Kevin Walton

From: Vikki Lister <Vikki.Lister@bthft.nhs.uk>
Sent: 09 May 2024 09:07
To: Chris Read; S H
Cc: Kevin Walton; Customer Standards
Subject: RE: 2020/94345 - Kirklees duty to dilligently discharge conditions.

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Hi Chris

Further to your email below, I do not give the developer permission to build his road over my land, including over my disabled ramped access to St. Luke's Hall and land adjacent, used for my parking, which I own under the Ad medium filum presumption. His planning application can not be implemented. I am concerned for the safety of my customers at East Bierley Village Hall (a charity) who will enter and leave the hall via this ramp.

Can you or anyone confirm that my access/parking will not be compromised by this development?

I look forward to hearing back from you

Kind regards

Vikki

Vikki Lister
Team Co-Ordinator
SystmOne Lead
Department of Diabetes & Endocrinology | DOYH
Bradford Teaching Hospitals NHS Foundation Trust
T: 01274 38 2687
http://www.bradfordhospitals.nhs.uk

From: Chris Read [mailto:Chris.Read@kirklees.gov.uk]
Sent: 08 May 2024 13:56
To: Vikki Lister; S H
Cc: Kevin Walton; Customer Standards
Subject: RE: 2020/94345 - Kirklees duty to dilligently discharge conditions.

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Dear Ms Lister

I would like to sincerely apologise for the failure to reply to your enquiry. We do not have specific service standards, but we expect enquiries to be responded to as quickly as possible and in a reasonable way. Clearly, here we have not responded to you in a reasonable timescale.

As you will be aware, the service have been aware of concerns relating to the above planning application, which was approved via appeal. Officers seek to avoid duplication when they consider any matter, so as to be available to consider other resident enquiries, but clearly they should have acknowledged and replied to your concerns separately, rather than it perhaps feel that your own enquiry was unimportant.

I think too, that the escalation of the complaint so I became involved also created a little complexity. I had not been copied into your original enquiry (and neither did I need to be) but I should have checked and ensured that you had received response, when it was referred to, rather than assume the service would have picked it up.

I hope that the recent exchange of comments has answered your enquiry, but if you feel there is anything outstanding then please let me know. Likewise, if you wish to make your own representation on the way the service is administering the planning application to the Local Government Ombudsman (www.lgo.org.uk), then you may choose to do this.

Yours sincerely

Chris Read
Corporate Customer Standards Officer
Kirklees Council
Huddersfield

Tel 01484 221000 and ask for Chris Read (internal. 735 79)

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From: Vikki Lister <Vikki.Lister@bthft.nhs.uk>
Sent: Tuesday, May 7, 2024 11:29 AM
To: Chris Read <Chris.Read@kirklees.gov.uk>; S H <stephen.hill59@gmail.com>
Cc: Kevin Walton <Kevin.Walton@kirklees.gov.uk>; Customer Standards <Customer.Standards@kirklees.gov.uk>
Subject: RE: 2020/94345 - Kirklees duty to dilligently discharge conditions.

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I sent this email, dated 25th Jan. 24, over three months ago and Kirklees have not replied. I ask for confirmation of service standards. Kirklees operates regarding responding to communications and, at the very latest ask for a written response to my email, within 7 working days. I do not give my permission for any of the developers' works over my land and fail to see how he can construct his access road without encroachment on Common Land. Nor do I give permission for any encroachment of his proposed works on the 1m strip of my land adjacent to the southerly gable end of St. Luke's Hall

Victoria Lister

Vikki Lister
Team Co-Ordinator
SystmOne Lead
Department of Diabetes & Endocrinology | DOYH
Bradford Teaching Hospitals NHS Foundation Trust
T: 01274 38 2687
on






From: Chris Read [mailto:Chris.Read@kirklees.gov.uk]
Sent: 07 May 2024 10:29
To: S H; Vikki Lister
Cc: Kevin Walton; Customer Standards
Subject: RE: 2020/94345 - Kirklees duty to dilligently discharge conditions.

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Dear Mr Hill

I'm sure Mr Walton will correct me if I am incorrect in my interpretation, but the update was published by the government a couple of weeks ago.

https://www.gov.uk/guidance/levelling-up-and-regeneration-act-2023-progress-on-implementing-build-out-measures

Section 255(3)(a) of the Act relating to sections 112 (completion notices), 113 (power to decline to determine applications) and 114 (development progress reports), conferred powers on the Secretary of State to make regulations for the purposes of these sections two months after the day the Act was passed (that is from 26 December 2023). On 31 March 2024, as a further technical step towards implementation, we partly commenced the development commencement notice provisions under section 111 of the Act, again to enable the Secretary of State to make regulations in this area. Prior to fully commencing all four measures, there will be a public consultation to seek views on the practical implementation of them, and the preparation of the necessary regulations and commencement of the rest of the provisions will then follow.

This all suggests to me that whilst the legal duty may be in place, more legislative work and consultation needs to be done before anyone will be able to comply with it.

In terms of Ms Lister's question, again I would refer back to the thrust of the service's position as outlined to you. It is not for the council to class a planning application as "unable to be implemented". That may or may not be the case on the ground, but obtaining/confirming the appropriate rights of access etc. is for the developer to consider. It would exceed the powers and scope of the planning scheme for the local planning authority to be so definitive.

Yours sincerely

Chris Read
Corporate Customer Standards Officer
Kirklees Council
Huddersfield

Tel 01484 221000 and ask for Chris Read (internal. 735 79)

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From: S H <stephen.hill59@gmail.com>
Sent: Thursday, May 2, 2024 4:30 PM
To: Chris Read <Chris.Read@kirklees.gov.uk>; Vikki Lister <Vikki.Lister@bthft.nhs.uk>
Cc: Kevin Walton <Kevin.Walton@kirklees.gov.uk>; Customer Standards <Customer.Standards@kirklees.gov.uk>
Subject: Re: 2020/94345 - Kirklees duty to dilligently discharge conditions.

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Chis, I was under the impression that provisions under the Levelling up and Regeneration Act 2023, requiring mandatory, section 111, developer notification came in 25th April 24.

I ask again that you respond to Victoria Lister's email, of 25th Jan. 24 and further to the Planning Inspectors, Condition 19, confirm that this planning application can not be implemented. Works can not be constructed in line the Planning Inspectors approved plans.

If you can let me have an email for the developer I will contact him direct.

Regards

Stephen Hill

On Thu, 2 May 2024, 16:19 Chris Read, <Chris.Read@kirklees.gov.uk> wrote:

Dear Mr Hill

I note your comments and note your subsequent email (below) to Mr Walton. Please accept this as a response to both contacts. I have discussed your contact with the service and Mr Walton.

Clearly discussions with the developer would be private until an agreement is reached, and my response set out the council's responsibility in this area.

It is likely you will have already made the developer aware of your views of the situation, but if you have not, you are of course free to do that. Again, my response simply set out that the council does not need to take action until either they are approached with any proposals, or some works commence on the ground. The planning enforcement team do not work in isolation, and officers would appropriately consider anything relating to the development, be it a formal approach from the developer, a request for an informal discussion, or work commencing on the ground.

I am also informed of the provision to bring into law a requirement to inform the Council of commencement of development was introduced under section 111 of the Levelling Up and Regeneration Act 2023. However, this section has not yet been brought into force and as such is not a requirement until the Government introduces the Commencement Order for this section.

You will be aware that objectors do not have a formal right of appeal against planning works or decisions made upon conditions, so the route for any concern about how the council might act would be to progress any concerns to the Local Government Ombudsman as previously advised.

Yours sincerely

Chris Read

Corporate Customer Standards Officer

Kirklees Council

Huddersfield

Tel 01484 221000 and ask for Chris Read (internal. 735 79)

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From: S H <stephen.hill59@gmail.com>
Sent: Thursday, May 2, 2024 12:02 PM
To: Kevin Walton <Kevin.Walton@kirklees.gov.uk>; S H <stephen.hill59@gmail.com>
Cc: Chris Read <Chris.Read@kirklees.gov.uk>
Subject: 2020/94345 - Kirklees duty to dilligently discharge conditions.

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Kevin, I note your previous comments about no planning resources being deployed, as yet, to the discharge of conditions relating to the above application. I note there are a number of conditions precedent relating to the upheld appeal, requiring Kirklees approval and sign off before any work commences on site. Also the requirement under the Town and Country Planning Act 1990:Development Commencement Notices (Section 111): Mandates developers to notify LPAs before starting development, intending to ensure better compliance and monitoring from the outset.I have been advised by Chris Read that Kirklees intend to leave such matters to Enforcement. I believe if this were to be the case this would amount to neglect of duty.

Kirklees have ample opportunity to dilligently discharge Conditions Precedent, given the developer has to formally advise his intentions to commence works on site.
I ask that you please confirm that Kirklees will comply with their Legal duty to dilligently discharge the Planning Inspectors Conditions At the same time I ask that an appropriate Kirklees Officer respond to Victoria Lister's email of 25th Jan. 24, in which she states undefeadible evidence as to why this application can not be implemented.

I also note that the Plannning Inspector states a requirement, in the interest of Health and Safety, for the devoloper to submit a condition survey of Bierley Marsh, for approval by Kirklees before work commences on site. This survey will collaborate the statements contained in Victoria's email and points I raise that the required sight lines, along the boundary with Thornfield's land, can not be achieved, due an existing fence and parking on Thornfields land.

I ask that you confirm this application can not be implemented.

Regards

Stephen Hill

Regards

Stephen Hill
07776741799

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