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23.01.2012

11/01980/FUL & 11/02076/FUL

F.A.O. Sunderland Council Officers/Members of Highways and Planning Committee/ Chairman of Planning and Highways Committee/Decision Makers/Elected Councillor's

Dear all,

In a letter from Sunderland Council 30.12.11 I was informed; ***“The Chair of the above Sub Committee has decided that, as the waste transfer application has strategic implications and that neither application can easily be considered in isolation, it is appropriate that both applications be referred up to the council's Planning and Highways Committee”.***

On that basis your records will show I did request that I be allowed to make a single albeit joint representation at that hearing. In other words rather than take up two separate slots of five minutes to address each application separately, I had combined my representation thereby taking up one allocated slot of approx 8 minutes in total. My reasons for doing so were, as the two applications were inextricably linked a joint representation seemed sensible and fair.

In the meantime I was asked to split my representation into two parts in time for the next hearing scheduled for 03 Jan 2011 and speak on each application separately however, as the meeting of 03 Jan was deferred for reasons already stated above, I am requesting permission once again to make a "one off" representation taking approx 8 minutes

I would be most grateful if you would clarify my taking 8 minutes is acceptable. I am mindful that as the Chair of the Sub Committee felt the applications could not be easily considered in isolation, then the same method will of course apply to the public in terms of their "right to respond" in that these applications cannot easily be responded to separately.

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Again I hope you would agree my request is both reasonable and sensible and will ultimately save 2 minutes of the Planning Committee's valuable time when hearing objections.

Moving on you will be aware that an emergency meeting was held by residents of Springwell Village on the 19th January to which the Campground Action Committee were invited and did attend. Among several other problems raised by the residents with regard to the two applications, they are clearly aggrieved and rightly so, to have been deprived of their democratic right to a proper and inclusive consultation period.

I note in a letter to Mrs Lesley Sharp from Mike Mattok on 18th Jan with regard to notifying the public of the planned redevelopment of the Campground Site he states;

100 neighbour consultation letters were sent out on 20 July 2012 to those addresses closest to the site - most of which went to Gateshead residents because the site is geographically closer to Gateshead residents than anyone else.

That said I am not at all surprised by Mr Mattok's play on words and his gross exaggeration of the truth as has been the case with many involved in these applications however, while their exact geographic position might be different nonetheless the residents of Springwell Village live an equal distance from the Campground Site in relation to the qualifying distance of their neighbours in Wrekenton and Eighton Banks and as a result they were entitled to be consulted.

The lamp post notices with the exception of Low Mount Farm, were in no way intended to inform residents of Springwell Village of what was taking place at the Campground site and this appears once again to have been quite deliberate.

Even if the council were to remove the herculean problem of the traffic from the equation, residents from Springwell Village do suffer from many other problems associated with the site and should have been informed that this situation was set to get much worse, the fact that they were not, contravenes their democratic and

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statutory right to a proper period of consultation from which they have been completely excluded.

Further Mr Mattocks comment in his letter of the 18th;

This level of publicity is beyond what is required of a local planning authority under the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Is again a play on words and while the statement may be true in isolation, it is yet another attempt by Sunderland Council to circumvent the public's democratic and statutory rights by hiding behind Town and Country Planning legislation just as they have with other matters relating to these applications along with Gateshead Council and Sita by stating, ***the period of consultation is now closed therefore we are unable to get involved in further dialogue re the planning applications or attend meetings held by residents or objectors.*** The truth is, so far as the residents of Springwell Village are concerned the consultation period was never open to them and this exclusion is illegal no matter how it is dressed up.

Further, we are aware that the process for these applications does on several levels contravene European and UK legislation therefore we are currently corresponding with several offices including but not limited to, the Secretary of State and the Prime Minister's office, DEFRA, Friends of the Earth and Natural England in order to stop this illegal process in its current form.

It is not lost on us, as with any major planning application, a decision should normally be reached with a period of 13 weeks, as we are now at some 26 weeks since the applications were validated quite clearly this is the worst example of full and inclusive pre application discussions between the applicants and local authority and as a result, not surprisingly these applications are now being stymied at every turn with one problem after another.

Again It is not lost on us that had the applicants and the local authorities undergone a full pre application process and consulted fully with the public instead of attempting

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a *back door* application process then many of these current problems could have been avoided.

Of course we do understand that during the determination period, the local planning authority does have the power to request additional information from the applicants although normal determination periods should continue to apply unless a longer period is agreed in writing between the applicants and the local planning authority to extend the determination period.

If in the meantime such an agreement has been reached, then we are today requesting sight of any such agreement. Having said that many of the problems to date have arisen due to Sunderland Councils own failure to follow proper procedures, not least the exclusion of all residents of Springwell Village from the consultation process.

Any granting of these applications on the 24th will be automatically appealed by the public and should matters be allowed to progress that far when the Council have today 23.01 12 been given formal notice of ongoing and unresolved environmental and legal issues, will as the Council is aware result in extensive investigation into their own Council which will in turn extend to the wider government and European parliament.

On that basis we the public hereby give notice to the council to defer any decision to pass these applications at the meeting of the 24th January on the basis they have now been informed of multiple investigations that are still ongoing including agronomist testing, further independent environmental impact assessments to individual properties and public amenities in the area of Campground site, along with a raft of other types of investigations in relation to the Campground Site and the two associated applications for redevelopment, therefore the public require more time in order to ensure all outstanding investigations are completed

It is regrettable that matters have reached this stage so late in the day however, it must be noted that every attempt the public have made since June 2011 to involve Sunderland and Gateshead Councils along with Sita and all those involved in these

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applications to enter into further dialogue in order to resolve all outstanding issues has been denied or refused at every turn with all respondents hiding behind their usual statutory response of either **“The consultation period is now closed therefore we are under no obligation to attend”** or **“it is not normal practice for council officers to attend such meetings”** or in the case of our invisible elected Councillors from Sunderland and Gateshead and for the record paid for by the public purse, a simple rude and cowardly ***no show, no response or no acknowledgement***, therefore we do sincerely hope that all involved in the above applications will have the good grace to accept that this current shameful debacle and the subsequent delays have been brought about, aided and abetted by their collective hands.

In conclusion and if need be, should the Planning Committee take the unwise and precarious decision to pass these applications on the 24th then the public will exercise their right to instigate emergency measures to halt any works in relation to the re development of the Campground Site until such times as all outstanding matters are resolved.

As the Council and Environment Agency are well aware the precautionary principle is required: *“where there are threats of serious or irreversible damage”*. Consequently, *“the precautionary principle contemplates taking pre-emptive action in the face of threatened action. In addition the theme of pre-emptive action also requires the EA to exercise its “pollution control powers” “to prevent or minimise, remedy or mitigate the effects of pollution to the environment”*

Of course in terms of the law, all of the problems associated with the Campground Site are not exclusive to the Environment Agency however there are currently a number of breaches in place and to list them all is beyond the scope and purpose of today's letter. Respectfully, we do hope that we have today made our intentions clear in terms of the lengths we are prepared to go to in order exercise our rights.

In conclusion we do hope that all those involved in these applications will now accept the gravity of the situation and the need for serious consideration prior to moving matters forward and that further to this, all involved will now refrain from commenting

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that these application's have attracted just "one or two" complainers as while that may have been what the Councils and Sita had hoped for, this is clearly not the case and never has been.

In keeping with our efforts of openness and transparency we would be most grateful if the Council's Officers would ensure that this letter is forwarded to the appropriate individuals and placed in the public domain on the Sunderland.gov website

Yours sincerely

Debra Coxon
Campground Action Committee