

APPENDIX 2

From:
Sent: 23 March 2015 10:54
To:
Subject: FW: Complaint regarding disposal of Open Space, Church Bank, Wallsend. [Scanned]

From:
Sent: 23 March 2015 10:52
To: Customer Liaison Office
Cc:
Subject: Complaint regarding disposal of Open Space, Church Bank, Wallsend. [Scanned]

Members Services and Complaints
Wallsend Ward
North Tyneside Council
Cobalt
North Tyneside

23rd March 2015.

Dear Sir or Madam,

This letter is a formal complaint of maladministration regarding matters arising from the consideration of an application for disposal of Open Space land on Church Bank Wallsend for housing. I hope that you will provide copies of this letter to all relevant officers of the council whose work on this disposal that my complaint might affect. I understand that 26th March is the final date for objections to this application. My complaint is regarding the following three points, none of are ranked in order of priority:

Point 1:

I understand that, via this disposal, the council is aiming to meet central government requirements to provide increased numbers of housing and as such has targets to meet that are set by central government rather than the local council. I argue that the current priorities the council is working towards are post the date the allotment strategy was published and, therefore, the aims and objectives and specific targets in the allotment strategy predate and prioritise those of the need to dispose of this piece of Open Space for housing under current central government requirements.

Notwithstanding my point above, the council has not considered using the Open Space to extend Church Bank allotments, either via increased plot numbers or via improvements to infrastructure prior to considering disposing of Open Space at Church Bank for housing. Firstly, I would remind you that the council position on allotments is:

“The value of North Tyneside allotments has never been more apparent in terms of health improvement, producing healthy cheap food, the environment and bringing communities together. “

North Tyneside Allotment Strategy (2009-2015)

Firstly, “Objective 1” of the Allotments Strategy is “To maintain and improve the infrastructure, facilities and quality of allotment sites and make sure that sites are welcoming and accessible to all.” The Open Space at Church Bank could have been disposed of to provide temporary or permanent hard standing car parking for gardeners and potential gardens at the allotment site. In particular, your own allotment strategy confirms that you have evidence that plotholders and non plotholders believe the council should prioritise encouraging use of allotments by people with disabilities. A car park could have provided improved access to this leisure facility for disabled people, particularly taking into account the barriers a lack of car parking produce and the ability of those barriers to affect latent and expressed demand for allotments. You may wish to consult the Local Government Association’s good practice guide for the management of allotments with regards to latent and expressed demand, with this regard.

Secondly, an alternative to providing improvements to infrastructure could have been to dispose of the Open Space at Church Bank for use as Allotment Gardens as per the council’s statutory duty to do so, so as to increase the number of allotment plots at Church Bank allotments. I will not repeat verbatim here your own statistics in your Allotments Strategy which provide clear evidence for the demand for allotments in the borough as a whole and in the particular area Church Bank allotments are situated in. I would add that Church Bank allotments is especially popular because livestock is permitted on that site and there is evidence of increased popularity in the keeping of livestock.

Disposing of this piece of Open Space (for housing or any other use) has not featured in drafts of the Local Plan publicised to residents in the vicinity of Church Bank. It is in fact something of a rather new intention, the objectives of the Allotment Strategy were, I believe, outlined and published prior to any publicised consideration and decision to dispose of this piece of Open Space for housing, rather than for allotment purposes. I believe that the council should have consulted the allotment strategy and checked its compliance with its own allotment policy objectives relating to this piece of land in terms of the council’s statutory duty to provide allotments prior to considering disposing of it for housing or any other use.

Point 2:

The documentation provided to the public regarding potential risks to habitat and biodiversity, as part of the application to dispose of the Open Space at Church Bank for housing, did not appropriately consider the biodiversity of the land designated as allotments and as such the information provided to residents and councils to support the application to dispose was misleading.

The report stated that the survey was undertaken in autumn and that the allotment site had little vegetation and bare soil. I am unable to quote verbatim from the report because the report has been removed from the council’s website, despite this disposal still being open for comment.

Whilst it is accepted that such a survey can be undertaken at any point in the year and that peer reviewed evidence can be cited in order to indicate potential biodiversity at times of the year other to the survey being undertaken, my argument is that this has not been done in the report *and* there is no mention, with regard to evidence used to compile the report, that allotments - like other forms of agriculture and horticulture use which I remind you are what allotments are in planning law - are (i) *seasonal* in terms of the plants grown at specific times of year, and additionally (ii) contain a greater amount of biodiversity than other forms of agriculture or domestic gardens or Open Space.

As such the information provided to residents and Councillors was misleading because although it acknowledged that the survey was undertaken in autumn it did not point out that the allotment gardens are legally agricultural and horticultural land; and as such their biodiversity fluctuates throughout the year and that biodiversity on allotment gardens is greater than other typologies of agricultural, horticultural, Open Space, and home gardens.

Additionally, the report makes no mention that allotment gardens have very specific high levels of biodiversity in that both edible and ornamental crops are grown there purposefully and also host (unintended) so called "weed" plants at any time. As such allotments provide a host habitat of greater diversity than commercial agricultural and horticultural land and that of home gardens. This was not taken into account by the surveyor and as such none of this was made available in either scientific nor layperson language in the information provided to residents and councillors.

Point 3:

The council did not post statutory notices in newspapers available to local residents until after the decision to dispose of Open Space at Church Bank was made. I argue that this is maladministration. A statutory notice in the News Guardian (delivered free to local residents) was not made until Thursday March 5th which was weeks after the decision had been made.

Additionally, it was only after the application to dispose of Open Space at Church Bank has been approved (in mid February) that residents received an information leaflet from the council about the draft Local Plan which outlined plans to dispose of another, even larger, amount of Open Space in Willington Gut for housing too. My complaint is that via maladministration, the council has (i) not publicised its intention to dispose of Open Space at Church Bank in the timely fashion that is legally required; (ii) has removed information about the disposal from its own website before the closing date of 26th March 2015 for comments. Additionally to this complaint is (iii) via that maladministration of the Church Bank proposal, the council's intentions for two pieces of Open Space in close proximity to be disposed of were not brought to the attention of residents simultaneously so that they could consider both together; there is no mention of the Open Space at Church Bank being considered for housing in the draft Local Plan.

Finally, I wish to complain that that the actual timing of meetings to consider the disposal of Open Space at Church Bank were moved to earlier timings, which caused confusion to people (especially gardeners at Church Bank allotments) wishing to attend, again this is maladministration. In addition, leaflets about the potential building of houses on Willington Gut open space were not issued to residents in area until after the planning permission for Church Bank had gone through.

I would remind the council that digital inclusion is not high in the borough and residents cannot be expected to trawl council websites for 'once in a century' applications to dispose such as this. Residents are reliant upon statutory notices in newspapers and leafleting such as that for the Local Plan.

I hope the council will consider my complaint and respond to me at this address within timeous timeframes.

Yours faithfully,

[by email]

