

**BETTWS NEWYDD OPPOSITION GROUP
(BNOG)**

c/o The Old Mill, Upper Bridge Street, Newport, Pembrokeshire, SA42 0PL
Tel 01239 820889
email:atkinsonreg@talktalk.net

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

16th January 2012

Dear Mr Jones,
Bettws Newydd Newport

Further to BNOG's letter to you of 9th January, and following our observation of your delivering a formal apology to Newport Town Council on the same day, we write making the following points to which we continue to seek answers and further action by the Authority, before BNOG will consider this matter closed.

In the last paragraph of our last letter, we reminded you that in May 2009, the Town Council told the Authority, '*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*'.

BNOG does not accept that the Monitoring Officer's Report May 2011 has answered this. It is not enough to point to procedures and systems failure.

BNOG hereby asks you for clear and proper explanation of examples of what we see as maladministration by Officers that, as we explained in our last letter to you, were entangled with failures in communication with Newport Town Council, for which unfortunately you were not asked for an explanation at the Newport Town Council Meeting that you attended and, most importantly, for which no Officer has yet been brought to account.

In May 2011 when the Monitoring Officer's Report was received by the Authority, you are reported as stating

*'It is accepted that the procedures in place at the time were not as robust as they could have been, although that was not to say that **they were totally inappropriate either, as the system had worked well for the numerous other cases dealt with during that period**' and that you 'hoped Bettws Newydd was an isolated case'* (Our emphasis)

http://www.pembrokeshirecoast.org.uk/Files/files/Committee/NPA/22_06_11/NPA%20minutes%20110511.pdf)

BNOG argues that the explanation for the difference between the result at Bettws Newydd and others, where the system worked adequately, rests in maladministration by Officers in development management at Bettws Newydd. It is BNOG's position that, whilst this is the case, despite some process and systems improvements made by the Authority since 2006, there is no guarantee that a 'Bettws Newydd' will not happen again.

BNOG holds that all complainants, including ourselves, and the Town Council have been let down by the Authority by the fact that, presumably at the Authority's request, the Monitoring Officer actually confined his investigation to process and systems. It is therefore no wonder that the conclusion and recommendations have not included criticism and recommended censure of Officers

http://www.pembrokeshirecoast.org.uk/Files/files/Committee/NPA/11_05_11/Bettws%20newydd%20final.pdf

The Authority has still not answered whether there were grounds for reprimanding individual Officers. From the evidence available to the public, the Authority has not as yet even looked into whether this is the case. BNOG alleges that it was decided in advance that no Officer continuing in employment would be called to account.

You may recall that your final words to the meeting with Newport Town Council on Monday were, “***We are where we are...***”.

Yes, ‘*this very large blot on the landscape – which we are going to have to live with*’, stands and together with some extraordinary landscaping as yet not executed, now has planning permission. In that sense, ‘***We are where we are***’.

Yes, the view into Newport Parrog Conservation Area from important vantage points such as the Long Distance Coastal Path from the Heritage Coastline, from Traethmawr and from Newport Bay has been permanently scarred by a totally inappropriate construction in a landscape for which the Local Development Plan and Conservation Area Statement should have provided protection. In that sense, ‘***We are where we are***’.

Yes, The National Park has spent at least £78,000, the Developer a huge but unknown amount and BNOG and others also a large financial sum, with arguably a worse development at Bettws Newydd resulting, than that standing in 2007. In that sense, ‘***We are where we are***’.

Incorrect Statements on Compliance with Approved Plans

We would **not** have been ‘***where we are***’ if the Case Officer had not, inexplicably, written the 26th July 2007 letter stating ‘*I am able to confirm that the development is being carried out according to the approved drawings....*’; if the Head of Development Management (HDM) had not written to the Town Council and complainants with similar statements, and then if the Case Officer had not written the Report to the Development Management Committee (DMC) in October 2007 stating ‘*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*’

As BNOG stated to you in our last letter, ‘*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 were these incorrect statements made by Officers ?

Agreed/Approved levels and Non - disclosure

BNOG argues that systems inadequacies do not explain aspects of the mishandling of levels at Bettws Newydd, which we consider you have in fact allowed your admission of systems failures to mask.

We would **not** have been ‘***where we are***’ if the Case Officer had disclosed and explained a level for the development, which according to the Developer in evidence to the Appeal, was ‘*agreed*’ with the Developer before the 2006 application was placed, to the DMC, Town Council and neighbours in March 2006, so that the implication of this could be judged by others.

It is only since publication of The Monitoring Officer's Report in May 2011 that it has been known that "approval" was given to a level in the development by the Case Officer, even before planning permission was granted in October 2006, and this was therefore in breach of planning condition 3 attached to that later permission which clearly stated that such approval was yet to be given. Why has the Case Officer not been censured for this fact ?

We would **not** have been '*where we are*' if the Case Officer had answered the Town Council's question of 5th August 2007, pertaining to levels, by disclosing the information that the Officer held – that the level for the Upper Ground Floor had been at least discussed '*in a non-measured way*' with the Developer in the winter of 2005/6, that the level had been '*approved*' with the Developer during negotiations in the summer of 2006, had (according to a rare file record) been '*agreed*' in February 2007, and finally had been '*approved*' by '*discharging*' condition 3 by letter to the Developer on 26th July 2007 - just 10 days prior to the Town Council's request for information.

Instead, complainants including the Town Council were told by the HDM '*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 DMC in considering enforcement in October 2007 was led to believe that the architect's treatment of levels was at fault; the Town Council was told by the HDM on 31st January 2008 that the levels were unknown and this '*was a mistake*'; the '*agreed/approved*' level was not given in any of the ten Officer Reports throughout 2008 and 2009, including the Report in October 2009 when highly paid outside consultants were briefed by Officers in its preparation. Indeed the '*agreed/approved*' level was not given to the DMC, Town Council and complainants, despite a BNOG member requesting this of the HDM for months beforehand, until the April 2010 Officer Report when it was stated out of the blue :-

'In the October 2009 report I should have reported that the developer had submitted details for the purpose of seeking discharge of condition No.3 of the 2006 permission.... That letter was written on the Authority's behalf, it is understood from discussion with the case officer, against the context of an agreed level of 20m from a temporary bench mark on the top surface of a set of steps located adjacent to the site access, and on the basis that the Ground Floor level of the building was set at the same level. Whilst there is no evidence presented to the Authority to prove that was the case, it suggests that the ground floor level for the new dwelling was therefore agreed and indeed "approved" (by virtue of the letter of 26th July 2007) at a level of 20m and that it was construed as an approval of a key aspect of the 2006 permission that had not been resolved at the date that the permission was granted.'

'Other than the fact that the letter of 26th July 2007, however, confirms that "the development is being carried out in accordance with the approved drawings" and that condition 3 was discharged, there is nothing in writing to indicate what the approved 2006 levels were. However, the case officer has confirmed that the levels agreed at the top step level was 20m AOD and that the Ground Floor level of the dwelling as then completed sat at the same level.'

<http://www.pcnpa.org.uk/PCNP/live/sitefiles/applications/committees/docs/NP10033.pdf>

BNOG asks you now, why did these things happen ; why was the fact of the '*agreed/approved*' level not admitted by the Case Officer until questioned by the Monitoring Officer in 2011 ; why was a figure for the '*approved*' level not given by the Case Officer to, it would seem, anyone including other Officers and highly paid consultants to the Authority until 2010, and why has no Officer (or Officers) been called to account for all of this?

If it transpires that the Case Officer was unable to give this information because it showed that the Officer had made a massive error of judgement, what safeguards are now in place to prevent this happening again ?

We have noted that when a Town Councillor asked you about the letter from BNOG sent to you prior to your meeting with Newport Town Council last Monday, you responded *'It reflected a lot of what has been said in the past. I try not to overanalyse or reanalyse other people's views'*

We ask you reconsider your response to our letters. For BNOG and hundreds of our supporters this matter is not yet closed. Our website still has a considerable following and we are anxious in due course to relay to these people, undoubtedly many of them students of planning as well as local people and visitors, a satisfactory response from you.

When you delivered the Authority's apology to Newport Town Council, you indicated that referring complaints to the Monitoring Officer was but one course of possible action available to the Authority. We request that the areas of maladministration that BNOG has highlighted here be taken now before the Standards Committee

Yours Sincerely,

Reg Atkinson on behalf of BNOG
cc Cllr Robin Evans