you state answer the question, the question asked referred to pollution/dirt/dust from the site including coal dust. He instead talked about emissions from wagons and quoted some irrelevant piece of legislation. Environmental Health has still not acknowledged questions about surveys and the base line for the noise assessment.

The query regarding alternative sites was answered by Mr. Byers as this was a matter covered in the officer report.

Mr. Byers – “The query regarding alternative sites was answered by Mr. Byers as this was a matter covered in the officer report.” But the fact remains that the question was asked of the applicant why would Mr. Byers reply? Or is he answering due to DCC having a stake in the Railway (12.5%). The response given was misleading and inaccurate, we know of at least one other site where UK coal had approached just outside of Wolsingham. Is this brushed over as it's all been decided before we set foot in the room? Or were the applicants keeping information from DCC?

In terms of the possible Hoodsclouse surface mine scheme, Whittonstall in Northumberland, both UK Coal staff and Northumberland planners have informed Durham County officers that the Wolsingham coal depot will not be mentioned in that application. Durham County Council will be consulted as neighbouring authority on any application. Claire Teasdale has not attended any meeting regarding the proposed site.

Hoodsclouse – “In terms of the possible Hoodsclouse surface mine scheme, Whittonstall in Northumberland, both UK Coal staff and Northumberland planners have informed Durham County officers that the Wolsingham coal depot will not be mentioned in that application. Durham County Council will be consulted as neighbouring authority on any application.” - But a coal depot in co. Durham is stated in the scoping report and unless I've missed another one being built I know of no other in the County. Unless they perhaps mean Wardley which we keep being told is mothballed but was mentioned in the Park Wall application.

Showing of your slide

In terms of your slide, there appears to have been some confusion over the prompt to display the slide. The case officer has advised you that this was installed at the end of the officer presentation but officers were expecting you to request it to be shown before you commenced your talk. You made your points very clearly along with the other objectors who addressed the Committee and it is not thought that the lack of the slide affected your presentation.

Powerpoint – “In terms of your slide, there appears to have been some confusion” - Who was confused? I wasn't I followed the very little information I was given just before I spoke, expecting my slide to be there. - “The case officer has advised you that this was installed at the end of the officer presentation but officers were expecting you to request it to be shown before you commenced your talk” – How was I was supposed to know this? Having never spoken at committee before and having no instruction before being called alphabetically and “press the red button to speak”, where was I to learn the full process of calling materials. None of the instructions provided by Claire Teasdale, Committee Chair or instructions on DCC website mentioned the word “prompt” or any similar reference. – “You made your points very clearly along with the other objectors who addressed the Committee and it is not thought that the lack of the slide affected your presentation.” – Thank you I felt I and others did speak well, but in whos opinion did the lack of slide make no difference? Or are we back to the decision was already made and this was just a formality?

The Council's Senior Democratic Services Officer has informed me that she has checked the Council's Constitution (Part 5 - Code of Practice for Members & Officers Dealing with Planning Matters; Section 12. Representations on Planning Applications) and there is no specific reference to use of IT by speakers at a meeting; although it does say that speakers can utilise the Council's IT systems/equipment if they supply the presentation the day before the meeting. However, her opinion, based on her experience is that she would expect a speaker to cue the officer who is 'controlling' the IT equipment when he/she wants something displayed. The speaker should take responsibility for prompting the officer as it cannot be assumed that the speaker intends that the IT presentation should

start when he/she starts speaking as it could be that their intention is to speak for a minute or two first and then bring in the visual aids/presentation.

When speaking of the constitution "Part 5 - Code of Practice for Members & Officers Dealing with Planning Matters; Section 12. Representations on Planning Applications" I note that this is for Members and Officers, not the general public. How am I supposed to know of its existence? And does it apply to members of the public?

"The speaker should take responsibility for prompting the officer as it cannot be assumed that the speaker intends that the IT presentation should start when he/she starts speaking as it could be that their intention is to speak for a minute or two first and then bring in the visual aids/presentation. " – You are meant to be giving a fair balanced chamber for debate; you cannot assume that the speaker knows the procedure unless it has been explained to him/her. Assumptions should not be made on issues as important as this when dealing with members of the public who are not well versed in the process. It should be the responsibility of the council to properly inform the public of all relevant issues likely to arise.

Further complaint regarding request to speak at Planning Committee

You informed the case officer in an email sent on 1 March 2010 that you wished to speak at the Planning Committee. This request was acknowledged in an email sent on 2 March 2010 and you were informed that you would be informed when a date was set.

Letters were sent on 20 July 2010 to those who have made representations informing them of the date of Committee and of the opportunity to address the Committee in person. This letter and a letter sent to you on 25 February 2010 advised you of links to the County Council's procedures about speaking at Planning Committee. The leaflet advises that each group of speakers (objectors and supporters) will be allowed to speak for five minutes and if more than one individual wishes to speak the time will be divided.

An email was sent to you on 26 July 2010 at 18:33 informing you that for this particular application the Chairman of the County Planning Committee had agreed that each objector registered to address Committee would be allowed three minutes to speak. As your request to speak had previously been recorded and you had been notified of the Committee date the email was sent to inform you of the additional time available to you'.

Lastly, for now you state "An email was sent to you on 26 July 2010 at 18:33 informing you that for this particular application the Chairman of the County Planning Committee had agreed that each objector registered to address Committee would be allowed three minutes to speak. As your request to speak had previously been recorded and you had been notified of the Committee date the email was sent to inform you of the additional time available to you'." My initial speech was tailored to fit 5 minutes, to be told 18 hours before speaking that's I'd have around 3 is out of order. For that to be the first official confirmation of speaking at that time/location is out of order.

This completes Stage 1 of our Complaints Procedure.

I do hope that you are satisfied with the response given. If you are not satisfied, please contact us in the next 10 working days and we will carry out an independent review of your complaint.

So yes Gloria I'm afraid I am far from satisfied with this answer and wish to press on with a review, or some real answers to the above question.

Yours sincerely

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