

In summary, the points of maladministration that BNOG seeks to be brought to the Scrutiny Committee of Pembrokeshire Coast National Park are:-

1. Wrongful claims by Officers of the development's compliance with the 2006 approved plans.

On 26th July 2007 the Case Officer wrote to the Developer stating
"I am able to confirm that the development is being carried out according to the approved drawings"

It was very clearly apparent at that time that this was not the case. The Developer, his Agents and Counsel have all since conceded that Building Regulations' drawings were being followed (and not those approved for planning purposes) and have agreed (in evidence to the Appeals Inquiry) that the development was unauthorised, in fact not even implemented, and a retrospective planning application should have been submitted in 2007 to retain the building.

Subsequently, the then Head of Development Management (HDM) wrote to the Town Council and complainants in August 2007 with similar statements claiming compliance, and the Officer Report to the Development Management Committee (DMC) under Enforcement and Other Matters in October 2007 stated *"The fact that the steel structure has been erected in accordance with the approved plan means that that part of the permission having been implemented cannot be revoked"*.

An application in 2007 was highly unlikely to have been approved as can be inferred from the fact that, having at last visited the development, the Committee refused retrospective applications in 2009 (when a junior Officer had decided that an application was necessary whilst the Case Officer was on leave) and again in 2010.

2. Misconduct by the Case Officer in the handling of Levels

It is now known, only from the Report of the Monitoring Officer in 2011, that a verbal agreement was made between the Developer and the Case Officer in 2006, on the entrance floor level for the replacement dwelling, even before planning permission was granted and in breach of a planning condition.

The entrance level agreed by the Case Officer was a storey higher AOD than the entrance level of the original dwelling on the site and thus a storey higher AOD than could reasonably be expected from the application drawings. This level was withheld from the Development Management Committee (DMC), Newport Town Council, the public and the Authority's own expensive consultants until the third application was submitted in 2010. When revealed, it was a major factor in the Inspector allowing the Appeals.

Had the DMC been informed, even in broad principle, about this level when the application was first brought before the DMC in 2006, the application would have been recognised as a clear Departure from the Joint Unitary Development Plan and refused.