

# Appeal reference: 3258555 Land at Moorthorpe Way, Sheffield S20 6PD

Inbox



**Palmer, Bob** <BOB.PALMER@planninginspectorate.gov.uk>

Wed, Sep 22,  
9:20 PM (5  
days ago)

to me

Dear Mr Meredith

Thank you for your further e-mail, in relation to the grant of planning permission, on appeal, for the erection of 72 dwellings, new access road, landscaping, public open space, playspace, and flood storage works at the above site. Since you are not satisfied with the responses you have received from my colleague Matthew Dunkley-Roberts, it is appropriate for your complaint to be escalated in line with stage 2 of the Planning Inspectorate's published [Complaints procedure](#). Your correspondence has therefore been passed to me for review and a final reply, on behalf of the Inspectorate. I must apologise for the time this has taken.

Where appropriate, your requests for information have been considered under the provisions of the Freedom of Information Act 2000 (FOIA) and the Environmental Information regulations 2004 (EIR).

I have read what you say and I understand that you disagree most strongly with the Inspector about the acceptability of the proposal. However, he was appointed by the Secretary of State to exercise his own planning judgement on all issues pertaining to the appeal, from the evidence presented and what he saw during the site visit. I am afraid there is no remit under the complaints procedure to enter into a discussion that is seeking to re-run the arguments for or against an appeal and reach fresh conclusions (this is explained in our Complaints Procedure). We are also unable to consider or comment on the merits of new arguments and evidence. An aggrieved party has the right to seek redress through a challenge in the High Court, if they are convinced that the Inspector has erred in law. Only in the event of a successful challenge could the weight accorded to your evidence have been reconsidered; since a challenge was not made before the statutory deadline expired, the decision is final. I am sorry if this comes across as dismissive of your concerns with respect to flooding and traffic levels (and air quality); please be assured this is not my intention.

As I am sure you will know, planning decisions do not simply involve questions of fact. Rather, the decision-maker will normally be required to reach a number of planning judgements: what is the effect on the

character and appearance of the area; on the living conditions of neighbours; on highway safety, on local infrastructure and services *et cetera*. He/she will then carry out a 'balancing exercise', weighing the benefits against any negative factors to reach an overall conclusion on the acceptability of the proposal. Where matters of judgement are concerned, there is normally scope for a range of views that would not be categorised as unreasonable. For this reason, the courts have long held that judgements in planning decisions are within the exclusive jurisdiction of the decision-maker. The courts would only interfere with an Inspector's judgement if, in the Judge's opinion, it is so unreasonable that no reasonable person could have reached it (the '*Wednesbury reasonableness*' test); such cases are extremely rare. Whilst you feel that more weight should have been accorded to your evidence, and less weight to the case of the appellant, that was for the Inspector alone to decide, as the appointed decision-maker. I can only seek to assure you that the Inspector will have had careful regard for the case that you presented at the inquiry, and in written submissions, before making his decision (I realise this will be small consolation).

The Courts have held that decisions should be read as a whole and in a straightforward manner, recognising that they are addressed to parties who will be well-aware of the issues and arguments advanced. The reasoning can be succinct, providing it is intelligible and sufficient to support the conclusions reached. There is an obligation to provide reasons for the decision, but not reasons for the reasons (for want of a better expression). An Inspector is not expected to address every point raised and every material consideration, as that would be an unreasonable burden. Hence, the fact that your arguments about downstream flooding are not mentioned does not mean they were ignored. That said, an aggrieved party can challenge an appeal decision on grounds of inadequate reasoning; only the High Court can provide a definitive ruling.

With regard to your request for the Inspector to contact the Secretary of State and suggest an alternative site, this would amount to inappropriate interference with the role of the local planning authority, who would be responsible for considering any new application(s) in the first instance. It would also compromise the Planning Inspectorate's position of impartiality, in the event of a future appeal at the site. An Inspector can only consider the specific proposal that is the subject of the appeal before him/her.

The Inspector will have considered what you had to say about the cause of any shortage in social housing. However, Planning law requires that applications (and appeals) be determined in accordance with the development plan (unless material considerations indicate otherwise). The Inspector's role was to determine the planning merits of the specific

proposal before him; the cause of any shortage in social housing is a separate matter.

The Inspector was not persuaded by any of the evidence presented, or what he saw during the site visit, that the proposal would cause an unacceptable increase in traffic levels, thereby contrary to planning policy. I appreciate you feel that the Inspector has accorded too much weight to the transport and air quality assessments, and would no doubt dispute his conclusion that road traffic emissions from future residents can be suitably mitigated through a Travel Plan (required by condition No.10). However, he was entitled to reach his own conclusions, as the appointed decision-maker. If you or any other party is convinced that he was misled into granting planning permission, there was an opportunity to test this through a High Court challenge. As explained, there is no remit under the complaints procedure to revisit and re-weigh the evidence and reach fresh conclusions.

Any complaint of maladministration against Sheffield City Council will need to be raised through their own complaints procedures in the first instance. If, having received a final reply, you remain dissatisfied, the [Local Government Ombudsman](#) has the power to investigate complaints against local authorities. I should also point out that the onus is firmly on the parties to provide the evidence that they want considered (including any 'independent' traffic assessments). It is not part of an Inspector's role to generate or seek out further evidence to support the case of one side or the other (to do so would call into question his/her impartiality).

For the avoidance of doubt, I have seen nothing to substantiate your view that there is a considerable amount of evidence of bias in favour of the appellant by Inspectorate staff and the Inspector. As matters stand, and from the information you have provided, I consider such an allegation to be without any reasonable foundation.

You have raised concerns about "*unelected civil servants... ignoring decisions made by elected City Councillors who represent their constituents*". You say that "*For democracy to work, this behaviour needs to stop*". The right of appeal is longstanding and has been reviewed by successive Parliaments since the 1947 Town and Country Planning Act. It gives a disappointed applicant the chance to have their proposal considered by an Inspector who acts as an independent tribunal. It is widely regarded as an important safeguard in the planning system, one which allows for the impartial consideration of all views before decisions are reached. I trust you will appreciate that there would be little purpose to the right of appeal if an Inspector was obliged to reach the same conclusions as local Councillors. That said, the majority of appeals are in fact dismissed, and planning permission refused.

All interested parties had the opportunity to express their views, in written submissions and in person at the inquiry, before the final decision was made. At paragraph 65 of the decision, the Inspector explains that he has taken all matters raised into consideration, including concerns over surface water drainage and flooding. The fact that he was not persuaded by your evidence does not mean it was "*ignored*". The courts have held that decisions should be read as a whole and in a straightforward manner, recognising that they are addressed to parties who will be well-aware of the issues in dispute and arguments advanced. An Inspector is not expected to refer to every point raised and every material consideration, as that would be an unreasonable burden. Nevertheless, if you are convinced that he has erred in law, there was an opportunity to test this through a challenge in the High Court.

I turn now to your questions:

Question 1: I have been unable to find a copy of the letter written by Clive Betts MP to the Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government. You may wish to contact Mr Betts' office about this.

Question 2: The Inspector has confirmed that he is no longer holding his notes from the site visit (and the Planning Inspectorate does not have a copy). Such notes are normally only retained for three months after the decision is issued (the exception being if there is a High Court challenge).

Question 3: If you are convinced that the Inspector was misled into granting planning permission, and that the decision is flawed as a result, there was an opportunity to test this through a High Court challenge. Unless there is a successful challenge, the decision is final and the Inspectorate's involvement is at an end. Since the proposal is no longer before us for consideration, it would be inappropriate to comment on what you say about the council and Clive Betts MP. As explained, any complaint of maladministration by the council will need to be raised through their own complaints procedures in the first instance. If, having received a final reply, you remain dissatisfied, the Local Government Ombudsman has the power to investigate complaints against local authorities. The Office of the Parliamentary Commissioner for Standards can consider complaints about breaches of the Code of Conduct or the Guide to the Rules for MPs.

Question 4: It is not part of an Inspector's role to carry out investigations and seek out further evidence to support the case of one side or the other. To do so would call into question the impartiality of the appeal process. The onus is firmly on each party to make their case and provide everything they want considered (an Inspector cannot do this for them).

Question 5: The Inspector did not consider it appropriate for you to share your screen because he understood it to be new evidence. This was not the case with the appellant, which concerned evidence that had already been submitted. In view of the time that has passed, I am afraid the Inspector cannot recall the sequence of events that lead to your new evidence being turned away as late (he has certainly not corroborated your assertion that he requested the documents in question). Whilst I am not sure, so long after the event, why your time slot was moved, I have seen nothing to substantiate an assertion that you did not have a fair opportunity to present your case during the inquiry (I also understand that you made observations during the site visit). An Inspector will do everything possible to accede to the wishes of all parties with respect to the inquiry timetable. However, I trust you will appreciate that this is ultimately a matter at his/her discretion, and sometimes changes will need to ensure the smooth running of the event (in order that the Inspector is able to hear everything he/she needs to reach an informed decision).

Question 5: "*Hansard: Government Legislation, NetZero Emissions Target*": The Inspectorate is not holding training material for Inspectors that relates to the *NetZero Emissions Target* and appeals involving proposals for housing. As matters stand, no training has been given to Inspectors "*explaining how to incorporate this into new building projects*"; I should perhaps point out that Inspectors do not have any role in the design of buildings that are the subject of appeals (this would of course represent a conflict of interest). There are no statutory regulations for Inspectors in this respect. It would not be appropriate for the Inspectorate to comment on whether the Secretary of State should seek to introduce such legislation. You may wish to contact the Department for Levelling up, Housing and Communities directly about this.

Question 6: It would not be appropriate for the Inspectorate to comment on whether the Government should make it "*compulsory for all new builds to have this technology*". You may wish to contact your MP or the Department for Levelling up, Housing and Communities directly.

Question 7: If Dr Nicola Dempsey wishes to contact the Inspectorate, details can be found on our website: <https://www.gov.uk/government/organisations/planning-inspectorate>.

I hope this is helpful information; a copy of our information request review procedures is attached.

In conclusion and after careful consideration, your complaint has not been upheld. I understand that my reply will not reconcile you to the decision. However, our complaints procedure has been exhausted. If you remain

dissatisfied, your means of further escalation is now to the Parliamentary and Health Service Ombudsman. Further information and contact details can be found on their website [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

Yours sincerely

*Bob Palmer*

Customer Team Manager

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Email: [feedback@planninginspectorate.gov.uk](mailto:feedback@planninginspectorate.gov.uk)

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This communication does not constitute legal advice

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**From:** Michael Meredith <[ecologicalowlthorpe@gmail.com](mailto:ecologicalowlthorpe@gmail.com)>

**Sent:** 11 August 2021 14:59

**To:** Dunkley-Roberts, Matthew <[Matthew.Dunkley-Roberts@planninginspectorate.gov.uk](mailto:Matthew.Dunkley-Roberts@planninginspectorate.gov.uk)>

**Subject:** Ecological Owlthorpe

Ecological Owlthorpe

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**Matt Dunkley-Roberts**

Customer Team Officer

The Planning Inspectorate

Date: 11<sup>th</sup> August 2021

Dear Matt Dunkley-Roberts,

Thank you for your email, I have a few more questions under the freedom of information ACT 2000? But first of all I think it would be helpful if I explained my response to comments made in your email dated 27<sup>th</sup> July 2021.

**Response to comment:** “In terms of the flooding issue that you raise, to my reading of the decision, this was not one of the main issues before the Inspector in the appeal. However, I note that the Inspector addresses the matter in paragraph 66 of the decision, stating that “a Flood Risk Assessment and Drainage Strategy has been submitted by the appellant...”, and that this confirmed the site to be a low risk flood risk, and that the proposed drainage system would adequately control.”

With regard to the Flood Risk Assessment and Drainage Strategy submitted by the appellant. <http://www.dlppanningappeals.co.uk/Docs/CD2.29%20-%20App%20submission%2023.8.19%20-%20Flood%20Risk%20Assessment%20-%20P2741%20FRA%20Avant%20Homes%20Mosborough.pdf>

I have studied the Flood Risk Assessment supplied by Avie Consulting Ltd Leeds, LS14 6FD which is a very detailed document but in my opinion is inadequate and is bound to fail in heavy rain conditions. My own flood risk assessment is made with the full knowledge and understanding of the area, so I question whether or not the inspector bothered to read my assessment. <https://www.ecological-owlthorpe.org/EO-05Floodriskassessment.pdf> However during the site visit I was able to show the inspector many facts about Owlthorpe <https://www.ecological-owlthorpe.org/EO-19SitevisitWednesday20thJanuary2021.pdf> including water retention <https://www.ecological-owlthorpe.org/Water.mp4> . “If you needed any more proof that the suds system would fail it came during a site visit to the proposed development area. As we passed by the spot where the suds system would be, the path had turned into a river that we all had to paddle through. This was not a rainy day but surface water was pouring off the land. Members of (OAG) are witnesses to this fact. The Building Inspector, Howard Baxter of Sheffield (LPA) and Avant Homes representatives seemed oblivious to this fact.”

Regarding the flooding at Fishlake, a local resident affected by the flooding, Mrs. J. Palmer, emailed her statement to the following recipients and myself [holly.dutton@planninginspectorate.gov.uk](mailto:holly.dutton@planninginspectorate.gov.uk) , [ed.miliband.mp@parliament.uk](mailto:ed.miliband.mp@parliament.uk) , [clive.betts.mp@parliament.uk](mailto:clive.betts.mp@parliament.uk) , [jenrickr@parliament.uk](mailto:jenrickr@parliament.uk) , [george.eustice.mp@parliament.uk](mailto:george.eustice.mp@parliament.uk). At the inquiry I made a formal request to the inspector that he made sure all attendees to the inquiry had a copy. Highlighted in yellow are the main points: <https://www.ecological-owlthorpe.org/EO-03thisistheaccountofoneofthevictimsoffloodinginfishlake.pdf>

**HRH Prince Charles and Boris Johnson visits.**

**The press.**

**It not being an exaggeration to say that it is a miracle nobody lost their life.**

**Last year, as you will be aware, our village suffered devastating flooding in November 2019. Having studied geography, ecology and agriculture at the Universities of Nottingham, Oxford**

and Lincoln respectively, I am familiar with environmental issues including flood risk, catchment based solutions and climate change. When Coordinating remedial works, carrying out flood samples for Uni. of Lincoln (cadmium deposits found buying a house in Fishlake in March 2019 we therefore paid close attention to the EA's long term flood risk across the landscape) assessment for Fishlake - which at the time was very low risk - prior to our home purchase in March 2019.

Coordinating remedial works, carrying out flood samples for Uni. of Lincoln (cadmium deposits found across the landscape)

The science is clear and we must plan for a future with more extreme weather. As somebody who is only in my early 30s and with two young children, this can feel quite frightening. I feel that we really must consider the carrying capacity of our catchments and look to nature-based solutions.

We need to look upstream at nature based solutions to slow the flow.

I hope that you can consider the impact of this development on the livelihoods and wellbeing of lowland communities and their landscapes.

Prior to the inquiry I explained to Holly Dutton on a number of occasions that **downstream flooding is of National Importance** and should be first examined by the Secretary of State for Environment and his department, not the Secretary of State for Housing. Holly Dutton was adamant that the Inspector would be able to take all my concerns into account. Downstream flooding should take priority over housing developments, **the inspector completely ignored all the evidence I supplied with regard to flooding.**

In my opinion there is a considerable amount of evidence of bias in favour of the appellant by your staff and the Inspector, which I will document for the attention of The Parliamentary Ombudsman.

**The nation watched TV with horror at seeing the devastation caused by downstream flooding in Fishlake** This is why my request was made to the Secretary of State for Environment. Downstream flooding, I feel, is of national and international concern.

Extracts from comments I made to Howard Baxter Sheffield (LPA) submitted date: Fri 21 Feb 2020 <https://www.ecological-owlthorpe.org/EO-01OriginalObjection21stFeb2020.pdf>

**Flooding:** “My heart goes out when I see the faces of the victims of flooding as the emergency services work to evacuate them.” “Before the 2019 General election I attended a husting at Rainbow Forge Primary School where all the candidates wishing to become the MP for Sheffield South East agreed that we need to plant more trees in Owlthorpe to stop Climate Change and prevent downstream flooding.”

Over time, deforestation took place in Owlthorpe to create the golf course, the erection of electric pylons and the building of many of the new housing estates. The area is too hilly and cannot sustain further development. More building in Owlthorpe will increase the flood risk which is far too dangerous to citizens living downstream.

Sheffield is well known for its hills, and is prone to flooding and I presented evidence of this to the inspector at the inquiry. <https://www.ecological-owlthorpe.org/EO->

[17ListoffloodsinSheffield.pdf](#) Historically, citizens of Sheffield have died in flooding events, please read.

We also now see how flooding in Europe has taken the lives of 200. This flooding is caused by Deforestation and carbon emissions. (Both elements are present in Owlthorpe.) My request to have the application was made in line with government directive. Flooding should take precedence over house building. If not, the consequences might be catastrophic. Who will bear the responsibility?

**I am at a loss to understand why your staff and the Inspector did not understand that my first and foremost objection is about downstream flooding.**

Please read the following report:

<https://www.ecological-owlthorpe.org/EO-20roundtableeventregardinghousingsupply.pdf>

**Attendees to the housing supply round table meeting:**

Inspector O S Woodwards

Richard Sagar, Barrister for Avant Homes

Guy Williams, Barrister for Sheffield City Council

Roland Bolton, Strategic Planning Research Unit

Mrs Stephens, Sheffield City Council

Mrs Hull, Sheffield City Council

Michael Meredith, Ecological Owlthorpe

Mr Woods, legal representative of OAG, was invited by the inspector, but declined to attend.

After reading the following Government Statements, I thought the inspector would be interested in a proposal I made at the housing supply meeting at the inquiry: I have an interest in architecture as my father was a Draftsman/Estimator and I do support the construction of new properties. My only concern is that they are constructed in areas that do not increase flood risk down stream.

In this <https://www.youtube.com/watch?v=bbYXEDczL-U> Sophie Ridge interview George Eustace MP Secretary of State for the Environment explains the government's response to UK floods. An extra £4 Billion is to be spent on flood defences. In Yorkshire, up stream nature based solutions are to be supported.

**Published 23rd January 2020 Government Press Release:**

"Environment Bodies set joint vision to tackle climate change. Environment Agency, Forestry Commission, and Natural England outline a shared vision to use up-stream nature-based solutions to tackle the climate emergency."

**Published 6 August 2020: Announced by Robert Jenrick MP the Secretary of State for Housing:**

**“Valued green spaces protected for future generations, with more building on Brownfield land.”**

I suggested to the Inspector that Avant Homes should move their project to the disused Aerodrome at Norton which is a Brownfield site by definition boasting many derelict building in need of redevelopment. I explained that the MOD may be responsible for removing asbestos from the site. Reported in Sheffield Star March 29th 2021: Demolition finally gets underway at former air base buildings have now been removed, so there is no reason why Avant Homes cannot remove their project to the Aerodrome at Norton.

I thought this would be a win win situation for all concerned and would conform with the statement announced by Robert Jenrick MP the Secretary of State for Housing. When I requested that the Inspector should suggest this to the Secretary of State the inspector said “speaking to the Secretary of State is above his pay grade”. This is very concerning as the Inspector is supposed to be appointed by the Secretary of State. Guy Williams Barrister acting for Sheffield CC thanked me for trying to get funding from two separate government funds. Unofficial feedback from the Labour held Sheffield CC to my suggestion was very negative with comments such as “We are not going to except handouts from the Tory Government.” It seems to me that Sheffield CC would rather cut of their noses off to spite their faces rather than accepting funds from central government.

I suggested that Sheffield (LPA) had caused a shortage in social housing by neglecting it whilst concentrating on student accommodation. I asked what was happening to Park Hill flats which were built as social housing. Residents fondly called it ‘streets in the skies’. Although some of it has been re-developed, Roland Bolton, Strategic Planning Research explained the rest is to be made into student accommodation. I rest my case.

Please look at this BBC video. <https://www.facebook.com/watch/?v=467326297599930>

<https://www.ecological-owlthorpe.org/EO-21OverviewofEcologicalOwlthorpeAppeal.pdf>

**Response to your comment:** “In terms of if the Planning Inspectorate was misled by the Council’s decision notice, it is unclear how this would be the case.”

Please read the extract from the reasons for refusal below for clarification, as you can see it speaks for itself:

“I’ve enclosed the Sheffield LPA’s refusal reasons.” <http://www.dlppanningappeals.co.uk/Docs/CD2.37%20-%20Decision%20notice%20June%202020.pdf> Page 4: “NOTES Appeals to the Secretary of State If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the **Secretary of State for the Environment** under Section 78 of the Town and Country Planning Act, 1990.” (**Not the Secretary of State for Housing?**)

This is one of the legal documents I have been complaining about as it does not truly reflect the Planning and Highways Committee Meeting 2nd June 2020. After the vote was taken against building in Owlthorpe, Colin Walker Interim Head changed the legal content of this document by having traffic impact removed he said: “**I think there is a significant risk if you throw Highways impact into this as a reason for refusal and that risk is that you effectively neutralise the site in residential terms.**” Extract from my report <https://www.ecological-owlthorpe.org/EO-18ReviewofPlanningMeeting.pdf> “Helen Johnson’s SCC Highways impact assessment was completely castigated by many local Cllr’s saying it was totally inadequate. Cllr Peter Garbutt, Cllr Dianne Hurst, Cllr Chris Rosling-Josephs and Cllr Rodger Davidson all voiced their concerns. Cllr Chris Rosling-Josephs explained that traffic in the area is horrendous, especially around Crystal Peaks but also in the surrounding area and that a full independent traffic assessment needs be taken before the council considers any more developments in the area.” The co2 emissions from queuing traffic is dangerously high and detrimental to the health and wellbeing of residents of Owlthorpe.

Be aware that Colin Walker no longer works for Sheffield City Council. If the document had reflected the meeting on the 2<sup>nd</sup> June 2020 Avant Homes would not have been able to take their Case to the Secretary of State. Is the inspectorate happy with the fact that Colin Walker misled The Secretary of State? Also the refusal document sent to local residents by Howard Baxter is not the same document. The refusal document sent to local residents is only two pages and misleads local residents into thinking Sheffield City Council and Howard Baxter are both supportive of local resident. I am asking the Parliamentary ombudsman to investigate why there are two versions of the same document.

I was allowed to review meeting 2<sup>nd</sup> June 2020 which was arranged by Guy Williams Barrister for Sheffield City Council and Lucy Bond, Area Team Manager (City Centre & East Team) Development Management City Growth Department. <https://www.ecological-owlthorpe.org/EO-18ReviewofPlanningMeeting.pdf>  
Video copies of the meeting have been made available to the Parliamentary Ombudsman for review. I can supply you with a copy if you wish.

It seems to me that staff in MP Robert Jenerick's Housing department and staff in the inspectorate use Sheffield City Councils (LPA) refusal document when it suits them and reference it. However they dismiss it and refuse to investigate further if it seems prejudicial to the appellant. I am also asking the parliamentary ombudsman to investigate.

Below is correspondence from the Head of Planning regarding my complaint to the Ombudsman.

'Michael Johnson  
Head of Planning  
Sheffield City Council

Dear Mr Meredith,

I am wiring to thank you for sending the below correspondence and to confirm we will respond fully with any Ombudsman enquiry that is forthcoming.

Kind regards

Michael.'

My Caseworker at Parliamentary Ombudsman Services explains: There is no requirement, statutory or otherwise for a Member of Parliament to refer a case to the Ombudsman. A constituent may, however, approach another Member, if their MP decides not to forward the complaint. There is no requirement in the legislation that it is the constituency MP who makes the referral. I have followed all Legislation and correct procedures with regard to my formal complaint, but have had no response from my MP Clive Betts. If MP Clive Betts decides not to refer my case, as the caseworker explains, all I have to do is simply request that another MPs will. There are 650 MPs and I am sure that there are many MPs that want to support upstream nature based solutions to stop downstream flooding especially as climate change is worsening.

Thank you so much for confirming in your last communication that both correspondences from: Michael Meredith Sent: 26 May 2020 20:21

To: [george.eustice.mp@parliament.uk](mailto:george.eustice.mp@parliament.uk) Subject: Planning Application also Holly Dutton, Helen Skinner and Robert Jenrick MP Secretary of State for Housing.

As my Caseworker at Parliamentary Ombudsman Services explains all MPs have to abide by "The Code of Conduct for Members of Parliament" <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations> I am examining if by ignoring my recorded correspondences both Secretaries of State broke the Code of Conduct.

**Please could you answer the following questions under the freedom of information ACT 2000?**

**Question 1:** Could you supply me with a copy of the Letter sent from my MP Clive Betts to MP Robert Jenerick Secretary of State for Housing as stated in last communication: "(but not asking for recovery – see his letter enclosed). I don't think this would need to be recovered but grateful for your views"?

**Question 2:** Could you supply me with a copy of the inspectors report with regard to the site visit? The site visit is mentioned in Appeal Decision Inquiry Held on 12-15, 19, and 21 January 2021 **Site visit made on 20 January 2021** by O S Woodward BA(Hons.) MA MRTPI an Inspector appointed by the Secretary of State Decision date: 2 March 2021. I am requesting that the Parliamentary Ombudsman make comparisons between the inspectors report and my report: <https://www.ecological-owlthorpe.org/EO-19SitevisitWednesday20thJanuary2021.pdf> .

**Question 3:** "We have a recovery request for an appeal in Sheffield for erection of 74 no. dwellings. It is a very small development, and MP isn't requesting recovery." Please be aware MP Clive Betts and Sheffield CC (LPA) want to build 500 dwellings in Owlthorpe but because they could not get planning permission they have split the site into a number of smaller sites C, D, E and F. The other sites will be developed at a later stage, your inspector is aware of this fact as it became clear on the site visit. The **Question**, is MP Robert Jenrick the Secretary of States for Housing and staff in his department happy to have been mislead by MP Clive Betts, Sheffield City Council (LPA) and the Inspector? I am asking for the parliamentary ombudsman to investigate.

Question 4: With regards to Coal Mining report

Ref: <http://www.dlplanningappeals.co.uk/Docs/CD2.27%20-%20App%20submission%2023.8.19%20-%20Coal%20Mining%20Report%20-%20Mining%20Report%208718.pdf> submitted to the inquiry. I have exchanged a number of correspondences with the Coal authority under the freedom of information ACT 2000 which can be viewed here: <https://www.ecological-owlthorpe.org/letters.htm> please view this letter: <https://www.ecological-owlthorpe.org/EmailCoalBoard2.pdf> Did the inspector investigate the mines under Owlthorpe which are in a state of flooding? In the site visit I showed the inspector the capped off mine shaft which is situated approx: 50 meters from the west boundary of site E. I have been attempting to find out who is responsible for flooded mine workings in Owlthorpe, all government departments seem to pass the book on this one. However, remember that deposits of Ochre were found down stream.

**Question 5:** I had prepared this web-site <https://www.ecological-owlthorpe.org/index.html> to use in the inquiry but screen sharing was not available for me. I would like to know why. Screen sharing was made available to the appellant and Roland Bolton Strategic Planning Research Unit and both used their web-sites to show evidence. Guy Williams Barrister for Sheffield City Council made the observation that when Mr Woods (OAG) and Dr Rivers wanted to use their websites screen sharing was not available to them. Guy Williams wanted to make sure it worked for members of Sheffield City Council who wished to present evidence by this means. The inspector made screen sharing available for Sheffield City Council. The time slot for me to give evidence was moved to the last day. I would like to know why. When I wanted to use screen sharing the inspector did not allow me to. Let me be clear, it is only the host that allows screen sharing. The appellant did not want my evidence to be shared. I protested that local residents and the press were viewing the inquiry. I was left to read one or two documents that I had supplied. When I emailed the last few documents as requested by the inspector, Holly Dutton returned them saying it was too late without forwarding to the inspector. In Appeal Decision made by O S Woodward BA(Hons.) MA MRTPI date: 2 March 2021 Ref: (5) "Short extension of time following the close of the inquiry for the parties to deal with the revised s106 Planning Obligation." It seems to me that your staff acted in a biased way in favour of the appellant by ignoring my evidence. I am requesting that the parliamentary ombudsman also investigates this.

All documents I supplied to the inquiry including, the last few, can be viewed here:

...