

[REDACTED]

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**From:** bill welch [REDACTED]  
**Sent:** 21 December 2015 09:28  
**To:** Programme Officer  
**Subject:** FW: Complaint;District plan.Massingham Road Castleacre

**Categories:** Red Category

Dear Ms Belding,

Here is the copy letter to the Council's Chief Executive as referred to in my E mail sent to you a few minutes ago as attached.

With best wishes,

yours sincerely,

Bill Welch

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: Complaint;District plan.Massingham Road Castleacre  
**Date:** Thu, 10 Dec 2015 14:32:57 +0000

Dear Mr. Hall,

Thank you for your e mail.

You refer to the errors in the documents using three terms , 'typographical',' descriptive' and ,'minor descriptive'.

I am entirely baffled as to how you can regard the errors as 'typographical' . A typographical error is by definition 'a mistake made in the typing process [such as a spelling mistake] of printed material'. The errors in the document to which I refer are matters of fact and could not by any stretch of the imagination be regarded as 'typographical errors'.

You also state that 'in the early stages of the plan there were a number of descriptive errors relating to these sites which you drew to the Council's attention and which have been subsequently amended'. However , as demonstrated by my evidence to the inspector, there were significant errors of fact both at the preferred options stage but more critically at the later site allocations pre submission document stage. To refer to these errors as merely 'descriptive' completely fails to recognize their significance in terms of the potential effect on the Council's decision but also upon the confidence of the public that the decision was properly made and in terms of the effect on the local community. You state that the errors were 'subsequently amended' but it is clear that the Council made its decision about the pre submission document on the basis of a report that was deeply flawed. To correct a highly misleading report on what is quite clearly a 'key decision' after it has been submitted to the Cabinet and Council and the decision has been taken is , to say the least, completely contrary to any acceptable practice.

You state that Members of the task group visited Castle Acre to view all the competing sites and that their judgement was therefore influenced primarily by visual assessments of sites'. You then say 'against this background minor descriptive errors in the text of the plan becomes immaterial'.

A visual assessment of the site would have revealed some things, such as the fact that the field was in agricultural production

{the statement said it was not},that the site was not bounded by hedges [whereas the statement said it was bounded by hedges] and that there are buildings on the site [whereas he statement says there are not...i.e.'the landscape of the site is currently undeveloped'....'no features of importance on the site'].The Task Group including ,as I understand it the local Councillor, attended the visit to Castle Acre as I suspect did some officers but the officers subsequently produced a report which was full of mistakes[including the forgoing points] and the Members of the Task Group, who would have been present when the Full Council considered the statement and took its decision, failed to recognize any of the errors when they read the statement. On the other hand a visual assessment would not have revealed that part of the site is in the Castle Acre conservation area[and the report implies that it is not] .It is therefore difficult to accept that the members of the Task Group gained much from their visit to Castle Acre and certainly not enough on which to base a decision.

The Council's decision on the pre submission document should have been taken by the whole Council on the basis of an accurate report not on the basis of 'visual assessments of the site' which did not ,quite clearly, give Members of the task group a proper understanding of the site . In that context [and in fact any context] it is entirely unacceptable to imply that the statement submitted to the Council was of little importance ,having regard to the fact that it was the formal basis against which the Council made its decision. It is also entirely incorrect to describe the significant errors in the report as 'minor descriptive errors'.

You state incidentally in your e mail that the 'descriptive errors...have been subsequently amended'. Whilst I think it is unlikely to make a difference to the points I raise I would be interested to know how you have attempted to make such amendments within the terms of the Council's Constitution.

Finally I would draw your attention to the Local Government Ombudsman's axioms of good administration and in particular I would suggest that you test the Council's conduct of this matter against axioms numbers 22and 24.

You will appreciate that I am completely dissatisfied with your response to my complaint. Please refer this matter to the Chief Executive to be persued under the next stage of the Council's complaints procedure.

Yours sincerely,

Bill Welch

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From: [REDACTED]  
To: [REDACTED]  
Subject: RE: Complaint;District plan.Massingham Road Castleacre  
Date: Tue, 8 Dec 2015 10:43:08 +0000

Dear Mr Welch

Please see below the response to your corporate complaint from Geoff Hall, Executive Director – Environment and Planning.

Dear Mr Welch

Thank you for your email dated 20<sup>th</sup> November in which you raise a number of concerns over the process by which sites within Castle Acre have been selected for inclusion in the Local Plan.

I have read your earlier emails alongside the papers that you have submitted to the local plan inspector setting out your objections to the proposed allocation of land in Massingham Road. I have also looked carefully at Mr Gomm's email of the 20<sup>th</sup> November in which he sets out the process by which sites were considered for inclusion in the Local Plan.

It is clear that in the early stages of the plan there were a number of descriptive errors relating to these sites, which you drew to the Council's attention and which have been subsequently amended. These errors were clearly unfortunate, however the important issue for me to consider is whether they were material to the decision making process and therefore undermine the selection of this site.

Having looked at your representations I do not share your opinion that the various typographical errors were material nor do I agree that this element of the plan should be withdrawn. In reaching this conclusion I have had particular regard to a number of points.

The first of these is that prior to reaching their decision on which site to allocate the members of the task group visited Castle Acre to view all the competing sites. Their judgement was therefore influenced primarily by a visual assessment of sites having regard to any representations that had been received. Against this background any minor descriptive errors in the text of the plan becomes immaterial since the members were assessing the site itself, its relationship to surrounding areas and its suitability for development.

However, perhaps the most important point to make is that the allocation of this site forms part of a statutory process which involves public consultation and ultimately examination by an independent inspector. I note that you have expressed your concerns regarding the allocation of this site to the Inspector and indeed that you appeared at the inquiry to express those concerns in person. The question of whether this is an appropriate site or not will therefore be considered by an independent third party having regard to the points you have made. The Council will take any recommendations from the Inspector in respect of this or any other site extremely seriously and will amend the plan where appropriate.

The existence of typographical errors you have referred to do not in my opinion undermine the process of plan preparation, or require action beyond the various modifications to the plan that have already taken place.

For these reasons I am afraid that I cannot uphold this complaint.

Should you consider that material aspects of your complaint have not been fully considered and/or addressed, you can appeal against Stage 1 decision and the Chief Executive or his representative will then undertake a review of the investigation of your complaint.

Yours sincerely

Geoff Hall  
Executive Director – Environment and Planning

Chris Brock

Administrative Assistant

Democratic Services

Borough Council of King's Lynn & West Norfolk

Tel: (01553) 616394

[REDACTED]

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**From:** Kathy Wagg  
**Sent:** 20 November 2015 14:57  
**To:** 'bill welch'  
**Cc:** Chris Brock; Jenna Pell; Alan Gomm; Geoff Hall  
**Subject:** RE: Complaint;District plan.Massingham Road Castleacre

Dear Mr Welch

I acknowledge receipt of your email and confirm that your complaint will now be dealt with as a corporate complaint through our complaints procedure.

I contact you again if further information is required.

Kind regards

**Kathy Wagg**

**Democratic Services Officer**

**Borough Council of King's Lynn & West Norfolk**

**King's Court, Chapel Street, King's Lynn PE30 1EX**

**Direct dial: 01553 616276**

**Email:** [REDACTED]

**Website:** [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

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**From:** bill welch [REDACTED]  
**Sent:** 20 November 2015 14:48  
**To:** [complaints@west-norfolk.gov.uk](mailto:complaints@west-norfolk.gov.uk)  
**Subject:** FW: Complaint;District plan.Massingham Road Castleacre

Dear Sir/ Madam,

I refer to the copy of the e mail I sent to Mr. Gomm yesterday complaining about the way that the Council made its decision to include the site at Massingham Road, Castle Acre in its District Plan. I have had a response from Mr. Gomm which is attached as is my reply.

I would not want it thought that I am setting out to be vexatious over this matter. I spotted some of the errors to which I later refer as long ago as January 2015 and drew them to the Council's attention. Having had no response I wrote to the Council again in April and again in March asking it to address the issues and suggesting that it should rerun the process based on accurate information. If the Council had chosen to take note of what I said then we would not be in this position now. Having tried and failed to get the matter dealt with at that earlier stage I think that my complaint now is perfectly reasonable.

The inescapable fact is that the site allocations pre submission document, being the basis on which the Council gave formal approval for the inclusion of the Massingham Road site, contained a number of significant errors which call into question not only the validity of the Council's decision from a constitutional point of view but also whether the report authors had anything like a proper understanding of the site they were attempting to write about.

Mr. Gomm has a copy of my submission to the Planning Inspector which in effect sets out my complaint in detail but if you would like another copy I can arrange that.

I am not clear as to whether Mr. Gomm's response to me represents the end of the first stage of the Council's complaints procedure. Perhaps you could advise me and of the remainder of the procedure. Whatever the case I would like you to progress my complaint through the rest of the complaints procedure.

Can you please acknowledge receipt.

Yours sincerely,

Bill Welch

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From: [REDACTED]  
To: [REDACTED]  
CC: [REDACTED]  
Subject: RE: Complaint;District plan.Massingham Road Castleacre  
Date: Fri, 20 Nov 2015 13:59:15 +0000

Dear Mr. Gomm,

Thank you for your response.

I am of course well aware of the relevant processes and procedures including the role of the Planning Inspector. I have sent a copy of the submission I made to the Inspector to the Local Government Ombudsman, advised her of the current situation and have sought and received her advice. That advice is that I should progress the matter through your Council's complaints procedure prior to formalising a complaint to her.

I am following that course of action.

Yours sincerely,

Bill Welch

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From: [REDACTED]  
To: [REDACTED]  
CC: [REDACTED]  
Subject: RE: Complaint;District plan.Massingham Road Castleacre  
Date: Fri, 20 Nov 2015 10:56:30 +0000

Dear Mr. Welch,

I write in response to your complaint dated 18<sup>th</sup> November 2015.

I do not accept your suggestion that the process by which a proposed allocation at Castle Acre was arrived at was fatally flawed. It is in the nature of the process by which plans are produced that proposals are refined and developed through successive consultations.

Those consultations have included a 'Call for Sites' in 2009, an 'Issues and Options' document in 2011, a 'Preferred Options' draft of the plan in 2013, and most recently the 'Pre-Submission' proposed plan in December 2014 through to January 2015. These, together with informal discussions and correspondence in between, have offered ample opportunity to you and others to provide comments, suggestions and corrections to inform the decision making process. It is the nature of planning that difficult decisions have to be made balancing different considerations and opinions, and highly unlikely that everyone will agree with those decisions.

You do not, however, have to rely on my judgment of the process. The current Examination of the Plan is the mechanism by which the issues identified in your complaint will be independently judged. The independent and highly experienced Planning Inspector is required, by law, to decide whether the preparation of the Plan has met the legal requirements in its preparation, and whether it is 'sound'. Soundness is defined by paragraph 182 of the National Planning Policy Framework as -

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The Examination process – has offered you the opportunity to express and clarify your complaints both in writing and verbally. Those complaints suggest that reasonable alternatives have not been properly considered, the proposals are not supported by evidence and they do not represent the most appropriate choices in the circumstances – i.e. that it is not sound. The Inspector has had the opportunity to consider your arguments (and those of all others who made representations) and will come to a view whether the plan is unsound as a result (in which case the Council may not adopt the Plan), or whether the Plan needs to be changed in order to make it sound (in which case the Council may only adopt the Plan with the required changes). Clearly this is a very important stage which addresses directly the points you make.

If the Plan is adopted and you remain unconvinced that the proper procedures have been followed, or feel irrational decisions were reached, the Planning Acts provide you the option of making a legal challenge to it, and have those matters decided by the courts.



I hope, however, that it will not come to that. We presented the case that the Council's preparation of the plan and its proposals are reasonable and you disagree. When we receive the independent Inspector's Report of the Examination we can all understand that having considered the points that you and others have made, what his recommendation is and whether the plan can go forward to adoption, with or without changes. The Inspector's Report is currently anticipated to be received towards Easter next year.

Should you remain unsatisfied by my response above, you may make a further complaint under the Council's Corporate Complaints Procedure. The relevant form in case you require this, can be found on our website.

Yours sincerely,

**Alan Gomm** *BSc(Hons) DipTP MRTPI*

**LDF Manager**

**Borough Council of King's Lynn and West Norfolk**

T: 01553 616237

F: 01553 616652

E: [REDACTED]

W: [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

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**From:** bill welch [REDACTED]  
**Sent:** 18 November 2015 15:54  
**To:** Alan Gomm  
**Cc:** bill welch  
**Subject:** Complaint;District plan.Massingham Road Castleacre

Dear Mr. Gomm,

I wish to complain about the way that the Council took decisions over the allocation of a development site in Massingham Road ,Castle Acre as part of its District Plan.

My complaint is effectively set out in the papers that were submitted to the planning inspector for the examination in public on 4th November. I understand that you have a copy of these papers but I can provide you with another set if required.

My complaint is that the Council's decision as to the chosen site in Castle Acre was poorly informed as a result of errors, omissions and unevidenced assertions and statements in reports submitted to the Council, its Executive and Committees. I have said before that the Council should have started the decision making process again using the correct information. I still believe that that is what should happen.

I have referred this matter to the Local Government Ombudsman who has advised me that as technically I have not made a comprehensive complaint to you regarding this matter I need to do so and have your final response before she commences an investigation.

Please advise me of the details of your complaints procedure through which my complaint will be passed. Please also confirm that you have my complaint.

Your sincerely,

Bill Welch

Ombudsman ref 15013501



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