

Nicola Gandy

From: Arfon Hughes [REDACTED]
Sent: 22 November 2012 10:56
To: programme.officer
Subject: Re: URGENT: Bridgend LDP Session 8: Bridgend Convenience Retailing E-mail from BCBC
Importance: High

Dear Nicola

Thank you for your email. Clearly it is for the Inspector to decide what he wishes to accept. I would however make the following brief comments in response to the LPA's email.

While the CACI report has indeed been in the public domain since 2010 the only means of dealing with this is through the LDP process, which is what has been done in this case.

The representations made in September 2011 raised objection to the calculation of need. The original representations illustrated this concern with reference to a number of key concerns. At no stage did the representations state that they were the only concerns.

It was only in recent correspondence to the Inspector that the LPA indicated that it would appoint RPS to undertake a review of the assumptions of the CACI report. This was expressly not limited to the specific issues flagged up in our representations. In the event, the LPA has instructed RPS only to focus on the two topics detailed in our submissions and not the wider point that was objected to, that is the soundness of the study as a whole.

I did seek prior to the exchange of statements, and in accord with what I took to be the inspector's wishes, to agree common ground with the LPA so that the statements of both sides could be focused on areas of disagreement. As you will note from the appendices to my statement, this request was denied. I also requested that the LPA indicate to me the sequential sites to which it would be referring - a request that was also refused. My client was as a consequence put to the cost and expense of preparing a report that was more detailed and comprehensive than might otherwise have been required.

With regard to the specific point concerning the guidelines for submission, I would respectfully suggest that in this case there is good reason. The LPA in correspondence indicated that it would be preparing a proper review of the CACI study; new information that was not in place at the time of the original representations. Without advance sight of this information (despite requests for this) we have had to try and anticipate the issues that RPS would raise. In the event, the LPA has itself provided over 30 pages of submissions including a completely new capacity assessment. While I accept that our submissions exceed the word limit, this applies equally to the LPA and little is gained by curtailing the evidence on what is a key topic for the LDP and which has its own, dedicated day at the examination to review the issues raised.

I appreciate that the LPA would want the submissions made by my client to be set aside but this loses sight of the fact that the role of the examination is to test soundness and the representations made highlight significant flaws that need to be addressed squarely by the LPA. The evidence before the inspector will allow the Inspector to do that.

As I have stated from the outset, there would be considerable benefit to the examination were both sides to agree common ground so that the hearing session may be focused on those issues. This I

believe represents a positive and constructive way forward and I would appreciate the inspector's direction on this.

I hope that the above explains that our position and that the inspector agrees that our submissions are reasonable in the particular and unusual circumstances surrounding this issue.

Yours sincerely

Arfon Hughes

On 22 Nov 2012, at 10:13, programme.officer <programme.officer@bridgend.gov.uk> wrote:

Dear Arfon,

Please see below an e-mail received by the Programme Officer from BCBC in regard to your submission. Could you please provide me with your comments on the e-mail as soon as possible and I will forward them onto the Inspector.

Many Thanks

Nicola

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<image001.gif>

'Dear Nicola

I refer to the submissions by Mango Planning on behalf of Waterstone Estates Ltd relating to the session on Bridgend Convenience Goods retailing.

The Council believe that the submissions made do not meet the guidelines for participants as outlined by the Inspector and Planning Inspectorate.

The guidelines state that representations already made at the Deposit or Alternative Sites consultation stages should **have included all the points, documents and evidence to substantiate representors' cases**. Representors should **not submit any further material based on the original representations**. Submissions by Representors should be related to the representations previously submitted by that Representor at the Deposit stage and **should not seek to introduce new representations**

The response introduces new material. The original representations raised several key issues in the relation to the CACI study methodology which the Council has addressed in its evidence. The representor is now seeking to go back to 'first principles' for example with issues as fundamental as population and expenditure per capita estimates. This is utterly perplexing

given the first item original raised related to 'Special Forms of Trading' – a later stage of any quantitative exercise. We do not consider new evidence should be accepted at this stage. The introduction of further technical evidence also goes against the opinion that both parties expressed that the submissions could be examined by way of a hearing session rather than a formal session.

The guidelines also states that further written submissions should only be made **where needed to respond to the questions posed** in the circulated Hearing session Agenda.

The representor seeks to go beyond answering the questions raised by the Inspector. By their own admission Question Qn6a is directed solely at the LPA and requires a response to the 'specific criticisms of the retail report in relation to need'. The Council have responded in our original statement with the assistance of RPS.

The guidelines also require that submissions should be **brief**. They **should focus on the issues/matters identified and on the tests of soundness**. Any requested submissions should be as concise and to the point as possible. Submissions **should otherwise certainly not exceed 3,000 words**

The response is not brief. It is over 7,000 words long with 60 pages of appendices.

Taking all the above into account, the Council consider that the representor has acted unreasonably in respect of their submission which seeks to introduce new material and evidence. In order to rebut these last minute submissions the Council would have to incur considerable further costs. It respectfully points out to the fact that this piece of evidence has been in the public domain in its original form since 2007 and in an updated form since 2010; which has afforded ample time for any significant concerns regarding its contents to be raised.

The Council would request that the Inspector deals with this issue expeditiously as you will appreciate that LPA resources are currently at a premium, given that the examination sessions have commenced.

I look forward to hearing from you shortly.

best wishes

Stuart

Stuart A Ingram | Principal Planning Officer (Development Planning) ‘

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