

MENSTON PARISH COUNCIL

(Founded 2006)

Chairman – Peter Finlay
Vice-Chairman – Philip Moore

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Complaints Officer
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MENSTON PARISH COUNCIL
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Dear Sir or Madam

**Land at Grid Ref 416478 443779 Moor Lane Menston Ilkley West
Yorkshire (19/04546/MAF)
Land West of Derry Hill Menston Ilkley West Yorkshire (19/02790/MAF)**

I am the Chairman of Menston Parish Council ('MPC') and a Menston resident. I am writing on behalf of and the many Menston residents who have contacted MPC regarding the following proposed developments for which conditional planning permission was given on 25 June at a meeting of Bradford's Regulatory and Appeals committee.

I regret to having to write to you in these terms but wish to register my serious concerns regarding: the timing and manner in which these applications were brought before the Committee, the conduct of the Chairman of that meeting, the quality of the meeting, the conduct of the officers involved and in particular their failure to address properly the significant flooding and drainage issues which effect these sites and Menston generally.

Some of the elements of this complaint are rehearsed in this newspaper article (which can be viewed via the link) and I therefore don't propose to repeat them here.

<https://www.thetelegraphandargus.co.uk/news/ilkleynews/18553096.appalling-meeting-menston-homes-plans-approved-criticised/>

I would ask you to note the level of concern in Menston over this issue. That level of concern is evident and amplified in social media. This issue raises serious matters regarding local governance and threatens to seriously undermine the confidence of Menston residents in the Council.

Regarding the timing of the meeting. The proposed developments are self-evidently sensitive, and the planning history of the site(s) now extends over 10 years. Given the imminent easing of lockdown I fail to understand why it was ruled appropriate to attempt a meeting of this nature with the level of interest involved virtually.

The Chairman when questioned on the subject referred to the Council being obliged to do because of 'Government legislation' which was most unsatisfactory. My judgement was that the decision to hold the meeting virtually was deliberately designed to hamper participation by Menston residents who object to the proposed development.

I set out below a number of issues regarding the meeting. I would stress that this list is not exhaustive.

- Participation in the meeting was restricted only to those persons who had submitted objections ([192] objections were lodged). Accordingly, it wasn't held in public and many interested residents were unable to participate
- Notwithstanding a request from Councillor Dale Smith for a more usual meeting when appropriate the meeting went ahead with frequent stoppages of the streaming, including Councillor Smith himself being cut off mid-speech,
- one member of the Committee being unable to join for technical reasons,
- Chris Schofield (the solicitor setting out the objections on behalf of MPC) being cut off at the key point of his video showing previous serious flooding,

- at one point the meeting had to be adjourned when it was belatedly realised that the telecast was not in fact being transmitted.

- at one point the Chairman acknowledged that because of the difficulties encountered that he would before any vote was taken ask councillors to confirm that they had all heard the proceedings. This was believed to have been prompted by an email from MPC's solicitor to the governance officer attending referring to the poor quality of the conduct of the meeting. In the event the Chairman did not seek that confirmation

One of the key issues with regard to this matter is flooding and drainage and the proposals to deal with this recurring problem for the village. A detailed paper dealing with these issues is attached for background and your information. This together with the conduct of the officers involved is perhaps the most serious aspect of this complaint. Officers, while acknowledging the problems involved, have consistently refused to consider the impact of the actual overland flows overland. Instead, steadfastly relying on theoretical modelled data in assessing the drainage scheme for the site(s) which as a consequence under-estimate the flows involved by a factor of 3 -4. My assertion here is supported by specialist engineering advice (which is set out in the paper attached).

A previous permission for this site obtained by Barratts was eventually allowed to lapse I believe because they came to the conclusion that the flood attenuation

measures required to prevent flooding made the site impossible to develop safely or profitably.

It is common ground that the combined sewer system in the village does not have sufficient capacity. Notwithstanding the drainage officer involved, Mr Norfolk, directed that Yorkshire Water had raised 'no objection'. I have legal advice to the effect that Yorkshire Water are in fact legally obliged to accept a connection from any new site and indeed are commercially incentivised to do so. Moreover, Yorkshire Water are not obliged to upgrade the sewer if they believe that their priorities lay elsewhere. For Mr Norfolk to cite no objection as a justification for the development amounts in my view to deliberate misdirection of the Committee. It has been an unfortunate factor of this long planning saga that residents or those representing them have had substantiated reason to complain of dishonesty by officers when briefing councillors. I would be happy to provide written evidence of this through MPC's solicitors if this is required.

Regarding the councillors it was clear that they were unfortunately (whether through a lack of capacity or the quality of their briefing from officers) unable to present an appropriate level of non-executive challenge to officers. It is beyond belief that Councillor Watson, a member of the Committee, could vote in favour of the application after making the statement "I don't always understand water" (1hr 8mins 40secs of the video of the meeting). Video here: <https://bradford.public-i.tv/core/portal/home>

I hesitate to use the word 'lies' but regretfully there were many. One example being a bold statement that the fields next to Moor Lane were formerly of agricultural use (1hr 31mins 25 secs of the meeting) and are now 'just long grass'. I attach photo of cows in one of the fields the day after the meeting (in other words on 26 June) which have been in frequent agricultural use in the days, weeks, months and years before the meeting and they still are.

Of more concern is the issue of works that the Council/council officers have permitted on the Derry Hill site which have involved the excavation/extension of a watercourse on the site. The Council's position is that the works merely restored the watercourse to its natural state by removing silt and debris. Mr Norfolk was involved in the earlier application by Barratts and he was fully aware of the nature of the watercourse pre the works referred to and also an earlier drainage scheme for the site approved by the Council which acknowledged that the watercourse was in fact in its 'natural state'. These works were recently subject to legal proceeding in which MPC applied for a judicial review of the excavation works. MPC's application was refused. MPC believes that Mr Norfolk's failure to come forward with his knowledge of the site, the watercourse and its history was a major factor in the court's decision. I struggle with the idea that the Council in legal proceedings would have been less than straightforward in judicial proceedings for the purposes of avoiding scrutiny of its decisions.

There were preposterous claims from the developers that building over 160 houses on green fields will improve eco-diversity and reduce flood risk. It is a huge concern that Councillors are elected to represent us, they hold in their

hands the future of the entire Wharfe valley and can make such monumental decisions whilst ignoring facts and evidence presented to them and the valid objections of local residents. Only Councillor Reid voted against the applications on the basis that he could not get past the legitimate concerns of Menston Parish Council. A lone sensible voice.

So that you are aware I understand that residents have complained to their MP. I await your early response. In the event that your response does not satisfactorily address the concerns outlined above then I will have no choice but to refer the matter to the Local Government Ombudsman.

Yours faithfully

Peter Finlay

Peter Finlay MBE

Chairman

Menston Parish Council

Cc

Councillor David Warburton – Chair – Regulatory and Appeals Committee

Parveen Akhtar – City Solicitor

Steve Hartley – Director of Place

Julian Jackson – Assistant Director of Place (Planning and Transport)