

These are my three responses to the Draft Report from Jonathan Goolden, Barrister, Independent Investigator for TMBC.

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Dear Jonathan,

My apologies for not replying sooner, but by curious coincidence your email has been lodged in Tonbridge & Malling's Mimesweeper system with the spam sent to Councillors, and I have only today spotted it, a fact that can be confirmed by T&MBC's IT department, and the datestamp on my computer at 12.21 today. That means that I have been unable to give the entire report full consideration. I have briefly scanned it, and my thoughts are below:

I absolutely refuse to accept your conclusions.

1. In your para 1.7 , I accept it could be said that I should not have publicised the irregularities discovered. However, it is the actions of Councillors and Officers that have bought the Council into disrepute, not me, I have merely reported the facts, facts based on clear and incontrovertible evidence.

2. Para 1.8 I simply cannot bully someone who is in a position of absolute power over me and my community - bullying is an abuse of power, and I have none.

OED - Bully - person using strength or power to coerce others by fear, to persecute or oppress by force

3. Para 4.2 highlighted passage - at the time of the interview it may well have been just my belief, but as a subsequent later Urgent Item at an Area 2 Planning Committee will confirm, Crest were guilty of inappropriately burying contamination, and subsequent alterations to the remediation program are only now being completed.

I am sure the process will continue if expedient to TMBC, but I am very sad that after such a detailed "independent" investigation you have failed both me and the people of Borough Green. I appreciate that I am wasting my time bothering with any more detailed response to your report.

Perhaps I should have paid for the investigation

Kind Regards
and Goodbye,
Mike Taylor

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Dear Jonathan,

Whilst I realise that your mind is made up, I am nothing if not tenacious, some might say obstinate, but there are real wrongs that need to be righted, and I had hoped that the intervention of an independent mind would bring that clear focus. I am undoubtedly wasting my time itemising the failures in your report, but here are my more considered thoughts. I accept the whole Isles Quarry fiasco is incredibly complicated, which has made it so much easier for TMBC Officers to mislead their members. TMBC members, apart from party loyalty, simply have enough problems in their own patch to give Borough Green the detailed work needed to understand what has been done to us, so they believe the officers.

1.2 add "since 2007" between "matter" and " Isles Quarry".

1.6 It is not me that has bought the Authority into disrepute, it is their own actions.

1.8 comment already made, but I repeat the point - to bully someone, you have to be in a position of power over them - these people hold absolute power over me and my community, and if Isles Quarry goes wrong, that includes the power of life and death. Not one word I have ever said has been used to challenge the behaviour of these officers, so I find your suggestion of bullying absolutely laughable.

4.9 I would like it highlighted that I too treated Martin with respect. Indeed I would go so far as to say I genuinely liked him. However, it appears I was mistaken, so I won't be meeting him for the beer he offered.

4.14 FOI information released, together with authenticated photos, and subsequent actions by Planning Officers in Oct 14 vindicate my concerns about contamination, as confirmed in para 4.79 by Steve Humphrey. However, by the time I finally forced them to agree, nearly a year had passed before they took any action.

4.27 Adrian Stanfield's request for Counsel's Opinion was framed in such a way as to obtain a biased answer in favour of TMBC's position. However, it failed, because Counsel reinforced my statement that TMBC do have a responsibility to monitor a site, particularly one as contaminated as IQW. Counsel said the "developer is principally responsible", note he does not say "Solely" - there is an onus on TMBC which they absolutely failed - clear dereliction of duty.

4.28 4.29 From commencement of works Nov 2013 until FOI release in March, FOI shows not one officer visited the site to monitor contamination remediation, despite repeated correspondence, and despite repeated assurance that everything was in hand. The obstruction report referred to was an attachment to an email in the FOI, and under the terms of the FOI should have been released. It took more correspondence and discussion before it was reluctantly released. Not releasing information that is due is withholding information.

4.46 Mr Stanfield fails to note that the briefing note and Chronology released by Steve Humphrey, Brian Gates and himself, directly contradicts the final report by David Hughes into an "investigation" into my 2010 complaint carried out by Adrian Stanfield and Julie Beilby. The briefing was copied to all mentioned in this paragraph and others, and one side of that contradiction, or the other, must therefore be a lie. simple. As time has gone by, their joint complicity in that lie means they are also guilty of the subsequent cover up.

4.63 Adrian Stanfield has made statements to me twice in meetings with only another officer present. He now denies statements made on both occasions. I cannot prove what he said because I have no witness and no contemporaneous record, but I personally know he lied. which is why I will not now meet with him, or any other officer, without a witness present.

4.64 There is enough evidence available, including those officer's own testimony, that clearly shows they have misled me, the public and the Council repeatedly over many years, and still are.

4.70 TMBC failed to follow Planning Guidance that quite clearly recommends that on a site of known contamination such as IQW (not my evidence, but their own reports), that the contamination remediation should be carried out and validated before any permission is granted for development.

4.71 Mr Humphrey mentions the BG Parish Plan, but neglects to mention that this was altered after public consultation, from a consensus against further development in BG, to outright support for development recommending Isles Quarry. This "forgery" was carried out by Cllr Mrs Sue Murray, TMBC ward member for BG & Longmill, and was subsequently used by Brian Gates to prove to the Inspector that there was public support in BG. The initial Police investigation reported that the "Action Points" inserted into the Plan were written by a planner, not a member of the public.

4.89 I have never advocated a "continuous intervention" as suggested by Lindsay Pearson. I did expect occasional monitoring of the remediation process by Planning Officers, but the FOI from them, and an email from LP, clearly shows that no officer visited the site between Nov 2013 and March 2014 whilst the main contamination earthworks were carried out. And throughout that time those officers repeatedly assured all parties that everything was in hand.

4.91 Lindsay Pearson is miss-stating the facts here, I would call it lying. I have always accepted the technical contamination surveys by Hyder and URS Scott Wilson as accurate and factual, indeed I have commented that they show the situation to be more contaminated than I had thought. My dispute with the planners is that Crest/Adbly completely ignored the recommendations of the URS Scott Wilson Remediation strategy, and in the first weeks of the process removed large quantities of contaminated material from Area 1 without sampling, buried it in Area 3&4, a fact subsequently accepted by Officers in October, resulting in a requirement for Crest to carry out further ground investigations, the results of which have just been released. You may see that as an acceptable process, I see it as gross dereliction of duty by planners, risking public health, and yet they are still denying their guilt.

4.96 The first FOI released a tranche of emails in early March, but did not include an attachment to one email. Under the detailed terms of the FOI that report should have been released. After much heated correspondence that

Obstruction Report was released a few weeks later. It should have been released with the emails, or at best when I noted it was missing. To my mind not releasing selected pieces of available information is with-holding, and they are clearly guilty of illegally withholding information. The fact that I have not bothered to lodge an ICO complaint does not absolve them of guilt for their actions which were incontrovertibly criminal.

4.103 What I agreed in discussion with Martin was that I accept that my comments might be taken as breach of the Code in isolation by some, when set against the backdrop of the lies and misinformation carried out by Officers in general, the use of those comments was more than justified, indeed necessary. I would even make the case that if I had not used that approach, I would not have eventually got the action by officers against Crest in October.

Several of your witnesses have observed that my complaints have been investigated on many occasion, and rejected. That is simply untrue:

1. SBE declined to take individual action against Parish Councillors unless I could name each individual.
 2. SBE declined to take action against the PC as a body, as it is outside its remit.
 3. LGO declined to take action because it was individuals, not the PC as a body, and therefore outside it's remit
 4. Police investigation was halted after the original officer was moved to another task, and I understand Inspector Jon Kirby then phoned each party and asked them if they had done anything wrong, and stopped the investigation. He stated he could find no evidence of inappropriate financial action, he was actually supposed to be looking for false documents and malfeasance.
 5. Planning Inspector advised me that she could only look at evidence that was presented within a 6 week period before examination, and was not allowed to use information that was presented late.
 6. Planning Inspectorate have no mechanism to review the examination process, or revisit an LDF examination, so declined to pursue the matter. They have no mechanism to investigate malfeasance in the planning system
 7. Secretary of State declined to intervene, as only the Planning Authority can alter an LDF once it has been approved by an Inspector
 - 8 Our MP, Sir John Stanley, was very sympathetic, and sponsored me in a complaint to the Government Ombudsman. The GO declined because I had access to the Courts to seek a JR. The fact that we haven't got the money, and TMBC would waste our own money fighting us, meant that avenue was not open.
 9. The only investigation that went to term was that carried out by TMBC, carried out by Julie Beilby and Adrian Stanfield, and surprise, they found that no one at TMBC had done anything wrong.
- So there never has been an independent investigation into the irregularities, so when TMBC say there has, they are lying again.

If TMBC were the honest authority they profess to be, they would have listened to my evidenced concerns back in 2007, and compromises could have been reached that allowed them their houses, and kept the rest of us safe. They are building on contaminated land on a 50's unregulated landfill, on top of our drinking water aquifer. I sincerely hope that their scandalous behaviour does not result in a disaster, because it is not them that will suffer, it is me and my community.

I have always naively believed that whilst individuals may do wrong, if that wrong is uncovered, the system itself is pure, and right will triumph.

TMBC Officers and some members, have consistently lied to and misled, the Planning Inspector, the public, and the bulk of TMBC members. It is not me who has bought the Council into disrepute, it is their own disreputable behaviour.

Finally, I deliberately reported this "standards allegation " myself to trigger an outside investigation, at last someone who is independent of TMBC will look at the evidence, and you have abjectly failed me and my community. And I would say the same to your face.

Mike Taylor

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Jonathan

Further to my thoughts yesterday, outside the remit of responding to your report, but still relevant:

1. I have hard evidence going back to 2003 behind all my allegations, it is not just a product of a fevered imagination. I accept it is too complicated to be covered by your investigation, but if a proper investigation was carried out, I am sure that there is much at TMBC that would corroborate my claims, but it is a problem to know the FOI questions to ask, and I would have thought that much would have been shredded by now.

2. If I give you the benefit of the doubt about your independence, that would mean that TMBC have no idea whether you might find me "not guilty" of breach of the Code. As there is an election coming up, having Sue Murray returned to post as a Councillor & Cabinet Member for Planning could seriously taint the whole (conservative) Council if my actions are vindicated. It would therefore make sense for them to get rid of her before any c**p hit the fan. And as I intimated quietly to Martin after the recorded interview, that is exactly what happened.

Mike