

Sean Roberts

From: Paul Shaw <shaw_paul@btconnect.com>
Sent: 14 September 2016 13:31
To: Programme Officer
Cc: 'Kev Ryder'
Subject: PSB 2 - Examination

Dear Sean,

Since my previous email correspondences to you, being Examination Library documents P2-P13 to P2-P15, i have recently become aware of another matter, which, i also consider to be of material importance to The Inspector in respect of his examination of PSB 2, and do therefore request that you please forward this correspondence to The Inspector, and that this is also uploaded to the Examination Library.

Turning to the matter in question;

Currently, a Section 78 Planning Appeal is ongoing in Stafford Borough, being Planning Appeal Ref - APP/Y3425/W/15/3136258.

This being with regard to SBC Planning Application Ref - 15/21873/FUL - Residential development including the creation of a new access onto Marlborough Road, creation of open space, associated landscaping and associated infrastructure - Land At Walton Heath Common Lane Stone Staffordshire.

Following a Public Inquiry shortly before the opening of the PSB 2 EIP, and subsequent receipt of final comments, PINS wrote to both The Council and the Appellant on the 29th July 2016, to confirm the Inquiry was now formally closed, with the bespoke programme quoting that a decision by Mr Inspector Pope would be issued on or before the 31st August 2016.

However, on the 19th August 2016, the Appellant wrote to PINS, enclosing 3 attachments, advising them of rejection by SBC of the submitted Masterplan of July 2016 in respect of Stafford North SDL, stating that this has a major impact upon the 5YS.

The Appellant further and specifically refers to evidence from the PSB 2 EIP in this regard, and provides additional information from the same, overall concluding that all this information was material to the determination of that Planning Appeal.

On the 23rd August 2016, PINS responded, stating the following;

Given the contents of the email message from the appellant's representative dated 19 August 2016, and the Judgement in *Wainhomes v SCLG* [2013] EWHC 597, the Inspector considers that the Inquiry should be reopened to consider evidence relating to housing land supply (HLS). In particular, the housing trajectory relating to the Northern SDL for Stafford and whether this affects the Council's ability to demonstrate five years HLS.

On the 8th September 2016, SBC wrote to PINS, specifically in respect of, and providing evidence from the PSB 2 EIP, enclosing The Inspectors Note MF-3.

The Council further requested that, in light of this PSB 2 EIP evidence submission, PINS reconsider their decision to re-open the Inquiry.

On the 9th September 2016, PINS responded, stating that they are not inviting comments on their decision, and reaffirming that the Inquiry would be re-opened.

They further state that all the evidence, including that from the PSB 2 EIP, will be fully tested at the re-opened Inquiry.

Therefore, it is clear that evidence from the PSB 2 EIP will form part of overall submissions and examination at this Inquiry.

I understand that no date has yet been set by PINS for the re-opened Inquiry additional sitting day/s, yet it is noted that SBC, within their correspondence to PINS of the 26th August 2016 suggest that they may not be in a suitable position until 2017.

Whilst appreciating that there is normally a Chinese Wall (if i can put it like that) separation in such circumstances – here being between this Section 78 Inquiry and the PSB 2 EIP, both the Appellant and The Council have, in this instance, inextricably linked and involved the PSB 2 EIP to the Section 78 Inquiry.

They have both provided evidence from the PSB 2 EIP to further their respective positions in respect of this Inquiry. There is no doubt that events unfolding at this Inquiry have a fundamental and material bearing upon PSB 2.

It is clear that PINS, having comprehensively considered all the evidence put before them, including that from the PSB 2 EIP, consider this to be of such fundamental and material importance to warrant re-opening that Inquiry, stating this intent on no less than two occasions, being the 23rd August and 9th September 2016.

Given the inextricable link, and the fundamental and material bearing of this matter to PSB 2, i would like to formally request that the PSB 2 EIP is also re-opened on exactly the same basis, and for the same purpose as the Section 78 Inquiry.

To not re-open the PSB 2 EIP in this regard, would almost certainly create the possibility of a Judicial Review.

I look forward to your reply.

Kind Regards,
Paul Shaw
Managing Director
Milwood Ltd



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