

Customer Relations Team <customerrelationsteam@icasework.lincs.gov.uk>

Tue, 28 Nov 2023
10:31 (1 day ago)

to me

Date: 28th November 2023

Dear Ian Coles and fellow members of West Deeping Parish Council,

Ref: 8401189

We are writing to you in regards to a complaint you raised with us on 21st November 2023.

We are sorry that you feel it has been necessary to record a complaint on this occasion, and we hope that our response below addresses your concerns.

As you are aware, your complaint was sent through to the relevant manager to investigate. The manager who has completed the investigation into the matters you have raised is Neil McBride, Head of Planning.

Your complaint has highlighted your concerns regarding planning applications PL/0129/22 and PL/0130/22.

After fully investigating this matter, Neil McBride has provided the following details:

Thank you for your correspondence in relation to this matter.

We can confirm that the relevant planning matters were raised with the Local Councillors during the site visit, where they were able to view the location. The issues regarding the positioning of the straw bales was discussed, and this can be viewed in the Site Visit Minutes, which can be accessed [here](#). Therefore, it is confirmed that the Committee were aware of the positioning, and the issues associated with the straw bales.

In reaching their final decision, the Committee can only take into account the materials that are material to planning, and not to duplicate controls that are the responsibility of other regulatory bodies, such as health and safety which is a matter for the Health and Safety Executive. All Committee reports include a paragraph that addresses Human Rights issues, with an explanation as to how such matters are taken into consideration when dealing with planning applications. We are, therefore, satisfied that this is in line with the case law and legal position that currently exists.

We note the points raised in previous correspondence regarding the land ownership. It is true that we are landowners for part of the site, however, this was declared on the certificates that supported the application. This situation is not unusual for the Committee, as they consider many applications where a Council is a landowner. The Committee determines applications for the Council's own development. It is not a material planning consideration as to who the landowner is, and this does not factor in the planning balance.

The applications were rightly considered on their own planning merits, and the allocation has no bearing on whether these proposals are acceptable or not. This is well founded practice within planning law.

We can advise that all planning matters raised were drawn to the Local Councillors' attention, therefore, they were aware of these issues when reaching the decisions that were made on the applications. Should you consider that these matters were not explained or dealt with in sufficient detail, you are able to lodge a request for a judicial review of our decision, and this must be raised within six weeks of the date of the decision.

On this occasion, the Local Authority have been unable to find any evidence that they did not deliver what was required of them, so in this matter no further action will be taken in regards to your complaint.

We hope this response has answered the concerns that you have raised with us. As noted above should you remain dissatisfied with the information provided and the decision taken the matter should now be raised via Judicial Review.

Thank you for raising your concerns with us as receiving feedback from our customers, both positive and negative, is an opportunity to learn and improve the way we provide services for the future.

Yours sincerely,

Ella

Customer Relations Advisor

Customer Relations Team

Lincolnshire
COUNTY COUNCIL 