



CORBRIDGE SKATE PARK ENQUIRY

A formal investigation on behalf of Corbridge Parish Council into the circumstances surrounding the construction of a Skate Park base on allotment land belonging to Mr C Beaumont adjacent to Corbridge Car Park.

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Introduction

Tynedale Council was formally invited to investigate the circumstances surrounding the construction of a Skate Park base, on the Allendale Allotments adjacent to the Car Park south west of Corbridge Bridge, on behalf of Corbridge Parish Council.

The invitation was made at the request of both the Chairman and the Clerk to the Parish Council who, separately, wrote to the Chief Executive of Tynedale Council asking Tynedale Council to carry out an investigation, into the reasons why the Skate Park base was constructed on the wrong site. Richard Robson, Chief Executive, considered the request and appointed Peter Bracken, a solicitor within Tynedale Council's Legal and Democratic Services Department, as investigating officer in order to assist with the investigation.

The investigating officer either met with or interviewed Cllr Grigg, Chairman and Derick Tiffin, Clerk of Corbridge Parish Council, Graeme Wakefield and Julian Hogg of Crawford Higgins Associates, Graeme Robbie of Tynedale Council's Planning Department, Anne-May Pottage and Guy Wickham of Tynedale Council's Environmental Services Department, Charles Beaumont the owner of the Skate Park site and Stewart Beaty (formerly of Tynedale Council's Environmental Services Department who retired in June 2007). A variety of methods was utilised in the interviewing process which included direct face to face meetings, telephone conversations and email exchanges.

Identification of issues

The remit of this report is to establish the reasons why the Skate Park base came to be constructed on the wrong site. It is not intended that the report should be used to apportion blame onto any one party nor should it be intended as an alternative to seeking professional legal advice on any party's legal responsibilities or liability. In addition no comment is to be made on the Parish Council's own internal workings.

As the investigating officer is an officer of Tynedale Council it is appropriate that Tynedale Council's involvement, and that of its officers, should be addressed at an early stage.

Tynedale Council is the Local Planning Authority for the whole of Tynedale which includes the town of Corbridge. The planning application for the construction of the Skate Park has been dealt with and approved by Tynedale Council as the Local Planning Authority.

The car park at Corbridge through which access to the Skate Park is to be obtained is owned by Tynedale Council. Guy Wickham, Property Services Officer and Steve Anstee, formerly Head of Property and Technical Services of Tynedale Council's Environmental Services Department were involved in agreeing the access arrangements. Guy Wickham also attended a meeting, in the car park, to discuss access arrangements.

Tynedale Council provides limited support to Parish Councils generally and in this matter have assisted Corbridge Parish Council in the preparation of site plans for inclusion in the planning application. Stewart Beaty formerly of Tynedale Council's Property and Technical Services section (now retired), following a request from the Parish Council, drafted the initial site plan and the subsequent plan with the revised access arrangements.

Anne-May Pottage, Tynedale Councils Parks and Open Spaces Officer assisted in the design of the skate park equipment and provided technical advice as to the design of the pipes and ramps to be installed on the Skate Park base.

Graeme Robbie, Principal Planning Officer, was the case officer involved in the determination of the planning application.

Officers from Tynedale Council were not involved in the appointment of consultants and contractors or in the supervision of contract works.

The central issue in this matter is the confusion between the site where the skate park was meant to be sited and had the benefit of planning permission and the location where construction commenced on. To differentiate between the two sites, within this report the former (intended site) will be referred to as the Skate Park site and the latter site where the construction took place will be referred to as the Skate Park base site. As only the base of the Skate Park has been constructed this would seem an appropriate distinction.

The Skate Park site is identified in plan 'CR2 – Site Plan' as prepared by Stewart Beaty and is included as Appendix 1. The Skate Park base is identified in plan '6154 02 – Proposed Site Plan' as prepared by Julian Hogg and is included as Appendix 2. For the sake of clarity, an additional plan has been prepared for the purposes of this investigation which shows the plan 'CR2' (Appendix 1) superimposed with the Skate Park base in the position identified in Julian Hogg's plan (from Appendix 2) in the approximate location. This plan is included as Appendix 3.

Background of events

On 20 December 2005 a planning application for the construction of a Skate Park, was submitted by Derick Tiffin, Clerk to Corbridge Parish Council, and was allocated the Tynedale Council reference number 20060022. A number of issues arose in connection with the application and on 10 February 2006 the application was withdrawn pending a later re-submission.

A second planning application was submitted by Derick Tiffin on 31 October 2006 and allocated the reference number 20061376. The plan submitted with the application shows the Skate Park in the same location as in the plan included as Appendix 1 but with a different access route.

Conditional planning permission was granted on 21 December 2006 for the construction of a skate board park on former allotment land to the south west of the Corbridge bridge. A condition (15) of the planning permission required that before development works could commence fully detailed drawings had to be submitted and approved by the Local Planning Authority, showing the provision of a fully segregated access path to the north and west perimeter of the car park.

A detailed site plan, with the reference 'CR2' being the plan included as Appendix 1, was received by Tynedale Council's planning department on 05 March 2007. The plan showed a revised access design in accordance with the above planning condition. On the basis of the access details contained within this plan, Tynedale Council's Planning Department, on 16 April 2007, sent a letter to Corbridge Parish Council stating that condition 15 of the planning permission had been partly discharged. To fully discharge the condition it would be necessary to complete the access works prior to the skate ramp being brought into use. Attached to the letter was a copy of plan 'CR2'.

On 07 September 2007 a site meeting was attended by Cllr Grigg, Anne-May Pottage from Tynedale Council and Graeme Wakefield of Crawford Higgins Associates. The meeting was held in Tynedale Council's car park, adjacent to the site of the proposed Skate Park. Mrs Pottage had been asked to attend, by Cllr Grigg, in order to demonstrate the type of ramps that she thought suitable for the site. There is a difference in the various parties' recollection of events. However, after the meeting Graeme Wakefield was firmly of the opinion that the site of the proposed Skate Park had been identified to him.

On 13 September 2007 Crawford Higgins Associates were appointed, by Cllr Grigg, as the Design and Project Managers to oversee the construction of the Skate Park. A letter from Julian Hogg addressed to Cllr Grigg confirms the appointment and states they have received the Tynedale Council drawing No. 'CR2 – site plan' (being the plan at Appendix 1).

Crawford Higgins Associates received a copy of the planning permission from Tynedale Council which is date stamped, possibly 20 September 2007 although the '20' is a little indistinct.

Following the meeting on 7th September, Julian Hogg accessed what he believed to be the proposed Skate Park site and carried out a topographical survey. On 25th September 2007 he downloaded the results of his topographical survey, in the form of a plan and compared it to the plan 'CR2'. Thereupon he noticed the site he had surveyed and the proposed Skate Park site identified in plan 'CR2' were different and raised the matter with Graeme Wakefield who stated that he had discussed the matter with Cllr Grigg. Graeme Wakefield stated that Cllr Grigg had told him to build the Skate Park as per the topographical survey. However, Cllr Grigg cannot recall any such conversation and there is no written record confirming these alleged discussions.

Crawford Higgins Associates were of the opinion that they been told that the Skate Park was to be constructed on the surveyed site and drafted the tender documentation accordingly. On 15 October 2007 Julian Hogg states that he called Cllr Grigg and asked whether the tender documentation could be issued to the tendering contractors. Cllr Grigg cannot recall this conversation. However, Julian Hogg believed that he had been instructed to proceed and issued, electronically, the tender documentation to all the prospective tendering contractors showing the Skate Park in the position as surveyed by Julian Hogg and in a different location to that approved by the planning permission, in plan 'CR2'. The Skate Park base was subsequently constructed in accordance with these plans.

As the construction of the Skate Park would require the construction vehicles to cross Tynedale Council's car park Julian Hogg sent an email, on 03 January 2008, to Steve Anstee, asking for permission to access the Skate Park site through the Council's car park. In order to determine whether the car park would be able to withstand the weight of the construction vehicles without suffering any damage a site meeting was arranged for Monday 7th January 2008 at 2.30 pm.

This meeting was also attended by representatives of G Weldon, the building contractor Northumbrian Water and Guy Wickham, since permission would be needed to gain access to Northumbrian Waters hardcore compound to store construction vehicles.

Construction commenced on the 7th January 2008.

That same day Julian Hogg sent emails to Anne May Pottage and Cllr Grigg attaching plans and showing the Skate Park base site and asking for confirmation that the footpath proposals were in accordance with what was required. Guy Wickham responded on behalf of Tynedale Council stating that the Council would grant a right of access across the car park to enable pedestrians to access the skate park from the public highway. He further stipulated that approval of the footpath design was a matter for the parish council. There is no record of a written response from Cllr Grigg.

Some time on or around 28th January construction of the skate park was suspended apparently after complaints from allotment holders to the land owner, Mr Beaumont.

Analysis

A key event in this matter was the site meeting that took place on 7th September 2007.

At that meeting Graeme Wakefield maintains that the proposed skate park site reflected in their topographical survey was identified to him by Cllr Grigg. Cllr Grigg however maintains that the correct site was pointed out to Graeme Wakefield. From discussions with the parties it remains unclear as to whether the meeting was held on the Skate Park site or the adjacent allotment where the Skate Park base was constructed. The confusion between the parties as to where they were and where the Skate Park was to be constructed is quite apparent and neither party has sought to resolve this through any form of written correspondence. It is quite clear that both Cllr Grigg and Graeme Wakefield believed they had identified, in their own minds, what they thought was the correct site.

Crawford Higgins Associates confirm in their letter, of 13 September 2007 to Cllr Grigg, that they had received the Tynedale Council drawing 'CR2'. In addition, on 20 September 2007 they received a copy of the conditional planning requirements from Tynedale Council. At this point they would have been able to identify the piece of land which had the benefit of a conditional grant of planning permission. In a prepared statement, Julian Hogg states that when he downloaded the results of his topographical survey (Appendix 2) and compared it to the plan 'CR2' (Appendix 1) he noted that the sites differed and raised the matter with Graeme Wakefield. Graeme Wakefield is stated to have then telephoned Cllr Grigg to seek clarification as to the correct site. At this point there is a difference of views in response to the identification of the two different sites. However, Graeme Wakefield is firmly of the opinion that, following the telephone conversation, he was satisfied that the site as surveyed, by Julian Hogg, was where the Parish Council wanted the Skate Park to be constructed. However it should have been apparent to Crawford Higgins Associates that this site did not have the benefit of planning permission.

Unfortunately, there is no attendance note of either the site meeting or the subsequent telephone calls and neither matter has been followed up by letter or email. A lack of clarity remains as to what may have been said and agreed by the parties and this lack of clarity would appear to be the cause of the error which resulted in the Skate Park base being constructed in the wrong location.

With the benefit of hindsight it is evident that both parties could be criticised for not committing themselves to a form of written communication. Best practice, quite simply, has not been followed and has led to confusion over the Skate Park site location. This is exemplified in that there is no record of any official confirmation of Crawford Higgins Associates appointment. Nor is there the suggestion of a standard form of contract to cover the design and project management works. When queried on this point Julian Hogg's response was that it was not common practice to implement a specific form of contract for work of this value (the value of the contract with Crawford Higgins Associates is approximately £2500).

The above would seem a reasonable response more so when events took place in a small community where trusting relationships exist. Therefore, it is understandable that many parties may rely on unofficial agreements, and it is precisely this that has led to the confusion over the site location. If a formal contract had been entered into between the parties, then if this had included a site plan, the confusion over the site location may have been resolved at one of the preliminary stages.

Furthermore whilst it is not specifically part of this investigation it is apparent that the legal documentation transferring the skate park to the Parish Council had not been completed when construction began, nor has it to date. Had such documentation been timely completed it may well have flagged up the issue of the site location earlier and prior to the commencement of the works.

Conclusion

Taking into account all the information made available for the purposes of the investigation it is clear that the incorrect siting of the skate board park was due to several factors which together resulted in the skate board park being built on the wrong site.

Things started to go wrong after the site visit on the 7th September. By all accounts the site was extremely overgrown and access on that day was practically impossible. After the meeting Crawford Higgins Associates thought that the park was to be constructed on the site adjacent to the site which had planning permission. Whilst on the other hand Cllr Grigg was satisfied that Crawford Higgins Associates understood that the site was as per the planning application. The difficulty here is that there are two opposite version of events and neither version is supported with correspondence/ file notes. This lack of clear communication between Crawford Higgins Associates and their client the Parish Council is the stem of the problem and throughout the project neither party sought to clarify matters. It would have been helpful if the parties had entered into a written contractual relationship making clear the expectations of each party.

In addition the Parish Council should have sought to formalise their relationship with the land owner Mr Beaumont by way of legal agreement. This would have achieved two things. Firstly, it would have made clear the terms of their relationship with the landowner and secondly, the site location would be appended by way of an agreed plan. This could have been forwarded to Crawford Higgins Associates for their reference and it would have been a useful plan for the Clerk and Chairman to have used as a point of reference in their discussions with Crawford Higgins Associates and the contractors G D Weldon at the site visits.

However it is important to remember that it is often the case that projects such as this can be and are delivered without the need for written communication. Unfortunately on this occasion lack of clear instruction and communication by both parties resulted in works being commenced in the wrong location.

Another factor was the role the Chairman and Clerk played in the project on behalf of the Parish Council. Again it is usual that parish councils depend greatly on trust and due to the voluntary nature of the job rely on those with time to give in order that projects are progressed. However in a large project such as this the whole Council could be criticised for not being more involved. Although it is not clear how much control was given to the Chairman and Clerk a better reporting structure should have been implemented. This could have prevented the confusion of site location if regular updates and decisions were brought before the Council. If this had of been the case, it is likely that the location difference between the topographical site survey and the planning permission would have been discussed as it was brought to the Chairman's attention by Crawford Higgins Associates on the 25th September, some time before work commenced.

Finally Crawford Higgins Associates should also be criticised for not being more forceful on the point that the location of the topographical survey did not match the planning permission location. Although they must be given credit for bringing the difference to their client's immediate attention they should have explained to their client the consequences of building on land without the benefit of planning permission. Additionally they should have confirmed this in writing.

It would appear therefore that there is no single reason or person to blame for the skate board park being constructed on the wrong location. Instead, it is apparent that there was a lack of clear communication between the Parish Council and Crawford Higgins Associates, it was unclear what roles the Chairman and the Clerk were expected to play on behalf of the Parish Council and there was no clear warning from Crawford Higgins Associates of the consequences of building on land without the benefit of planning permission. Unfortunately, these factors taken together are the reasons why the skateboard park was built in the wrong location.

Richard Robson, Chief Executive
Tynedale Council