

From: [REDACTED] <[REDACTED]>
Sent: 07 May 2019 09:31
To: Tracy Darke <[REDACTED]> 'Marc Dorfman'
<[REDACTED]>
Cc: Simpson, Paul <[REDACTED]> Sharon Bridglalsingh
<[REDACTED]>
Subject: RE: [EXT] Re: FW: 00 MK - Blakelands - Broad Review ToR - PDS Comments.Apr 19

Hi,

I will be sending across JR related documents today and DCC reports and minutes from the April DCC.

I can send anything else if needed.

[REDACTED]

[REDACTED]

Principal Solicitor – Planning & Highways
Legal and Democratic Services

From: Tracy Darke <[REDACTED]>
Sent: 07 May 2019 09:27
To: 'Marc Dorfman' <[REDACTED]>
Cc: Simpson, Paul <[REDACTED]> Sharon Bridglalsingh
<[REDACTED]> <[REDACTED]>
Subject: RE: [EXT] Re: FW: 00 MK - Blakelands - Broad Review ToR - PDS Comments.Apr 19

Many thanks

Do you want us to put together a library of documents electronically for you that we think you will need? Also, we could ask the Residents group and DCC if there are any further documents they want to draw attention to as well.

Let me know

Kind regards

Tracy Darke

Director – Growth, Economy and Culture



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MP [REDACTED]



[REDACTED]

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Milton Keynes | MK9 3EJ

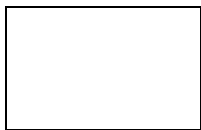
From: Marc Dorfman [REDACTED]
Sent: 07 May 2019 01:14
To: Darke, Tracy
Cc: Simpson, Paul; Bridglalsingh, Sharon; [REDACTED]
Subject: [EXT] Re: FW: 00 MK - Blakelands - Broad Review ToR - PDS Comments.Apr 19

Dear MKC Colleagues, apologies for my delay. I will get you a response 6/5 or 7/5 at the latest.

Best wishes Marc

Marc Dorfman

Director



TOWN PLANNING MANAGEMENT Ltd



mobile: [REDACTED]

Registered Office: 67 Westow Street, London SE19 3RW

Registered in England & Wales: No.11750714

On Fri, Apr 19, 2019 at 8:00 PM Darke, Tracy <[REDACTED]> wrote:

Marc

These are the further emails that Paul wanted you to have sight of.

Kind regards

Tracy Darke

Director – Growth, Economy and Culture



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[REDACTED]

MP

[REDACTED]



[REDACTED]



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Milton Keynes | MK9 3EJ

From: Simpson, Paul

Sent: 12 April 2019 15:22

To: Darke, Tracy; Bridglalsingh, Sharon; [REDACTED] Hulatt, Katrina

Cc: [REDACTED]

Subject: 00 MK - Blakelands - Broad Review ToR - PDS Comments.Apr 19

Hi all - I've had a look at the Brief and I think there is a need to ask some specific questions, otherwise we will be faced with the challenge that we have not listened to residents' concerns, and it being a "whitewash". That said, clearly the questions need to be reasonable, and whilst I have used [REDACTED] questions as a guide, I have "toned them down" in 1 or 2 instances, as I don't think it would be appropriate for us to simply cut and paste her wording; particularly where she has stated the Planning decision was unlawful.....

As such, I've added some questions in, but would appreciate it if you could cast your eye over the document, before we send back to Marc. I have also attached the various emails I have received, from residents and Cllrs on this matter, and would ask that these are also forwarded onto Marc for him to consider.

I am away on A/L from this evening and will return to work on Thursday 25th. If we can get the Brief agreed internally, then with Marc and then send out to the residents, Audit Committee and DCC by the end of this month, I think that would be a good step forward. I am only at home, so if you do need to speak to me urgently, please don't hesitate to give me a call on my mobile.

Regards

Paul

Paul Simpson

Deputy Chief Executive

T: [REDACTED]

M: [REDACTED]

E: [REDACTED]

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----- Forwarded message -----

From: [REDACTED] <[REDACTED]>
To: "Simpson, Paul" <[REDACTED]> "John Bint"
<[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Bcc:
Date: Thu, 11 Apr 2019 10:34:51 +0000
Subject: [EXT] Re: [EXT] FWD: [EXT] Blakelands Application - Jeremy Lee
Dear Paul

Following on from Cllr Bint's email, I would also be grateful if you could arrange the investigator to look at the objection by Planning Officers to the draft minutes of the DCC meeting in May 2017 (attached email trail).

It's important to establish whether the correct procedures were followed with Democratic Services and if DCC members were made aware of the objection to the wording of the draft minutes and agreed to the subsequent change.

Kind regards

[REDACTED]

On 08/04/2019, 11:53, "Simpson, Paul" <[REDACTED]> wrote:

Hi Cllr Bint - thanks for sending this through. I will of course do just that. As you suggest it wouldn't be appropriate for us to comment or surmise on what was or wasn't said between Officers, but I have no doubt the Investigator will look into this as part of the review and respond accordingly.

Regards

Paul

Paul Simpson
Deputy Chief Executive

T: [REDACTED]

M: [REDACTED]

E: [REDACTED]

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-----Original Message-----

From: John Bint [mailto:[REDACTED]] On Behalf Of John Bint

Sent: 07 April 2019 15:34

To: Simpson, Paul; [REDACTED] [REDACTED]

Cc: [REDACTED] [REDACTED]

Subject: [EXT] FWD: [EXT] Blakelands Application - Jeremy Lee

[REDACTED]

Thanks for this information, including the attached email chain culminating in an email of 27/3/2017 from David Staniland (of Knight Frank, for the

Developers) to Samantha Taylor. I think the best thing to do with any further information relating to the Blakelands warehouse is to send it, with a short covering note, to Paul Simpson for the external Investigator to consider.

On your opening comment: Yes, it was a good idea to wait until after the DCC meeting for getting back in touch with me, on this entire matter. So thank you for waiting.

I very much hope that you and [REDACTED] are continuing to work on the chronology document. Whether or not it gets used in conjunction with the JR, I believe it will be very useful for the Investigator.

Paul,

In line with my first paragraph above, can I ask you please to hold this (my email in its entirety, including the email from [REDACTED] [REDACTED] below AND the attached March 2017 email chain) on file for the council's Investigator to consider?

In terms of what officers did or didn't do in 2017, the email chain says what it says (as does [REDACTED] email) and I don't feel it would be appropriate for me to offer my own commentary or interpretation at this stage. However what I would like to mention is that, as recently as the last month or so, Officers have given assurances to Councillors and residents that Jeremy was removed from the case for reasons of workload. If it transpires that this isn't what actually happened, your Investigator should also investigate the basis for those very recent assurances.

Kind regards

John Bint (Cllr)

----- Forwarded Message -----

From: [REDACTED] <[REDACTED]>
To: "Bint, John" <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Date: Fri, 5 Apr 2019 13:31:25 +0000
Subject: [EXT] Blakelands Application - Jeremy Lee

John

Apologies for the delay in responding to your previous email. [REDACTED] and I were both informed that we should not contact any DCC members until after last night's meeting.

I am enclosing the email trail that led to the removal of Jeremy Lee from the Blakelands application. I know this is one of the key elements that residents and Councillors want addressed in the inquiry.

It would appear that Jeremy said in an email of 17 March 2018 that he was likely to recommend refusal. The agent then telephoned Brett Leahy, who advised to send a complaint, which the agent did on 21 March 2017. The following day, Jeremy was removed from the application and replaced by Sam Taylor.

Whilst we don't know the conversation between Brett and the agent, I think it is certainly questionable that an applicant is able to exert pressure to a change Case Officer immediately after being told that refusal is likely.

I do hope that Jeremy will speak openly about what happened and his discussions with Brett as I think this will be a very important aspect of the inquiry.

You are more than free to print/send the attached email around as it was released by the Planning Inspectorate under a FOI request.

Kind regards

[REDACTED]

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----- Forwarded message -----

From: John Bint <[REDACTED]>
To: "Simpson, Paul" <[REDACTED]>
<[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Bcc:
Date: Sun, 7 Apr 2019 14:34:16 +0000
Subject: [EXT] FWD: [EXT] Blakelands Application - Jeremy Lee
[REDACTED]

Thanks for this information, including the attached email chain culminating in an email of 27/3/2017 from David Staniland (of Knight Frank, for the Developers) to Samantha Taylor. I think the best thing to do with any further information relating to the Blakelands warehouse is to send it, with a short covering note, to Paul Simpson for the external Investigator to consider.

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those very recent assurances.

Kind regards

John Bint (Cllr)

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From: [REDACTED] <[REDACTED]>
To: "Bint, John" <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Date: Fri, 5 Apr 2019 13:31:25 +0000
Subject: [EXT] Blakelands Application - Jeremy Lee

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I do hope that Jeremy will speak openly about what happened and his discussions with Brett as I think this will be a very important aspect of the inquiry.

You are more than free to print/send the attached email around as it was released by the Planning Inspectorate under a FOI request.

Kind regards

[REDACTED]

----- Forwarded message -----

From: John Bint <[REDACTED]>

To: "Simpson, Paul" <[REDACTED]>
Cc:
Bcc:
Date: Mon, 18 Mar 2019 23:16:04 +0000
Subject: [EXT] FWD: Scope for External Review of Blakelands Warehouse Planning Application Process
Paul,

In an attempt to be helpful, can I expand on my second point below (about growing concerns over officers misinforming DCC) and give you more scope to paraphrase it if you feel that's appropriate. I would be entirely comfortable if you prefer to phrase it as

- the quality, accuracy and clarity/transparency of advice from officers to members, in connection with this site (and any other planning applications over the same period of time that Members feel are relevant); to cover the formal report, written updates, and any other information/advice supplied by officers. In the case of Blakelands, to cover the May 2017 meeting where it was resolved to grant permission with 23 conditions, the April 2018 officer report, subsequently withdrawn, which explicitly recommended varying one condition and adding an 11th condition, and the November 2018 report and meeting. To include, in all cases, the full list of officers involved in reviewing and approving draft committee reports.

In the light of information recently coming to light, can I add additional points as follows:

- The timing and content of all correspondence between officers and the Applicant (or their agents & solicitors), linked in to the point already raised about the timing of information being shared with other officers and shared with Councillors.
- A review of the Council's statement of case and other submissions to the JR process, for quality, accuracy consistency with other material.

Kind regards,

John Bint (Cllr)
Conservative Spokesperson for Planning, Transport & Highways.

----- Forwarded Message -----

From: John Bint <[REDACTED]>
To: "Simpson, Paul" <[REDACTED]>
Cc:
Date: Sat, 9 Mar 2019 09:18:34 +0000
Subject: re[2]: [EXT] Scope for External Review of Blakelands Warehouse Planning Application Process

Paul,

You invited comments from residents, other stakeholders, and Councillors, on the scope and terms of reference for the external investigation.

I would suggest that:

The investigation should look into all aspects of the handling of the application, from the date it was submitted (or from the beginning of any informal or formal pre-app discussions, if any

took place), up to the date at which the consultant starts the investigation.

The investigation should particularly deal with the following aspects already identified as concerns:

- the missing planning conditions and the allegations that conditions to benefit the Council were all included but conditions to protect the residents were mostly omitted;
- the growing viewpoint (expressed by residents and some Committee Members) that the Committee was extensively misinformed by officers;
- the extent and nature of any other concerns raised by residents, parish councillors or Borough Councillors, over this period, about the balance, objectivity and professional independence of officer advice to DCC in connection with other planning applications or otherwise (eg officer proposals to revise the scheme of delegation and the public speaking arrangements);
- the timeline of the missing conditions coming to the attention of any individual officer and then officers and Councillors more widely, in the context of the time period in which the Council could have taken action to rectify the omissions;
- the decision to remove this case from a senior officer (thought to believe the facts would justify recommending refusal) to another, much less senior officer, on the apparent justification of case workload.

Cheers,

John Bint (Cllr)

----- Original Message -----

FROM: "Simpson, Paul" <[REDACTED]>

DATE: Wed, 6 Mar 2019 16:21:31 +0000

SUBJECT: Re: [EXT] Scope for External Review of Blakelands Warehouse Planning Application Process

Thx for this - as I set out last night, I am keen to ensure the Independent review covers all necessary ground in understanding the reasons behind the original decision, events leading up to it, the decision making process itself and all other pertinent matters.

I will happily acknowledge, as I did at the meeting, that this is not my area of expertise. That said I am confident that I can ensure it is a thorough, professional, robust, fair and transparent piece of work, that will take on board all stakeholder views and any information they have that is relevant; this quite clearly must include affected residents.

I do not wish to prejudice the review in any way and as such, whilst your information is extremely useful, (and please do feel free to share your other correspondence), I trust you understand that I will want to pass it to the appointed Independent person, to consider as part of their review.

Best regards

Paul

----- Forwarded message -----

From: [REDACTED] <[REDACTED]>
To: "Simpson, Paul" <[REDACTED]>
Cc: "Darke, Tracy" <[REDACTED]> "Wilkinson, Duncan" <[REDACTED]> "Cannon, Peter" <[REDACTED]> [REDACTED] <[REDACTED]>, "Geary, Peter" <[REDACTED]> "Bint, John" <[REDACTED]> " [REDACTED] <[REDACTED]> [milton-keynes.gov.uk](mailto:[REDACTED]@keynes.gov.uk)>, "Hulatt, Katrina" <[REDACTED]> David Stabler <[REDACTED]> [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]>, "McLean, Keith" <[REDACTED]> "Wilson, Charlie" <[REDACTED]> "Williams, Paul" <[REDACTED]> "Carr, Jane" <[REDACTED]> "Baines, Terry" <[REDACTED]> "Wilson, Kevin (Councillor)" <[REDACTED]> "Morla, Geetha" <[REDACTED]> [REDACTED] <[REDACTED]>
>
Bcc:
Date: Thu, 14 Mar 2019 22:22:14 +0000
Subject: [EXT] Blakelands Warehouse - Enquiry
Dear Paul

It was good to meet you at last week's Audit Committee meeting and I appreciate our chat afterwards when you agreed to come and look at my homecoming view. I would like to arrange this with you please if you could suggest a couple of times when you would be available.

Further to last week's Audit Committee meeting and my deputation presented at the DCC meeting, I have now had the opportunity to consult with residents of Blakelands to put together a scope for the enquiry that should address our concerns and unanswered questions.

I am enclosing our proposed version of the scope that has been incorporated into terms of reference. I believe this is a fair and reasonable representation of the overall issues that need to be investigated and where appropriate, recommendations made.

I understand, based on what Tracy mentioned at the DCC meeting, that you are close to appointing the planning professional to conduct the enquiry. I would be grateful if you could arrange for me to meet the appointed individual as soon as this is confirmed so I can discuss our envisaged scope in more detail and do a walk around of our properties and the warehouse.

I am mindful that there is a legal process on-going with the judicial review and I don't want to prejudice either my own or the Council's position. I don't envisage there being any issues, however I will check with my legal advisors once the scope of the enquiry is confirmed and I will let you know if there are any issues.

Kind regards

[REDACTED] [REDACTED]

----- Forwarded message -----

From: John Bint <[REDACTED]>
To: "Simpson, Paul" <[REDACTED]>
Cc:
Bcc:
Date: Sat, 9 Mar 2019 09:18:34 +0000
Subject: [EXT] re[2]: [EXT] Scope for External Review of Blakelands Warehouse
Planning Application Process
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- the decision to remove this case from a senior officer (thought to believe the facts would justify recommending refusal) to another, much less senior officer, on the apparent justification of case workload.

Cheers,

John Bint (Cllr)

----- Original Message -----

FROM: "Simpson, Paul" <[REDACTED]>

DATE: Wed, 6 Mar 2019 16:21:31 +0000

SUBJECT: Re: [EXT] Scope for External Review of Blakelands Warehouse Planning Application Process

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Best regards

Paul

----- Forwarded message -----

From: [REDACTED] <[REDACTED]>
To: "Simpson, Paul" <[REDACTED]> "Bracey, Michael" <[REDACTED]>
Cc: "Cummins, Paul" <[REDACTED]> "Alexander, Paul" <[REDACTED]> "Baines, Terry" <Terry.Baines@miltonkeynes.gov.uk> "Bint, John" <[REDACTED]> "Brown, Anthony (Councillor)" <[REDACTED]> "Exon, Robert" <[REDACTED]> "Geary, [REDACTED]" <[\[REDACTED\]@miltonkeynes.gov.uk](mailto:[REDACTED]@miltonkeynes.gov.uk)> "Legg, Mick" <[REDACTED]> "McLean, Keith" <[REDACTED]> "Morla, Geetha" <Geetha.Morla@miltonkeynes.gov.uk> "Wilson, Charlie" <[REDACTED]> "Keen, Paul" <[REDACTED]> "Darke, Tracy" <Tracy.Darke@miltonkeynes.gov.uk> "Wilkinson, Duncan" <[REDACTED]> "Cannon, Peter" <[REDACTED]> "Geary, Peter" <[REDACTED]> " [REDACTED]" <[REDACTED]> " [REDACTED]" <[REDACTED]>
>, " [REDACTED]" <[REDACTED]>

Bcc:

Date: Fri, 5 Apr 2019 12:30:07 +0000

Subject: [EXT] Blakelands Warehouse Moving Forward

Dear Paul

Following last night's DCC meeting, I wanted to drop you a quick email about the outcome and moving forward.

I think Cllr Bint summarised the situation well that neither Councillors, nor residents should ever have been put in this situation. Even though it is hard to say it, Councillors last night made the best decision of a very bad situation. This Council now has an obligation to make sure that the same mistakes are never made again.

There are some points which I believe you can now address:

Inquiry Scope

It is my understanding that the scope of the inquiry is almost agreed, however I would like to request that it also includes a review of the original s106 agreement and contributions.

It has recently become apparent that the public art contributions, which should have been 1% of the total gross development excluding land costs (Policy PO4 and the Social Infrastructure SPD), were secretly renegotiated without the approval of DCC members. In an email of 25 September 2017, the applicant's agent wrote the following to Samantha Taylor:

"You will recall our telephone conversation in May that we agreed the public art contribution for this scheme would be limited to 1% of the cost of the shell of the building.

We did not record that agreement in writing (perhaps because of your concerns regarding a freedom of information request?) but I wondered if you would please reply confirming our conversation and the agreed position."

It is important to understand who made this decision, why it was taken and whether it was in accordance with Council policy and the constitution.

Review of other planning permissions

At the March 2018 Audit Committee meeting, the Planning Service stated they would undertake a thorough review of all planning permissions to check for missing conditions. During the July 2018 meeting, you were given assurances that the mistake over the Olney application was an isolated incident. Clearly a Senior Planning Officer and the Chief Planner were aware at this stage of the mistake over Blakelands and for reasons unknown, they chose not to alert the Council's management.

I have randomly checked one major application for Tongwell (the new Scania building - [16/03084/FUL](#)) and discovered that the decision notice contains 14 conditions, however the s106 agreement with the decision notice as an appendix only contains 12 conditions.

I would suggest at this stage that you get someone to do an immediate and thorough check of all planning permissions issued over the last few years.

Commitments going forward

There is an overwhelming feeling that the residents of Blakelands have been let down by Environmental Health. There have been countless complaints to the Council about noise, light and dust during the construction phase, all of which could have been dealt with under statutory powers. It has been a common occurrence that complaints have either been

completely ignored, or there have been very vague responses (“construction is noisy”) with no formal investigations undertaken. I would be interested to know how many times Environmental Health Officers have been out to take readings following a complaint because I suspect that to date, there has not been a single attendance.

It is also inevitable that the owner of the Blakelands warehouse will at some point submit an application to amend the condition restricting HGV hours. If this is refused by DCC members, it will be appealed and there is nothing we can do to prevent this because it is their legal right.

Based on the above, I would like you/the Council to make two commitments to the residents of Blakelands:

1. You will ensure that Environmental Health and Enforcement Officers deal quickly and professionally with any complaints over noise, light, or breaches of the planning conditions;
2. You will spare no expense to ensure that the Council will make the strongest possible representation should there be an application and appeal over the HGV condition with external experts on noise, light etc.

Kind regards

■■■■ ■■■■