

Dear Ms McDonald

I refer to my email of 9 June re Applications 26/01147/DOC (BNG - Fence and Access), 26/01237/DOC (Condition 4 - Hard and Soft Landscaping), 26/01241/DOC (Condition 9 - Highways) and other recent applications with respect to planning permission 24/02606/FP.

You will be aware that officers' attempts to restrict my communications with the Council have been reviewed by a senior Council officer and rescinded, and I am therefore now writing to you as the responsible Case Officer.

In the month since my email no further information pertinent to the important issues raised in that email has been uploaded to the public files on the Planning Portal, which continue to show the applications as validated and with an internal target date for decision of 26 June 2026.

As you are aware, the issues I raised are not merely points of view in relation to the suitability of the proposals but relate to the fact that implementation of the proposals would involve unlawful interference with the property and property rights of myself and my neighbours - the Council's lawyer having advised that the applicants' land is limited to the land within their fence, as shown in red on the title plan relating to HD307468 and replicated (save at the entrance) in the site plan for application 24/02606/FP - and that the proposals fail to comply with the relevant legal requirements for a valid application.

Given the passage of time since my email without the applications having been invalidated; that the proposals directly impact me and my property; and that no further information has either been communicated to me or become publicly available, I ask you to respond to the requests at the end of this email.

I hope we would be in agreement that it is not acceptable or lawful for a Council to collude with applicants to avoid the protections extended by law to neighbouring landowners (certification, notification, consultation etc) whose property is the subject of a planning application by allowing applicants to exclude from an application site third party land which the applicants have indicated will be required for implementation of

their proposals but then to allow, as satisfaction of conditions to the related planning permission, proposals directly impacting the use of that third party land.

Proposals involving the use of land outside the development site and outside the control of the applicants cannot in any event be accepted as valid satisfaction of a condition: conditions, and the acceptance of proposals in satisfaction of conditions, must by statute (s72(1)(a) TCPA 1990) be confined to land under the control of the applicant.

Furthermore, proposals which rely on the willingness of third party landowners voluntarily to comply with those proposals are unacceptable as they are unenforceable: it is for this reason, for example, that the 1996 planning permission in relation to this site was conditional on the entering into of a Section 106 Agreement by the neighbouring proprietor on whose land the landscaping for the screening of the proposed telecoms tower was to be planted, *“to ensure that the planting and maintenance requirements in relation to [the development site] are adhered to in so far as they relate to [the neighbouring proprietor’s land]”* (Section 106 Agreement dated 4 March 1996 between Tina Suzanne Miller and NHDC).

So far as relates to land outside my own ownership the subject of these proposals, I question on what basis the Council could validate, as satisfying landscaping and other conditions, proposals where there is nothing in place - or even offered - to ensure or even suggest that those proposals could or would in fact be adhered to.

Please confirm that the Council will invalidate these applications.

If you disagree with my analysis please advise on what basis.

Your practice is to put issues raised by third parties to the applicants and invite their response. Please advise whether you have done so and whether you have received a response. Please publish any response received or, if it was not in writing, advise me of its contents.

Regards

Lynne Bogie