

**BETTWS NEWYDD OPPOSITION GROUP
(BNOG)**

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Mr Tegryn Jones, Chief Executive,
Pembrokeshire Coast National Park Authority,
Llanion Park , Pembroke Dock SA72 6DY

9th January 2012

Dear Mr Jones,
Bettws Newydd Newport

We are sorry not to have written on this matter sooner, but BNOG only became aware this weekend of the arrangement with Newport Town Council for you to visit tonight to deliver the apology from the Authority for its communication failures and delays in responding to the Town Council's criticisms of the handling of the Bettws Newydd applications.

As only three current Newport Town Councillors and the Clerk were present when the first application was made, as the PCNPA Senior Officers then involved have retired, and as you became Chief Executive only towards the end of the application process, BNOG feels that out of our very close observation throughout, we are justified in setting down as follows, for the benefit of yourself and others, some of the shortcomings which merit a sincere apology.

The need to recall the background as to why this official meeting will happen today is increased, given the passing of over seven months since the Monitoring Officer's recommendation was approved by the Authority in May 2010.

An apology is due for poor communication, not just in respect of delays, but also for the lack of information and even more importantly, for entirely wrong information given by Officers, which led to possible appropriate actions not being taken in 2007 to rectify the situation at Bettws Newydd.

We will try to be as brief as possible, confining our report to the aspects of poor communication which were most significant.

On 26th July 2007, the then Case Officer (CO) wrote a letter to the Developer, in which the CO signed off NP/06/076 Condition 3 (relating to levels) and also stated '*I am able to confirm that the development is being carried out according to the approved drawings....*'

Within a few days, Newport Town Council wrote to the Authority, on 5th August 2007, stating that '*There is considerable disquiet within the Town and within the Council over this development as it has progressed*', requesting a meeting with the then CO, and initially asking 3 questions - concerning the height, compliance with JUDP policy 56 (that a replacement dwelling should be *no more visually intrusive than* the original dwelling), and the levels. Only ninety days later, a letter was received from the then Head of Development Management (HDM), giving unsatisfactory answers.

Meanwhile, on 31st August 2007, a letter was sent also from the HDM to the Chairman of the Town Council Planning Committee about matters including Bettws Newydd, but without answering the Town Council's questions.

In the 31st August 2007 letter, the statement is made by the then HDM - '*From my examination of the file, it appears that the architects ground levels were not as accurate as they might have been and therefore the building looks higher than any of us perhaps*

expected’ The HDM added ‘*This is unfortunate but I do not think that anything can be done about that.*’

What was not stated then and is only known now, from the then CO response to a complaint in the Monitoring Officer Report (No. 25/11 of May 2011), is that the level at which Bettws Newydd sits was actually agreed by the then CO during negotiations in the summer of 2006, though no file record was ever made of this. This agreed level was in fact accurately followed in the construction of the development (See, amongst other evidence, subsequent surveys and the Evidence by Roger Casey Associates [paragraph 3.2] [September 2010] to the Appeals Inquiry October 2010)

The HDM was wrong to blame the architect for the unexpected height of Bettws Newydd. This was the direct consequence of a serious error of judgement by the then CO in agreeing an inappropriately high level in the first place.

Also in the 31st August 2007 letter, the then HDM repeats similar information to that given to the Developer in the 26th July 2007 letter - that the development ‘*is in accordance with the approved plan*’. Similar statements were made to many complainants and in October 2007 the Officer Report to the Development Management Committee (DMC) under Enforcement and Other Matters stated ‘*The fact that the steel structure has been erected in accordance with the approved plan means that that part of the permission having been implemented cannot be revoked*’

All these statements were wrong. The development was not being built according to the approved plans and this was blindingly obvious, even if only from the nearly 100 sq. metres of extra Lower Ground Floor space. The Developer, his 2010 Agents and his Counsel have agreed that the development was unauthorised by 2007, the 2006 approved scheme had not even been implemented, and the changes that had been made from the 2006 approved plans should have required a planning application to be made in 2007. (October 2010 Inquiry Evidence)

Why then was the statement ‘*I am able to confirm that the development is being carried out according to the approved drawings....*’ included in 26th July 2007 letter from the then CO to the Developer? Why were similar statements made to the Town Council and the DMC ?

It is extraordinary that the May 2011 Monitoring Officer Report leaves us no wiser. Apparently, when the BNOG complaint - ‘*Stating in the 26th July 2007 Letter to the Developer that “I am able to confirm that the development is being carried out according to the approved drawings”, when this was not the case*’ was put to the then CO (now HDM) by the Monitoring Officer, the Officer’s response as recorded was ‘*Repetition*’, and the Monitoring Officer’s finding ‘*This is a repetition*’. Why was this complaint, which was the most important one made, given such cursory consideration by the Authority ?

The consequence of these wrong statements by Officers in 2007 was that no new application was made by the Developer, nor was Revocation thought possible by the DMC and a Section 102 Order for removal of the building was only mentioned to, and not considered properly by, the Authority in 2007.

The 31st August 2007 letter from the then HDM also asked that a Senior Officer be present when Town Councillors ever met with the then CO over Bettws Newydd. Six months were to pass, after the Town Council’s questions were posed, before Senior Officers came to Newport on 31st January 2008. The Case Officer was not present and the Senior Officers showed scant knowledge or understanding of the issues, so that nothing was achieved. One Senior Officer admitted that a mistake had been made when Officers did not ‘*refer to ordnance datum in assessing the relative heights of the original and replacement dwellings, in granting*

consent and when agreeing that levels were in compliance with condition 3 attached to the consent’ (quoted from the Town Council’s letter to the Authority 16th April 2008). This, however, the Authority subsequently denied. None of the Town Council’s questions was answered then, or ever answered to the satisfaction of the Town Council.

Also to be mentioned in the light of information that has come through the Monitoring Officer’s Report in response to the complaint *‘Advising Newport TC that the height had been reduced in the (2006) amended plans when it had not’* is the fact that the then CO has now admitted that *‘There were informal discussions which did include a reference to a part reduction in one part of the roof.’* This at last supports Newport Town Council’s claim that the Council believed it had been told by the then CO that the height had been reduced in the amended plans before the Town Council gave conditional approval to those plans in August 2006. The Authority’s apology should cover the fact that Officers had always denied until then, without any sort of qualification, that this happened.

When first commenting on NP/06/076 and in rejecting the application, The Town Council told the National Park that *‘There is too much glass, especially on the North side, which faces the sea and the west elevation is reminiscent of commercial buildings rather than a home…….’* Though the Town Council’s rejection of the scheme was the reason that the application was brought to the DMC in March 2006, there is no evidence that the Town Council’s considered view that the application was of inappropriate design, was discussed with the Development Committee in March 2006.

Subsequently, Officers continued to state that, in their professional opinion, the 2006 approved scheme was no more visually intrusive than the original wooden bungalow, defending this view, not only against concerns expressed by the Town Council but also those of scores of correspondents, right up to the time of the Inspector’s Decision Statement in December 2010. After that, the new HDM (formerly the CO), simply stated in a Report to the DMC (on the possibility of a Section 102 Order as requested by BNOG on 23rd March 2011) that *“It has however been conceded after careful consideration that the 2006 development was more visually intrusive than the original dwelling on the site; a criterion in the then policy 56 in relation to replacement dwellings.”* No apology has ever been received by the Town Council or by any complainants that PCNPA Officers had been wrong in their judgement that the 2006 approved scheme for Bettws Newydd was in compliance with the Development Plan.

Counsel for The National Park during the Bettws Newydd Appeals Inquiry, stated *‘It is elitist to think that only professionals know the facts and can have an opinion’*, a statement with which BNOG thoroughly agrees. Certainly, the views of our elected representatives serving on our Town Council should be shown greater respect by PCNPA Officers in future.

Finally the Town Council should receive an apology that no action was taken immediately by the Authority when the Town Council first asked *‘On behalf of the residents of Newport, we now want a thorough investigation into how this very large blot on the landscape – which we are going to have to live with – was allowed in this sensitive landscape’* on 18th May 2009. After the Monitoring Officer’s investigation that finally took place only over 18 months later, it will be interesting to know from Newport Town Councillors, whether they believe that their question has been answered.

Yours Sincerely,

Reg Atkinson on behalf of BNOG
cc Newport Town Councillors, Cllr Robin Evans