

REPRESENTATION AND NOTICE OF EVIDENCE REGARDING THE UNSOUNDNESS OF SITE C14

SUBMITTED BY: Honorary Alderman Nick Eden-Green

1. EXECUTIVE SUMMARY

- **1.1 Non-disclosure of Technical Evidence:** Internal Council evidence from September 2019 (PRE/19/00262) explicitly concluded that development in this "unsustainable location is unlikely to be supported." This material finding was withheld from the public and the Planning Committee for over five years, only appearing in 2025 via FOI 23338.
- **1.2 Institutional Inconsistency (The "Dual-Track" Reality):** While the Council internally designated the site for "**commercial use**" on 10 October 2019, it externally maintained a **Section 32 secrecy shield**, portraying it as a "private home." This prevented transparency regarding the site's status as a commercial development asset.
- **1.3 Procedural Bar to Consultation:** The Regulation 19 process is procedurally flawed due to a breach of the **Aarhus Convention**. FOI delays and the ongoing refusal to publish the 2019 technical bundle on the Planning Portal (refused 15 May 2026) have created an **informational deficit**, rendering informed participation impossible.

2. SUMMARY OF OBJECTION

I contend that the allocation of Site C14 (previously C8) is **Unsound** as it fails the tests of being **Justified** and **Consistent with National Policy** (NPPF Paragraph 35). The selection process was characterised by the non-disclosure of technical evidence and an informational silo that shielded the site's commercial status from public scrutiny.

3. FAILURE OF THE "JUSTIFIED" TEST: NON-DISCLOSURE OF TECHNICAL EVIDENCE

To be "Justified," a site must be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

1. **Technical Rejection:** Internal evidence from September 2019 (PRE/19/00262) explicitly identified the location as unsustainable.
2. **Impact on Soundness:** By withholding this technical advice during the Regulation 18 and 19 consultations, the Council failed to provide a "proportionate evidence base." The site selection is therefore not justified by the facts.
3. **Omission of Active Expert Technical Objections:** The disproportionate nature of the Local Plan evidence base is further demonstrated by a failure to integrate active internal consultation responses. In advancing Site C14 to the Regulation 19 stage, the Local Plan team disregarded the formal 26 September 2023 technical memorandum issued by the Council's Transportation Team Leader regarding this specific land parcel. This expert internal evidence verified that the proposed masterplan failed to promote sustainable alternatives to the private motor car and failed to secure critical links to adjacent infrastructure. To satisfy the statutory test of being

"Justified," an allocation must be supported by a proportionate and objective analysis of data; a Plan cannot be considered sound if the authority elects to overlook its own specialist highway advice to sustain an unsustainable allocation.

4. FAILURE OF THE "CONSISTENT WITH NATIONAL POLICY" TEST: TRANSPARENCY

1. **The Information Silo:** For 38 months (2020-2023), Planning Officers held knowledge of commercial interests in this site but did not notify the Monitoring Officer, preventing the transparency required by the **Nolan Principles**.
2. **Refusal to Publish:** The Council's 15 May 2026 refusal to publish the 2019 technical bundle on the portal—citing private administrative practice—cannot override the statutory requirement for a transparent and proportionate evidence base in a Local Plan examination.
3. **Institutional Conflation of Statutory Duties:** The procedural flaws infecting this allocation are cemented by the Council's formal correspondence dated 13 May 2026 (detailed in Appendix 9). In refusing to address the informational deficit, the Council's Monitoring Officer seeks to rely on an historical 24 May 2024 Local Government Ombudsman (LGSCO) closure regarding personal Councillor code-of-conduct allegations. This represents a fundamental conflation of distinct statutory frameworks. A regulatory assessment of personal conduct does not satisfy, remedy, or override the independent requirement under **NPPF Paragraph 35** for a Local Plan allocation to be justified by a candid, proportionate, and un-sanitised technical evidence base. By treating a material planning deficiency as a settled code-of-conduct matter, the Council has confirmed an institutional entrenchment that prevents the internal rectification of the evidence base, leaving the Inspector with no alternative but to excise the site as procedurally non-compliant.

5. REQUESTED ACTION FOR THE INSPECTOR

I respectfully request that the Inspector **excise Site C14 (previously C8) from the Local Plan** as the evidence base used to justify its inclusion is factually incomplete and procedurally infected by non-disclosure.

6. CONCLUSION: THE PERSISTENCE OF THE DUAL-TRACK REALITY

The evidence detailed in the attached **Schedule of Non-Disclosures (Appendix 1)** demonstrates that the inclusion of Site C14 is not the result of a transparent or objective planning process. Instead, it is the product of a **"Dual-Track Reality"** that has persisted from October 2019 to the present day (May 2026).

While the Council's internal technical experts had correctly identified the site as "unsustainable" and "commercial" as early as 2019, the Council's public-facing narrative utilised statutory secrecy (Section 32) and systematic FOI delays to shield this reality from public and political scrutiny. This **"Information Silo"** effectively "blindfolded" the public during the formative stages of the Local Plan, preventing any meaningful challenge to the site's allocation.

The most recent refusal by the Head of Planning and the Monitoring Officer to publish the PRE/19/00262 technical bundle on the Planning Portal (requested 1 May 2026; still withheld as of 15

May 2026) proves that this lack of transparency is not a historical administrative error, but an ongoing, active choice to restrict informed public participation.

A Local Plan cannot be considered **"Sound"** or **"Legally Compliant"** if it is built upon a foundation of non-disclosed technical data and tactical administrative barriers. By advancing Site C14 despite its own technical rejection, the Council has acted in breach of the **Aarhus Convention**.

I am prepared to pursue all legal avenues—including a Statutory Challenge under **Section 113 of the Planning and Compulsory Purchase Act 2004**—to ensure this breach of the Aarhus Convention and the NPPF is corrected. To avoid the significant legal risk and delay of post-adoption litigation, I urge the Inspector to find Site C14 "Unsound" and excise it from the Plan now.

Please reach out to me should you need any original documents referenced within the evidence not provided in these appendices:

INDEX OF APPENDICES (FOR REG. 19 SUBMISSION)

Appendix	Document Title	Purpose / Key Proof
App. 1	Schedule of Non-Disclosures (2019–2026)	Contrasting inaccurate public narratives with internal reality.
App. 2	Internal Technical Rejection (PRE/19/00262)	The 2019 letter proving the site was found "unsustainable."
App. 3	Commercial Designation Email (10 Oct 2019)	Proves CCC knew the site was a commercial asset, not a "home."
App. 4	Companies House Termination (26 May 2021)	Documentation of the backdated directorship resignation.
App. 5	Timeline (Action Log)	The chronological proof of the "Dual-Track Reality."
App. 6	Procedural Non-Disclosure Log	Documenting FOI delays and informational deficits .
App. 7	Request for Portal Publication (1 May 2026) & Refusal (13 May)	Proves ongoing active non-disclosure during the consultation.
App. 8	Evaluation of Sustainability	Technical proof of a non-compliant sustainability strategy , verified by internal Council expert evidence.
App. 9	Private Eye Articles (2023–2026 Bundle)	Evidence of national public interest and institutional inconsistency .