

Dear Mr Gastall,

Further to my summary email of 31 July 2020, to which I attached pages 6 and 7 of my 29.07.2020 Draft Report, I am writing to you in relation to the first area of concern.

The first area of concern, which I particularise below, relates to **actionable discrepancies** between the ***“form and supporting documents”*** disclosed to

- (1) the LPA - by the Agent on Record for 11/19/0211 (**a 19 June 2019 resubmission of 11/18/0177 †**, for which the Applicant **would not *** sign a **s.106 agreement**),
- (2) the Consultees and anyone **expressly** interested - by the LPA,
- (3) the Planning Committee - by the LPA,
- (4) the Planning Inspectorate - by the Agent,
- (5) the Consultees and anyone interested ⁴ - **on Notice**, by the LPA and
- (6) me – by the Planning Inspectorate on 15 July 2020,

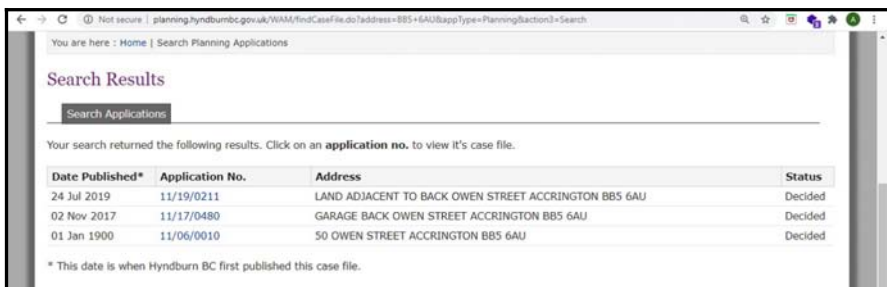
in the matter of the following:

- (1) the 19 June 2019 † Resubmission of Application **11/18/0177 ††**, with or without the Secretary of State-specified * fundamental validation requirement - a **signed s.106 agreement**,
- (2) its **ultra vires** Validation and Publication as Application **11/19/0211**, absent publication of a signed s.106 agreement (even the “draft” was incomplete),
- (3) the Consultation, absent publication of a signed s.106 agreement,

* **Report to the Committee** page 24 paras 7-11. (**Grampian Condition req. para 26**) ⁴

† The incompletely-described b/w 28.07.2020 addition to 11/19/0211 misrepresents.

†† The second area of concern relates to such Planning Application Search results:



Date Published*	Application No.	Address	Status
24 Jul 2019	11/19/0211	LAND ADJACENT TO BACK OWEN STREET ACCRINGTON BB5 6AU	Decided
02 Nov 2017	11/17/0480	GARAGE BACK OWEN STREET ACCRINGTON BB5 6AU	Decided
01 Jan 1900	11/06/0010	50 OWEN STREET ACCRINGTON BB5 6AU	Decided

* This date is when Hyndburn BC first published this case file.

- (4) the Recommendation to the Committee, on the assured basis of there being “a signed s.106 agreement” and “*the following plans and documents*”²,
- (5) the Application for Appeal, on the basis of “SECTION 106 AGREEMENT.pdf” and a ***Form and supporting documents***,
- (6) the [Notice of Appeal](#), on the basis that “*The appeal documents*” were open to internet inspection on the public file 11/19/2011
- and
- (7) the Appeal, determined on 26 February 2020 on the basis of **anything but**
- (i) the red-edged 11/19/0211 site boundary[†] expressly disclosed at [Appeal Form-540093.pdf](#) box 04, **as expressly required at box 04**;
 - (ii) the “*Location plan received on 24.7.19*” i.e. “[OS Extract-536654.pdf](#)”;
 - (iii) the 9 October 2019 Planning Committee-considered “*signed s.106 agreement*” (the Appeal otherwise having been determined on a different, defective 23 January 2020 “*signed s.106 agreement*”^{*}).

[†] an identical red-edged site boundary disclosure to that of 11/18/0177 [Appeal Form-540093.pdf](#) box 04 – a **Grampian Condition-requiring**⁴ site boundary which matches the general boundary of the Appellant’s HMLR Title Plan [LA915006](#) and is therefore

- (1) **true** to the Certificates of Ownership of (i) the Planning Application Form ([p.8](#)) and (ii) the Appeal Form-540093.pdf box I,
- (2) **respectful** of Network Rail’s 20 November 2017 [Holding Objection](#) and therefore
- (3) **consistent** with (i) the red edge (and green tint) on Network Rail’s 30 July 2020 Drawing No. 754332 (attached and [online](#)), (ii) the red edge of “*Location plan received on 24.7.19*” “[OS Extract-536654.pdf](#)” and (iii) the green edge for 11/19/0211 of your Map Search (albeit that the site address is missing from the BB5 6AU Map Search result) – p.7 of Draft Report refers.

^{*} [Report to the Committee](#) page 24 paragraphs 7-11.

When I write under separate cover, PART 2, I will deal with the second and third issues touched on above, if it appears they need a further push to procure remedies.

Yours sincerely, Andrew Hall. P.S. Please correct the postcode for [11/78/0026](#).

Footnotes 1 – 5 accompany this email as a PDF attachment and are online at:

- http://www.ipfraud.info/IPFI-112-CASE3_EMAIL-TO-HBC-30JULY2020-FOOTNOTES_1-5.pdf