Sent:

01 September 2014 09:13

To:

Cc:

Subject:

RE: 20140711-Grading Challenge Alte Brennerei 5-U

**Attachments** 

Did we close down this grading board?

# Delivery Manager ESG | Delivery Manager ESG | BFPO26

This e-mail and its contents have been certified at the appropriate classification, and cleared for transmission via the Internet, by the originator. The information contained in this e-mail is private and confidential and for the above named recipient(s) only. For persons other than the intended recipient (s), any use, disclosure, copying or distribution of the e-mail or information contained therein is prohibited and may be unlawful without prior approval from the originator. If you have received it in error, please notify the originator by reply e-mail and delete it from your system.

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**From** 

**Sent:** 19 August 2014 15:57

T

Cc: DIC

Subject: KE: 20140/11-Grading Challenge Alte Brennerei 5-U

Classification: NATO UNCLASSIFIED

Further to the e-mail below and attached doc.

I appreciate it is that time of year when everybody departs for sunnier climes, and as such recognize that a response to this issue make take longer than usual. That said, I wanted to clarify my position on the remaining points that I feel have not been addressed and hence still need to be resolved. Rather than make even more comments on the original paper I will summarize below, the references within the paper may still prove useful however so I have attached along with the MPEG referred to later. If you have any further questions, please do not hesitate to contact me.

1. JSP 464 Pt 4, Annex A Table 5 Serial 6 Serial 8 (security). The last correspondence states that there should be no deficiency points awarded for security owing to the fact that I have shutters on my property. I have contacted the manufacturer of the shutters (OCCO) who state that the type of shutter fitted to my property (PVC on tension pull system) are not a security shutter, their primary purpose it to keep out the sun, but they could sell me security shutters for that purpose if required. I then contacted the Master Locksmith association (MLA) who are the specialist body that UK government departments refer to for advise on security issue. As with OCCO, the MLA stated that these type of shutter are not security shutters and certainly do not constitute a substitute for security locks on windows/doors (not least those on a lower floor). I have also tried to access the window from the outside while the shutters are down and found that with minimal effort (I had no intention of forcing the shutters, breaking them and incurring a charge) I was able to raise these shutters by at least 50% if not more. In summary, I do not believe the appropriate security exists — not least in rooms that are claimed

to be bedrooms; as such I believe the deficiencies points detailed in the attached doc should be awarded.

It should also be noted that these security locks are installed in some of the properties on Alte Brennerai already. Ironically Hutschenhausen has houses with a room approx 12SqM in size on the ground floor, fitted with appropriate security locks and DIO has classed these as studies. Conversely, my house in Hutschenhausen has a room approx. 12SqM in size on the ground floor, not fitted with appropriate security locks and DIO has classed this as a bedroom, suitable for occupation by children; hence my challenge both on the suitability of the locks and the allocation of Type IV status.

- 2. JSP 464 Pt 4, Annex C Para 5 and Serial 1 Noise Nuisance. The last correspondence states that there was a noise study conducted in the past. As yet I have not had sight of the findings of that study, nor the exact location in which the study took place. Hutschenhausen is a relatively new estate and as such the study could well have taken place before these properties existed and hence their location was not considered. I have however taken the liberty of attaching an MPEG of an aircraft overflying my property, just to highlight that there is at least grounds for my raising this as a question. (it does have sound if you are able to get it on your PC). MP20140723\_211440.mp4
- 3. JSP 464 Pt 4, Annex A Table 2 Serial P3. Positive Grading Points Utility Room. The last correspondence states that there should be positive points awarded as I have a utility room. What I have argued is that the above JSP reference states that positive points should be awarded to properties that benefit from a particular feature against properties on the same estate that do not have that feature to ensure fairness of charging. As all the properties on the Hutschenhausen estate have utility rooms there should be no positive points awarded as a status quo exists (all properties are equally equipped as far as utility rooms are concerned). This rule is perhaps better suited to those houses in Hutschenhausen that have a 'study' downstairs (where the same space is referred to as a bedroom in my property). The existence of a study in some but not all of the properties (over and above the minimum required bedrooms) qualifies; the fact that all properties have a feature (utility room), does not.
- 4. The final point I would like to make relates to the comment in para 3 of the attached paper "The property you are in is of a far superior standard to any SFA in the UK I stand by my statement made". The Grading board that took place and the subsequent assessment of whether my property should be a Type 3 or type 4 should be based on the assessment of that property and the guidelines laid out in the JSP duly taking into consideration properties on the same estate where applicable. The fact that my property is considered better than any in the UK is irrelevant and should not be a factor in the award of either the grade or type.

Rgds

OF3 Logs Sustainment | NATO ACO CC, Rm D429, Ramstein, BFPO 10

From: Sent: Friday, July 18, 2014 3:54 PM	) <u>Language</u>			annidagenge edusye eddingsy eddilgan tilda alakili (fyrest e	Committee and Profession (Microsoft America) (Microsoft) (Microsoft) of America (Microsoft) (Microsoft
To: AIRN A4 LOR Purchase D OF3					• • • • •
Subject: 20140711-Grading Challenge Alte Bre	nnerei 5-U			•	
			••	, , , ,	
As I have stated in my previous email I will in through my line management chain and you dealing with this challenge I need to give you some recording on is the Again I re-iterate that at no time have I state will receive any back-dated SFA charges but properties will be re-graded only your Prope	urs. I can re I have at "noise" is: ed I ut once an	no longer sp tached my sues which agreement	pend any thoughts you hav of the	more of r and findi e stated a similar ty Grading is	ny time and ngs the only thing are present . ype of property
Kind Regards			,		
		. *	e.		
Accommodation & DAS Manager Defence Infrastructure Organisation Building :					
Ema Website: www.mod.uk/d10/	)	· F			
From Sent: 18 July 2014 10:47	-		]		

Classification: NATO UNCLASSIFIED

Subject: FW: 20140711-Grading Challenge Alte Brennerei 5-U

Thanks for the phone call yesterday explaining that after discussions with the landlord of Alte Brennerai 5 you now assess the property as being Grade 2. With regard to the remaining points that I raised in my last e-mail, I have not had the time to re-visit the JSP's to double check the statements that I made, and as you can see from the excel spreadsheet that you originally sent, there are some discrepancies over what has been awarded already and that which has not. (on this spreadsheet the 3 points for the floor area have been recognized already but the grade is still assessed as 1).

To that end, conscious that you are extremely busy today due to clearing your desk for leave, I think we should resume this after you return. This will give me time to revisit the JSP's etc and make an informed decision as to whether I wish to continue the challenge. If you are able to provide me with a copy of the noise study that was conducted a few years ago that you mentioned yesterday I could use the intervening period to review that also; this should help the decision process too. If you do not have it soft copy to e-mail, I can pick it up from your colleagues whilst you are away.

I hope this makes sense. As you will know from the correspondence so far, I like to be as thorough and accurate as possible and don't see any advantage in rushing a decision at this point. I also need to discuss with as, given that you have said his property will be assessed as Grade 2 also and backdated to the start of my claim, the decision to progress the other points raised in my last e-mail this is no longer one that I can take in isolation, my actions now have consequence to others. I hope you understand my reasoning.

| OF3 Logs Sustainment | NATO ACO CC, Rm D429, Ramstein, BFPO 109 N

Frc	 l

**Sent:** Tuesday, July 15, 2014 2:16 PM **To:** AIRN A4 LOR Purchase D OF3

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Subject: 20140711-Grading Challenge Alte Brennerei 5-U

Please find attach ADM SHAPE Grading response. I am afraid that after due consideration your property has only 4 deficiency points so therefore is Grade 1. Please also find below my response to the matters mentioned in your challenge

- The floor space for your Dining room/living room is from the official architects drawings 38m2
- The security lock for the ground floor bedroom is suitable for occupation of a child as it is on the ground floor
- The Bedroom is not carpeted granted but should you wish a carpet to be installed DIO can arrange that for you this has no official bearing on any grading challenge.
- Each property is assessed on the grading standard not on other properties of the same grading.
- The privacy fencing is for UK only and we have dispensation that the properties in Germany do not have 1.8m enclosing as German building standards would not allow the fencing at the time of the build in Alte Brennerei.

I am happy to discuss the matter further and I would also like to point out that after 6 months of occupation you can put in for a transfer at your own expense should you wish.

## **Kind Regards**

# **Accommodation & DAS Manager**

Defence Infrastructure Organisation Building 539 | Ramstein Air Base | BFPO 109

 $\mathbf{E}_{i}$ 

Website: www.mod.uk/dio/

Sent:

14 October 2014 09:59

To:

Cc:

010 60 00 5 6 5 5 5 5

Subject:

RE: 20141014-Grading Challenge Alte Brennerei 5-U

Attachments: 20141014-Foi request-U.docx

**WARNING:** An attachment to this email may contain a potentially harmful file. If this email is unsolicited **DO NOT** open the attachment and advise your local help desk immediately. If you requested the attachment ensure that a virus scan is carried out before the file is opened.

#### Classification: NATO UNCLASSIFIED

Further to M original e-mail referring my challenge of FMQ Grade & Type to DIO SHAPE dated 18 July 14 and my subsequent e-mails in Jul, Aug & Sep I am now at the point where I feel I must take a different tack due to the lack of response. The failure of DIO to either resolve the matter, provide an update on the status of the challenge or even acknowledge receipt of my e-mails, means that I will now submit a formal complaint. Utilizing the procedure detailed in the DIO "how to make a complaint" document found on the UK gov website (DIO Complaint). This complaint should also investigate why it has taken so long to resolve and why (after multiple e-mails to DIO Shape) it appears I have been ignored.

Coupled with this complaint I am also submitting a Freedom of information (FoI) request (see attached) for the detailed output (4TG forms) of the Board of Officers conducted on all properties at Alte Brennerai, 66882, Hutschenhausen, Germany from the completion of their build through to the present day. This has also been accompanied by an FoI request for any Noise studies undertaken at Alte Brennerai during the same period, as though it has been quoted to me on many occasions that these studies took place I have yet to have sight of these studies (despite repeated requests). These requests have been copied to the complaints department at DIO Wyton.

As you are no doubt aware, UK government guidelines for FOI requests (<u>FOI requests</u>) require that FoI requests are handled and a response provided within 20 days. By taking this approach I am at least guaranteed that someone will respond to my request.

It is unfortunate that I have had to resort to this approach in order to gain a response, but the fact that I have waited over 3 months and have received not so much as a confirmatory or holding e-mail has left me little choice.

Rgds

Sent:

14 October 2014 09:59

To:

Cc:

Subject:

RE: 20141014-Grading Challenge Alte Brennerei 5-U

Attachments: 20141014-Fol request-U.docx

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Rgds

Sent:

15 October 2014 12:23

To:

Cc:

Subject:

RE: 20141014-Grading Challenge Alte Brennerei 5-U

**Attachments:** 

I wish to review this case. Please provide all of the information requested me by midday on Thursday of next week.

⇒ to

Thank you

Delivery Manager ESG

Defence Infrastructure

Tel: 0032

|Em

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Fron :

Sent: 14 October 2014 09:59

Cc: ب

Subject: RE: 20141014-Grading Challenge Alte Brennerei 5-U

Classification: NATO UNCLASSIFIED

Further : original e-mail referring my challenge of FMQ Grade & Type to DIO SHAPE dated 18 July 14 and my subsequent e-mails in Jul, Aug & Sep I am now at the point where I feel I must take a different tack due to the lack of response. The failure of DIO to either resolve the matter, provide an update on the status of the challenge or even acknowledge receipt of my e-mails, means that I will now submit a formal complaint. Utilizing the procedure detailed in the DIO "how to make a complaint" document found on the UK .gov website (DIO Complaint). This complaint should also investigate why it has taken so long to resolve and why (after multiple e-mails to DIO Shape) it appears I have been ignored.

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Sent:	26 September 2014 17:44			
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Cc:				
Subject:	RE: 40 Sijsjeslaan garden -	OF	FICIAL	
Attachments	<b>5:</b> .		of	
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ease note notography	the emails below. The DIO tear	m measured the (	grass on the ground and also	using some aerial
o confirm w	e will manage the hedges and	trees within the p	property. Please liaise w	on this.
	ride an adequate mower we will a petrol mower through the app			ng :o organise the
ind regards				
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	Delivery Mar	nager ESG		

#### Defence Infrastructure Organisation | B306 | SHAPE | Belgium | BFPO26

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Fron

Sent: 26 September 2014 11:01

T \_\_\_\_ a.u.orised: 40 Sijsjeslaan garden - \_\_

I agree with your interpretation.

I will look into the point I makes about differences between Parts 1 and 2 of JSP. However both publications talk about oversized gardens and me garden at the property does not meet this criteria.

Trust this helps

Regards

Asst Accn Policy Implementation Manager DIO Service Delivery Accommodation

Defence

Infrastructure Organisation

Swales Pavillion, RAF Wyton, Huntindon, Cambs, PE28 2EA

MOD Te

Fax

EMa

Website: www.mod.uk/DIO

From: DIC

Sent: 26 September 2014 08:09

To: Cc: DK

Subject: release-authorised: 40 Sijsjeslaan garden -

Please note the email below.

We have measured the totality of the plot and it works out as follows;

- Enclosed plot is 2030m2
- 2) Grass area is under 1,000m2
- 3) House / Garage area is 196m2
- Hard Surfaces is 366m2
- Hedges / Bushes represent the rest.

We have agreed to cut the hedges back because they are tall and extensive. My interpretation is that the grass cutting is the occupants responsibility (he if MOD furnished so we need to provide a mower). Do you agree this interpretation.

| Delivery Manager ESG |

Defence Infrastructure Organisation | B306 | SHAPE | Belgium | BFPO26

Te

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\*\*\*\*\*\*

From: ~

Sent: 16 September 2014 16:44

To: DI

Subject. No. 40 Sijsjeslaan garden -

Lonly had the basic JSP 464 and so that was the reference I quoted. A little more research shows me that there is an anomaly -

JSP 464 part one (UK) was amended on 9 June 2014. The specific change was to reword the paragraph on oversize gardens to read:

d. Gardening Support for oversize gardens (in excess of 0.2Ha/0.5 Acre). DIO SD Accommodation will provide Gardening Support for all SFA with enclosed gardens over 0.2Ha/0.5 Acre. The support will normally be limited to grass cutting, hedge trimming, collection of leaves and fallen fruit unless the garden is used for official hospitality, in accordance with JSP915, or the property is listed in which case an enhanced level of support will be provided.

I note that the equivalent text in JSP 464 part two (overseas) was not amended, and so still has the old text (as John Burns quotes):

d. Grass cutting for oversize gardens (in excess of 0.2Ha/0.5 Acre). Property Managers will, at the request of Housing Staffs arrange grass cutting in oversize gardens (in excess of 0.2HA/0.5 Acre) as part of the grounds maintenance contract.

Common sense tells me that it would never be the intent to discriminate against those of us posted overseas, and that it is clearly an oversight that only one of the documents has been updated. I think even the terminology used shows that it is obsolete text.

But I appreciate that your organisation works off the letter of the published rules.

Can I ask you to raise this discrepancy, using my situation as the case study, and seek to align the rules?

In any case I would dispute the interpretation that the old JSP wording means that you only measure the grassed area: even the old text is very clear that it refers to "oversize garden (in excess of 0.2HA/0.5 Acre)". If it meant "gardens with a grassed area in excess of 0.2HA/0.5 Acre" it would say so. I am quite sure that the reason for the amendment to JSP 464 part two was to clarify this point and avoid any doubt over interpretation.

I'm sorry this is dragging on but it is important both in terms of my personal circumstances (we did not ask for such a huge garden and in fact requested to be housed in a smaller property closer to the centre) and the bigger principle of fairness.

Many thanks

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Un representation to the EU

Local Mail: Avenue d'Auderghem 10, 1040 Brussels | Overseas Mail: BFPO 49

From. Sent: 16 September 2014 16:09

To:

(Sensitive)

Sub

Please see the attached advice from the Housing Team in the UK. I will have somebody (p make contact to do some measurements of the garden. The measurements taken will then be interpreted in terms of the guidance and I will email you the result.

My team are instructed to complete the next grass cut and we will continue with that.

| Delivery Manager ESG |

Defence Infrastructure Organisation | B306 | SHAPE | Belgium | BFPO26

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private and confidential an contained therein is prohib from your system.	d for the above named recipient(s) only. For ited and may be unlawful without prior appr	sification, and cleared for transmission via the Internet, by to persons other than the intended recipient(s), any use, disc roval from the originator. If you have received it in error, pl	osure, copying or distribution of the e-mail or information ease notify the originator by reply e-mail and delete it
From: / · Sent: 10 00ptcmpt	-> ZUIN UN'OU	1	
To: DIO	CI 2014 00.50		
Subject: RE: 40 Si	ijsjeslaan garden -		
That all sounds ser	nsible – thank you very much.		
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Office Tel; +	obile	ax:	
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From: DIC Sent: 16 September To: Subject: 40 Sijsjes	<b>3</b> )		
Thanks for your e	mail. I have sought some ad	dvice from the UK and we will have to	wait for confirmation on this.
The drawings are notorious on t		ect because they are detailed measure keep an open mind. Once I get the ad	
In the interim, the	DIO gardener will cut the gra	ass.	
Thanks			
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<b>Sent:</b> 15 September <b>To:</b> D	3 ZVI4 13·1/	)	
Subject: RE: 40 Sij	isjeslaan garoen - ı	'n	

By way of update, I understand that the gardener came this morning and after strenuous efforts to use the provided mower has given up because the engine keeps operating at random speeds and regularly cuts out. In the short-term, given that it is now mid-September and thus we probably have only another 6 weeks max of "mowing period" and then a lull till next March or April, I wonder whether providing a new mower now makes sense?

But in the longer-term, while I am grateful for your personal engagement and the flexibility you are showing, I think we are in danger of somewhat dancing around the regulations and the mathematics. It is slightly frustrating that your (well-intentioned and certainly appreciated by me) offer below to take on some aspects of the maintenance is based on you being presented with 2 sets of measurements but choosing to use the ones that favour the DIO position rather than the case I have made. The figures I offered you were taken from the official estate agent's factsheet – a professional real estate and surveying organisation who offer legally accountable facts and figures linked to tenancies. DIO took on the property on the basis of the particulars supplied by the agent, and so it can only be reasonable that these are the figures we take as authoritative. You can see from the measurements in my email below that they are accurate to 0.1 of a metre. These indicate that the garden measures over 0.2 hectare.

The landlord's figures are less precise and were <u>not</u> the basis on which DIO accepted the property.

In any case JSP 464 talks about "enclosed gardens" – not about grassed areas and hedges. The official support defined is for "grass cutting, hedge trimming, collection of leaves and fallen fruit". Regardless of whether outside areas are grassed, hedged, concreted or bare soil, they still need maintenance: patios and driveways need clearing of leaves and fallen fruit. Once all the outside area is included, even the landlord's figures show that the garden is very close to 0.2 hectares.

To add to this, there is c.100 metres of pavement running around the outside of the property, which under Belgian law the occupant is responsible for but under UK law the Council would clear and maintain – and is thus covered by my payment of CILOCT. If you add this roughly 100 square metres to the figures, the case is even stronger. Most properties I have seen here that are occupied by UK military colleagues have perhaps 10 metres of external pavement to deal with.

I have written this to you only (and not copied it to any of your subordinates), as I don't want to be appearing to challenge your authority, but I would be grateful for a rethink before you finalise your position on this issue.

Many thanks

^	R	F	R	T	R

SC1 Folicy and Concept	s UK MILREP (EU)				
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Sent: 09 September 2014	13:05	, , , , , , , , , , , , , , , , , , , ,			
To:	10.00				-
Cc: Dio SD OS-Eur2a1b		;			
(Channing, Gordon C1); Subject: 40 Sijsjeslaan g		-,		••• ••••••••••••••••••••••••••••••••••	
Please see attached info	ormation on the size	of your garden fro	and the Lar	ndlord.	
We have decided that w	e will take over resp	onsibility for your hedge	s ( please	arrange this through	).
Noting your comments of have our local gardener then we will look to replay gardener to cut the entire through the Stores and	cut the grass with thace with another power lawn and report be	e lawnmower that we have red lawnmower. (	ave provided. If ກlease arrang	he experiences the san e through I	ne problems for the local
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Defence Infrastructure	Organisation   B306	SHAPE   Belgium   BF	PO26		
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Sent: U8 Sentember 2014	13:31				
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By way of follow-up to my email on Friday I have given this matter some more thought over the weekend and have realised that perhaps I have approached this the wrong way. JSP 464 specifies that houses with enclosed gardens over 0.2 hectares attract official maintenance:

d. Gardening Support for oversize gardens (in excess of 0.2Ha/0.5 Acre). DIO SD Accommodation will provide Gardening Support for all SFA with enclosed gardens over 0.2Ha/0.5 Acre. The support will normally be limited to grass cutting, hedge trimming, collection of leaves and fallen fruit unless the garden is used for official hospitality, in accordance with JSP915, or the property is listed in which case an enhanced level of support will be provided.

When I initially moved in I requested official gardening support but was told it did not apply – but since for the first year the garden was maintained by DIO I felt I did not need to challenge this. But now that we have reached the current situation I have taken a longer look at the regulations and the details of my property, and have realised that perhaps it might be simpler to pursue the official gardening support route. It would perhaps be helpful if I forward the detailed particulars of the house as advertised before it was taken on by DIO for us. The link to the official estate agency web page is below, with the detail pasted in for ease of reference below that. You will note that of a total area of 2400 square metres, 375 square metres is defined as "living surface"; therefore the remainder is grounds/garden (I have highlighted this section below). This means that the grounds constitute 2025 square metres (ie slightly over 2000 square metres or 0.2 hectares).

## http://www.home-consult.be/en/aanbod/print.php?ids=1620

Hopefully this gives you enough data to resolve this through approving the provision of official gardening support from now on.

Many thanks

#### OBE RTR

SO1 Policy a	nd Con	cepts UK MILREP (EU)		•
e-maii:		(U) ]	(R) I ar	ָ (C)
Office	, -	Mobile: +3	Fax:	
UK Represent				
Local Mail: Av	enue d'	Auderghem 10, 1040 Bruss	els   Overseas Mail: BFPO 49	
General inform	mation			
Geografical po	osition			
,				
Address	Sijsje	slaan 40		
City	3078	B Everberg		
Free from	imme	ediately		
Area	Villag	ge		
Financial infor	rmation			
Price	2.30	0 EUR		
The price mer	ntioned	above is excl. registration r	ights and the notary wages.	
Construction t	type			
Construction	year	1967		
Renovation pe	eriod	2008		
Groundsurfac	e	2400 m <sup>2</sup>		
Living surface		375 m²		
Energie value		344 kWh/m²		

# Comfort

Kitchentype Equipped Heating Gas Schutters ves Double glazing frames in pvc Alarm yes

Domestic animals allowed yes

Electricity connection yes

#### Other information

fenced garden with shed Garden Showers Open fire 1 Garages 2 **Parkings** Ready to move in yes

#### Division

FIRST FLOOR

Store room 12,3 m² - 3.2x3.8m - tiled floor

Dining  $20.9 \text{ m}^2 - 4.1 \text{x} 5.0 \text{m} - \text{parquet}$ 

Garage 29,3 m² - 5.4x5.3m - for 2 cars - with automatic door

Hall with toilet - tiled floor

Kitchen 1 20 m² - 6.2x3.2m - fully equipped kitchen with breakfast corner - dishwasher - oven - ceramic hob - tiled floor

Living  $35,6 \text{ m}^2$  - 4.9x7.1m - with fireplace - parquet Terrace  $60 \text{ m}^2$  - 3.0x20.0m - orientation S Laundry room  $5,2 \text{ m}^2$  - 2.3x2.2 - tiled floor Terrace 2  $42 \text{ m}^2$  - 3.0x14.0m - orientation E

#### SECOND FLOOR

Bathroom 1 bath - toilet - vanity with 2 sinks
Bathroom 2 bath - toilet - vanity with 2 sinks
Study 10,8 m² - 3.8x2.8m - laminate
Bedroom 1 7.7 m² - 2.3x3.3m - laminate

Bedroom 2 16,3 m<sup>2</sup> - 5.1x3.1m - with built-in closets - laminate

 $\begin{array}{lll} \mbox{Bedroom 3} & 14,7 \ m^2 - 3.2 x 4.5 m - laminate \\ \mbox{Bedroom 4} & 17,3 \ m^2 - 4.1 x 4.2 m - laminate \\ \mbox{Bedroom 5} & 14,8 \ m^2 - 3.5 x 4.1 m - laminate \\ \end{array}$ 

Bedroom 6 13,0 m<sup>2</sup> - 4.5x2.8m - with built-in closets - parquet

Shower room 1 shower - toilet - vanity with 1 sink

Shower room 2 shower - toilet

CELLAR (-1) Cellar 50 m<sup>2</sup>

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