

# Erewash Borough Council - flood protection or industrial development?



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### Can a developer really control the council and the police?

Money can certainly buy a lot of things ... make up your own mind after reading about this scandal.

*Our correspondent writes ...*

The only way to tell this farcical story of non-existent democratic accountability in local government - a story which seriously erodes even the most basic of Human Rights - is to start at the beginning of an abridged version of an extremely lengthy saga of immorality, self-interest and negligence at the expense of many tax-paying families.

We live in a high-risk Flood Zone 3 which has been eroded by heavy industrial expansion to such a degree that we are left with a tiny parcel of undeveloped land directly to the rear of 15 terraced homes and gardens. Not only did this small parcel of land afford us valuable flood protection, a number of mature trees on the land created a visual barrier between residential properties and the heavy industrial encroachment.

A small fraction of the land had previously been used as a fly-tip and, although Erewash Borough Council publicly pledged on their website to make offenders accountable, they were unable to remedy the situation even though they knew the perpetrator's name and address.

The tipped rubbish contained soiled mattresses, used nappies, asbestos and hypodermic needles but the council used the excuse that it was on private land and *did not constitute a health hazard*.

The whole stinking eyesore was left to rot for five years and four months until Erewash Borough Council suddenly declared this colonised mound to be a *health hazard*. In the *interests of residential amenity* they piled the debris into a huge mound ready for removal. All the residents saw this as an opportunity to improve the area by voluntarily clearing the remaining overgrowth with the intention of planting additional trees for the benefit of all home owners. We all worked on a voluntary basis and at our own cost to do this.

At this stage, Erewash Borough Council was heavily promoting 'Pride in the Community' through 'Greening our Communities' and a load of spiel about *how valuable community efforts was towards improving the environment*. We staked out and clearly marked the original boundaries of this land which appeared to be unregistered and without a traceable owner. So far so good!

The following day when all the residents were conveniently at work, and at exactly the same time as Erewash Borough Council (**EBC**) was finally taking the debris away *in the interests of residential amenity*, our industrial neighbour, Bayden Engineering, totally

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interests of residential amenity, our industrial neighbour, Rayden Engineering, totally ignored the residents obvious efforts and was busily erecting a massive steel palisade fencing around the entire site. Apparently the fencing contractors had been booked for weeks! When we opened our garden gate, all we could see was bars. The new fencing was barely feet from the boundaries of our properties.

But this was just the beginning - much worse was to come!

My first contact with Mr Matthew Hall, EBC's enforcement officer, did not go down well as he kept insisting that the steel palisade prison was perfectly legal and did not require planning permission. Furthermore he said a developer could snatch any land that took his fancy, even if it wasn't his, and there was not a lot the council could do about it.

Oh really? I then had to point this officer of the council in the direction of his own employer's website which clearly stated that security fencing of this height required planning permission. After I insisted, he backtracked through five years of planning permissions to double check as he had tried to claim it probably had an old planning permit, in which case we hadn't been notified anyway. Eventually Mr Hall reluctantly agreed he would come out to look at the offending eyesore, *if he could find the time*.

Meanwhile, we had started receiving visits from the police commencing on the same day the illegal fencing was erected. There had apparently been accusations of criminal damage to the fencing and the police were threatening to arrest us if the fencing was harmed in any way. EBC's solution to the problem? Easy ... paint the fence green to make it invisible then none of the residents would notice it!

We always suspected that Rayden Engineering would destroy the trees as it was Rayden's intention to expand his boundaries from 21 metres away to barely 3 metres away. Even at 21 metres away, he was never a considerate neighbour and he has never had to apply for any planning permissions as there are seemingly no terms and conditions attached to his operations.

From the early hours until late in the evening, seven days a week, we get the constant deafening noise of grinding, shot blasting and pressure testing - to such a degree that normal conversation in our own gardens is impossible. Even at 21 metres, employees in the engineering yard - which actually resembles an abandoned scrap yard of gigantic proportions - frequently clamber on the metal structures and clearly invade the privacy that should be afforded to our gardens and homes. To add to this, we are constantly coated with carbon dust and red oxide particles.

When I wrote to EBC Enforcement informing Matthew Hall of Rayden Engineering's intentions, I was hopeful that positive action would be taken to prevent the destruction of the trees. After all, the trees were a frequent habitat for bats and were supposedly protected by law. According to Local Authority guidelines, they had a statutory duty and an obligation to ensure that, if bats were present, any developer had to have a full and independent ecological survey carried out. Was any action taken in this instance? What do you think?

Barely two months after the steel palisade was erected, Rayden Engineering totally annihilated every tree, leaf and branch in the previously mature copse. Total oblivion! Rayden then lied to the council and tried to blame McAlpine who had just moved into the area to construct a new bypass. He said they cleared the trees to park their plant on the land. As my husband is a civil engineer, he knew this was a load of cobblers but McAlpine conducted a lengthy investigation and proved Rayden Engineering had been lying to conceal their own culpability.

By this time, the police visits had intensified. House-to-house inquiries were regular and the accusations flew freely. We had apparently tried to shoot Richard Hayden of Rayden Engineering several times, there were several allegations of criminal damage, and the police visited our home so regularly that the neighbours had even given up twitching their curtains!

One night, we even found ourselves surrounded by the Rapid Response Firearms Unit. Fortunately, the officers quickly established that it was impossible to fire any shots from our property as the angle was all wrong. The police also declined our offer that they

our property as the angle was all wrong. The police also declined our offer that they could search our property for firearms.

As I mentioned at the start, this land was a high-risk Flood Zone 3 porous floodplain and, when the trees were scooped up, an uneven hardcore hard-standing with no drainage was laid in the place of the porous floodplain. After months of painstaking slog, EBC finally forced Rayden Engineering to apply for retrospective planning permission, at last giving us a chance to have our say in "the democratic process" about matters that so seriously affected the living conditions in our own homes.

In due course, EBC planners turned down the retrospective planning application with the recommendation that enforcement action be taken to move the palisade back to its original position so that the land could be reinstated as flood plain.

A cause for celebration? Unfortunately not!! For although the development did not comply with Building Regulations, the Environment Agency positively objected to it as it was such a high-risk flood zone. Rayden Engineering themselves admitted, in their own flood risk assessment, that the development would store and divert flood water - sneeringly dismissing this to be "a minor issue".

As it turned out, EBC Enforcement had an entirely different agenda to EBC Planning. After we pestered the enforcement section to comply with their own planning department's recommendations, Matthew Hall then wrote to tell us that the fencing would simply be taken down to its legally-required height. And the hard standing was to remain as it was an *environmental improvement*. The Environment Agency had raised no objections to this plan. Oh Really?

The Environment Agency was contacted, they in turn contacted EBC Enforcement who, by return of post, had a sudden change of heart. The hard standing was to be removed after all.

After months of waiting in vain for this miraculous enforcement to proceed, I eventually lodged an official complaint about Enforcements' obvious inertia. Naturally, the complaint was glossed over as *I had to realise that enforcement action was taken according to seriousness and the number of people affected by the planning breach*. By this stage I had sent EBC five letters, accompanied by photographic evidence, showing how the hard standing became a water-logged mess after only a nominal rainfall. Of course the letters were all ignored.

We had visited our MP on several occasions, and our ward councillors just weren't interested. Not really surprising as one of the three stooges happens to be a close neighbour and drinking buddy of Richard Hayden, the boss of Rayden Engineering. Another has connections with Derbyshire Constabulary, who mysteriously stepped up their visits to our home.

At this stage we had tried everywhere and contacted everyone we could think of. No-one wanted to listen or help us at all. Then, right out of the blue, the police arrived with a Transit van and an escorting police car, dragged my husband out of bed, handcuffed him and transported him miles away (complete with escort), strip searched him, DNA tested, finger printed and photographed him before stating to interview him at midnight when he had been awake for a total of 20 hours! The heinous crime to warrant this sort of treatment? Rayden Engineering had discovered a broken pipe in the scrap yard he calls engineering premises a whole 46 days earlier.

By this time we had started logging all the police visits and complaints against us and I made an official complaint about police harassment which was subsequently *investigated*. A distinct pattern had emerged: if we gained a legal victory against Rayden Engineering, lo and behold, the police visited us making a false allegation.

In the meantime, enforcement action had still not been served. Then the rains came. We watched with dismay and sinking hearts as the waterlogged puddles on the uneven, hardcore began to fill with excess run-off from Rayden Engineering's first higher extension of land - land taken through adverse possession. The water could not drain away as the hardcore was non-porous, nor could it follow the natural diversion away

from our homes as all the natural drainage had been radically altered - precisely the outcome I had envisaged during the months I spent trying to convince Erewash Borough Council.

Although the River Erewash was on flood alert, it never actually breached its banks at the lowest point normally associated with flooding and all the properties on the opposite side of the street - the side closest to the river - never flooded at all. But we did! All 15 homes backing onto the unauthorised development - which EBC Enforcement had deemed to be of lower priority than other enforcement actions across the borough - flooded from the rear. The deep flood water remained trapped in our homes for more than 14 hours as it had nowhere to go. Its normal escape route had not only been radically altered but had also been dammed up by Rayden Engineering.

As we all stood in bewilderment during the early hours of that morning, surveying all our ruined possessions, Rayden's vehicle went swishing down the street at speed, with him laughing and pointing at all the residents, including our 87-year-old neighbour who was standing on his doorstep, in tears over the devastation. If there was one small glimmer of hope, it was that, in showing his obvious merriment and glee about our ruined homes, he failed to notice the Borough Council Engineer. But he certainly witnessed Rayden's obvious delight.

Enforcement? EBC suddenly served enforcement notices seven days after we flooded. A happy ending at last? I think not!

The enforcement notices were suspended. Rayden Engineering immediately appealed against the refusal of planning permission and, would you believe it, it suddenly transpired that he had cited me as the legal owner of the land all along.

I contacted the Secretary of State and accused Rayden Engineering of submitting fraudulent documents to support an appeal. I also stated that, as a trespasser without the legal land owner's permission, Rayden would not have any right to appeal. In the event, it turned out that Rayden had relied on ordinary post for his last-minute appeal and it was received out of time. So with planning permission refused and his appeal refused, would the enforcement actions now become active again?

I think not!! The Borough Council's explanation was that Rayden Engineering was considered, by them, to be the actual owner of the land so the enforcement notices were not valid.

As I and my neighbours sit in homes that are stripped down to bare bricks and concrete, some without any form of heating, others without even basic household appliances, still awaiting major flood damage repairs, Erewash Borough Council are now in negotiations with Rayden Engineering over the illegal hardstanding that was directly responsible for more than £300,000 worth of property damage. They say they cannot discuss these negotiations with us as presumably it does not affect us!

As I wait for the luxury of carpets and wallpaper in my home once more, secure in the knowledge that one day's heavy rain could undo months of rebuilding work, the hardstanding with no drainage in a high-risk Flood Zone 3 remains. And the police have reopened the case, presumably of national importance, over the alleged broken pipe on Rayden Engineering's land.

We are still waiting for someone to assess damage that was caused solely by negligence but, it appears to me, none of the 15 affected families have any rights at all. I thought it was our human right to protect our homes; I thought it was our human right to have peaceful enjoyment of our possessions; I mistakenly thought it was our human right to be able to come home to the sanctuary of our own shelters without having to live like we have done, and will continue to do so for months. We are unable to protect our homes from future flooding through this ill-conceived development that flouts every planning and building regulation and we now look out onto a vast oasis of twisted scrap metal from every vantage point to the rear of our properties.

We venture through our garden gates to be greeted by *invisible* steel bars, we are constantly shrouded in red oxide dust and carbon particles (not a health hazard, of

course) and we constantly have to shout to be heard above the almighty cacophony of noise generated by this neighbour from hell. Yet we have no rights whatsoever to any form of protection for our basic living and home standards! If we had money and influential connections, I suppose something would have been done long ago. But it's not so. We are simply non-existent - we are nobodies. Yet, if we all withdrew our council taxes tomorrow, no doubt Erewash Borough Council would acknowledge our existence immediately. They would be down on us like a ton of bricks, or perhaps even non-drainable hardcore!

I will never understand why an underhanded developer - one who has lied and deceived officers of the council and has submitted fraudulent official documents - continues to receive preferential treatment at the expense of, and to the detriment of, so many others. There have been many times when it seems that Rayden is not only dictating how the council is run but is also controlling the police force. **DC, Ilkeston.**

### **Editorial comment:**

It's not the first time, and it certainly won't be the last time we hear of council officers falling over backwards for developers. It doesn't matter how black and white (totally devoid of grey areas) planning and building regulations are, it seems they can still be ignored or bent by officers of the local authority whenever it suits them, often supported by elected councillors who are, after all, mostly in the role for the rich financial rewards they now get.

When people know you are campaigning against corruption, you hear many examples of instances where permissions cannot be granted until some official's palm is crossed with silver (or gold, or crinkly paper). And they get away with it because most councils are rotten to the core.

It's bad enough that we all fork out increasingly steeper council tax knowing most of it will be wasted, either on initiatives that are totally unnecessary or by employing idiots to do completely irrelevant jobs, all of which benefit from the kind of gold-plated pension schemes the rest of us can't even dream about. But when greed enters the equation, too many of these useless bastards cannot resist the additional income from bribes. So the rule book goes by the board.

It's a sad indictment of the times we live in but the country is run by a bunch of crooks at Westminster and local authorities are their disciples.

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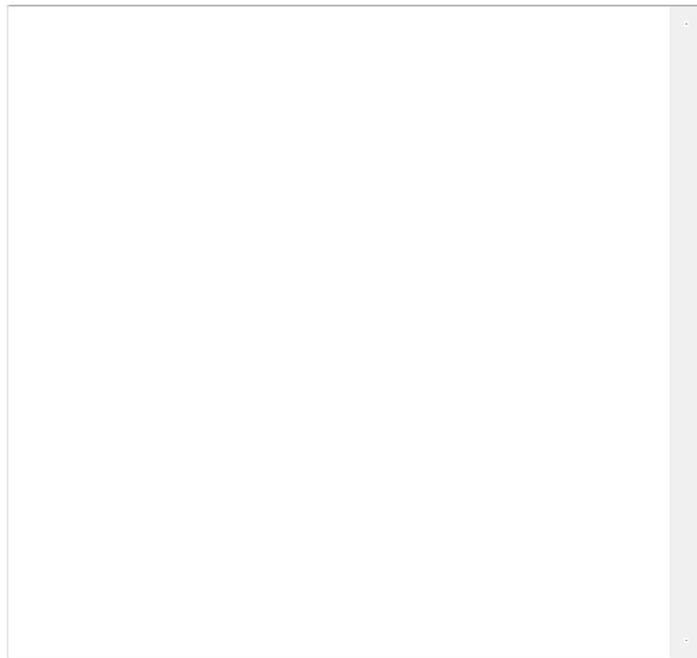


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