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Chief Executive
South Gloucestershire Council
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By Email

7th November 2017

Our ref: ACS/BLU001/0001
Your ref:

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Dear Madam

Our client: River Reach Limited

We act for the above named client.

Introduction

1. Your officers will be familiar with our client, its director Charles Tull and its property, Whale Wharf (“the Property”), as a result of numerous discussions and planning applications over the preceding 13 years.
2. The Property is a brownfield site that was historically used as research laboratories and office space by Electrotech Equipments Limited (“Electrotech”) in the 1980s and 1990s. Prior to that, the Property had been used for a considerable period as a brownfield site, notably a brickworks (prior to the 1960s), a boat repair yard and latterly a trading/industrial estate since the mid-70s. We know that the Property was used for industrial purposes as far back as the 1920s. The Property has nonetheless stood idle from March 2002 when Electrotech (or Trikon as it became known) vacated the Property.
3. At the time of the Electrotech approvals (N.493/7 September 1983 & T84.1751 July 1984) the approximate floorspace at the Property was 7,000 sqm (which has since been reduced to 5,000 sqm). This is the baseline position from which the site moved forward.
4. Our client purchased the Property on 28th November 2003. Since that time, and as detailed more fully below, our client has endeavoured to put the site to use in a manner consistent with its previous use and/or some other appropriate use. Plainly, it serves the community

and national economy no value for an existing brownfield site to stand idle for such a long period.

5. Our client has been frustrated at every turn in its efforts to put the site to use. The Council has (to date) declined to remove an outdated and arbitrary provision requiring that a proportion of the Property must be used for 'high tech' purposes (notwithstanding the fact that a good proportion of the site was used for office accommodation and/or standard commercial/industrial use). Other proposed uses have met resistance on grounds of flood risk and/or traffic impact, despite overwhelming evidence refuting such concerns (and such evidence having been accepted by an appeal inspector in 2011). Our client has also met resistance from the Council to include the Property on the Brownfield Register under the Town and Country Planning (Brownfield Land Register) Regulations 2017. Most recently, our client's offering of free space for the Incredible Kids charity (that had been evicted from its previous site in Council premises) has been met with threats of enforcement action.
6. Our client has even set out proposals (which we return to below) whereby it will, via private funding and without any requirement for public financing, both improve flood defences and provide a new access road to the Property and the surrounding area.
7. There is a perception that no scheme which creates any traffic through Littleton Upon Severn will ever be acceptable to the Council. If so, we question how that is consistent with the Council's wider obligations.
8. You will appreciate that our client has expended considerable sums of money attempting to agree an appropriate use for the Property and has lost an even greater sum in potential rental income. On top of that, the council has lost the opportunity to generate in estimated £3,000,000 in business rates from the use of the Property.
9. The focus of this letter is upon finding a constructive and appropriate way forward with the Council that unlock these barriers. In doing so, it is instructive to consider a summary of the difficulties our client has faced. From there, we summarise the core evidence on flood risk and transport, consider key matters of policy and law and finally, seek the Council's engagement in determining how the Property can belatedly be used to provide social and economic benefits in the future.

Summary of Key Events

10. The following is a concise summary of the recent planning history and liaison with the Council:

2004 – Application 04/2747 is made applying for the removal of the 'hi tech' restriction as the term was patently generic and, insofar as it had meaning in the mid-80s, had lost all relevance.

2006 - Application 04/2747 is refused on appeal. As is apparent from media reports at the time, Matthew Riddle (Councillor for the Severn Ward) actively campaigned against any change of use at the site.

The appeal inspector would not release the occupational restriction into the modern equivalent of B1 use on the basis that the building could be used wholly for offices as this was considered to create an unacceptable increase in traffic over the existing situation with a resultant potential for more accidents. This was notwithstanding the fact that independent specialists PFA Consulting Limited submitted a report dated 16th November 2004 evidencing that the proposed use would be no worse than under the existing permitted use and that mitigating factors were included within the plan (in terms of on-site facilities) that would minimise trips to and from the Property. PFA also concluded that that the traffic generation would be no worse than half of estimated capacity onto Littleton Wharf Lane.

With regard to flooding, the inspector noted that the proposal did not represent a harmful increase in flood risk, indeed there would be a significant improvement if a flood evacuation plan was made a condition of consent. It should be noted that the Environment Agency withdrew its original objection on the basis of evidence provided by Lewin Fryer, flood risk experts commissioned by our client.

The inspector also indicated that there was no evidence before him to suggest his decision would affect the long term viability of the site. Sadly, that has proved to be incorrect.

Our client's professional advisors were puzzled by the decision as it could not be in the economy's interest to allow a perfectly good building to sit idle as the specific old termed user could not (and still has not) been found. Marketing has continued at all times.

2009 – Application 09/5039 is made applying for a change of use to a Residential Education Centre.

May 2009 – meeting with Simon Hailwood (Emergency Planner). Mr Hailwood confirms that, subject to agreement of the Emergency Flood Evacuation Plan, he would have no objection to the proposed change of use.

Apr 2011 – Application 09/5039 is nonetheless refused on grounds of flood risk.

Oct 2011 – The original decision to refuse Application 09/5039 is overturned on appeal. Independent professional evidence in the form of a flood risk assessment ("FRA") was produced by Stuart Michael Associates ("SMA") June 2010. The following are instructive extracts from the appeal notice:

"...an exception test is required where "more vulnerable" development is proposed in flood Zone 3a and an exception test has been carried out as part of the Flood Risk Assessment (FRA). The FRA shows the scheme to have passed the test....

Members of the local community do not accept the findings of the FRA and disagree with the position of the EA. However, the experiences of severe flooding to which objectors refer occurred prior to the completion of the existing flood defences. At the time of the significant flood of the early 1980s, the embankment was breached, but it has since been made higher, and broader, being some 25-30m wide at its base, and is designed to provide protection against a 1 in 200 year flood event. It is also protected from erosion by the salt marsh beyond the outer face, and the EA has confirmed that the conditions of the defences are

good. The EA's report "Managing Flood Risk in the Severn Estuary: South Gloucestershire to Hinkley Point, Somerset" (January 2011) proposes to maintain the 1 in 200 year standard of protection along this reach of the Severn Estuary through a programme of bank raising.

No technical evidence has been submitted to challenge the EA's assessment of the conclusions of the FRA. ***In these circumstances I accept the findings of the FRA, and the EA's conclusion that provided the measures set out in the FRA are secured, including an effective FEP, then the risk to safety likely to arise from flooding could be successfully managed.***"

Cllr Riddle is quoted in media reports as saying:

"I am very disappointed that the appeal has been won and that planning permission has been granted. Allowing over 300 children to live in a high flood risk area next to a river with one of the biggest tidal rises and falls is in my view a poor decision".

These comments (and apparent lack of objectivity) were surprising given the weight of evidence regarding the flood risk. The PINS Inspector exercises the powers of the Secretary of State to implement the policies of the government and the local area. If it was 'poor decision' presumably the Council would have sought Judicial Review.

From this moment forward, given that PINS inspector had shown that it was possible to carry out an exception test and pass it, the Property and other proposed uses should have been looked at differently under the Exception Test.

Sadly, the proposed end user could not await the length of time that the approval took and so the scheme could not progress.

2011/2012 – considerable effort is put in on our client's part to develop and agree a flood evacuation plan ("FEP") that is agreed by your planning committees and the Emergency Planning Officer in 2013. The FEP dealt with both overtopping and breach events to the Council's satisfaction.

July 2012 – Discussions take place between our client and Simon Penketh (Council Planning Officer) concerning potential proposals to demolish the existing buildings and use the land for residential development. Mr Penketh indicated that the Council would not support this change of use on the basis of flood risk.

2014 to 2017 – despite repeated attempts to engage, you have refused to include the Property on the Brownfield register.

2015/early 2016 – discussions to place the partial use of the site as a reception centre for unaccompanied asylum-seeking children. The plans also included housing for staff and to transition the less vulnerable back into society.

On 29th November 2015, our client confirmed that, as part of the proposed development and use of the Property, it would fund reinforced flood defences (thus reducing further the residual risk to the Property and the general area) but also provide a new access route to the site that would bypass Littleton Upon Severn.

On 7th December 2015, our client and his architect Jonathan Harker met Cllr Riddle to outline his proposals for the site and discussed planned improvement to flood defences and associated access, as part of a proposal for wider development on the site. It is fair to say that Mr Riddle was encouraging of these plans and the benefits they would bring. The meeting was positive and he promised to speak to the chief planning officer.

Therefore, it was somewhat surprising that, in his email dated 8th December 2015 (i.e., the very next day), Cllr Riddle confirmed his/the Council's views on the proposal, citing planning policies against development in the green belt and 'flood risk'. He did not elaborate upon flood risk but, given that the risk had been extensively evidenced and considered as part of the Application 09/5039 appeal, and subsequently a satisfactory FEP had been agreed, the immediate dismissal on this ground was again surprising. Even more so against the backdrop of our client's plans to actually *improve* flood defences.

Our client pressed ahead with the proposed residential development application in 2016. As part of this, a fresh flooding appraisal report was provided by another respected independent professional firm Royal Haskoning BHV that confirmed the findings of SMA.

Our client's professional advisors emailed Mr Penketh on 9th June 2016 to address the green belt objection:

"We also all know from recent cases that PDL in the green belt is there to be developed or reused and finally we know from court cases that a district without a land supply cannot rely on policies that are seeking to restrict where development is sited – viz:

In joined appeals *Hopkins v SSCLG* and *Cheshire East DC v SSCLG* [2016] EWCA Civ [168] the Court of Appeal considered the scope of paragraph 49 NPPF, which is engaged where a Council cannot demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 47 NPPF."

Without a land supply this tilted the balance in favour of sustainable development from available brownfield site, particularly given the precedent of successfully applying the Exception Test.

Aug 2016 – our client's multiple applications for change of use of various building on the Property from office to residential are refused.

26th October 2016 – Cllr Riddle writes to our client concerning the proposed use as a reception centre for unaccompanied asylum-seeking children and again cites flood risk as the core objection. The view expressed is once again surprising given that it does not in any way reflect the actual flood risk as assessed by the Environment Agency, four separate independent flooding experts or the appeal inspector. The view was restated by you in your letter dated 7th November 2016.

Evidence & Conclusions Concerning Flood Risk and Local Transport Issues

Flooding

11. The Flood Risk Assessment by SMA dated June 2010, which supported Application 09/5039 concluded the following:

“The Environment Agency (EA) reconstructed these defences in the 1990’s following a serious flood event in 1982. The EA has advised that these defences are constructed to provide protection for the Site and the surrounding embayment up to and including the 1 in 200-year tidal flood event.

This report presents an assessment of flood risk in accordance with the guidelines set out in ‘Planning Policy Statement 25: Development and Flood Risk’ (PPS25) and demonstrates that with mitigation, the change of use proposals will not increase the risk of flooding to the existing Site.

Application of the PPS25 Exception Test confirms that the Site is suitable for the ‘Change of Use’ proposals and complies with the policies of the EA. A Sequential Test is not required for a ‘Change of Use’ Application.

The Site will be committed to the Flood Warning Service, Floodline, and will be evacuated when a Severe Flood Warning is issued by the EA. As agreed with the EA, the initial trigger for evacuation of the site will be when the predicted tide level at Avonmouth is 8.0m AOD.

A working draft Flood Evacuation Plan (FEP) has been prepared and is included within this report. The South Gloucester Council’s Emergency Planner (SGCEP) has approved the FEP. The emergency services have provided similar responses.

The final FEP will be updated and amended by the prospective owners of the Site in consultation with the EA and SGCEP.

The EA has approved in principle the scope and content of this Flood Risk Assessment.”

12. The Royal Haskoning DHV report dated 2nd December 2016 stated the following (our emphasis added):

*“The key issues likely to affect the site are either from overtopping or a breach in the defences during an extreme event. It was acknowledged within the preceding FRA that either of the above may result in flooding to the site, although the likelihood of both occurring were confirmed as being **very low** due to the strategic importance and maintenance of the Severn Estuary defences. It is therefore important to note that, when considering the flood risk to the site, this is considered in the context of it **being a residual risk of flooding and not a direct flood risk** due to the presence of the defences....*

Within the updated Environment Agency data the following key information was provided:

*The Environment Agency Asset Information Management System database shows a continued defence to be in place adjacent to the site. This comprises an embankment with a **crest level for the defence of 9.53 m ODN.***

The defence was last inspected by the Environment Agency on 12 December 2014 and was found to be in a fair condition.

*The present day 1 in 200 year defended maximum water level has been taken from the 2012 Wessex North Coast Model. **The maximum water level in a 1 in 200 year event has been modelled as 7.47m ODN.***

*This is **significantly below the crest level of the current defence** and therefore the potential flood risk to the site continues to be as a result of overtopping or breach and therefore is categorised as a residual risk of flooding. This has a very low likelihood of occurring due to the strategic importance of the defences along the Severn Estuary.*

Extensive review of the risks associated with overtopping and breach of the defences was carried out for the site as part of the previous Flood Risk Assessment. These provided potential water depths across the site should either overtopping or breach occur.

During a potential overtopping event, modelled as part of the original FRA (June 2010), it was identified that there may be a maximum depth of water affecting the site of 0.63 m.

*Should there be a breach in the defences it was identified that this could result in a maximum water depth of 2.6 m across the site. It is important to note that this would be as a result of a failure in the strategically important Severn Estuary defences and therefore, has a **very low probability of occurrence** and would also affect a wider area than just the site. **To address this risk, during times of increased water levels a FEP was developed in consultation with the Environment Agency and the Local Authority.***

As noted, the FEP was also specifically agreed with your FEP Simon Hailwood.

13. Any application should be determined in accordance with adopted national and local policy. For the avoidance of doubt, these are:
 - 13.1. National Planning Policy Framework (NPPF);
 - 13.2. Technical Guidance to the NPPF;
 - 13.3. Policies CS5 and CS9 of the South Gloucestershire Core Strategy;
 - 13.4. 'Saved' Policy EP2 of the South Gloucestershire Local Plan; and
 - 13.5. Emerging Policy PSP20 of the Places, Sites and Policies DPD.
14. As noted, the site has a residual flood risk of a 1 in 200 year risk of sea flooding with the existing flood defences in place. This means that the site falls within Flood Zone 2. The Technical Guidance to the NPPF states that a wide range of appropriate uses can be developed within this zone (i.e. those that fall within the More Vulnerable, Less Vulnerable and Water Compatible categories). This includes residential institutions, dwelling-houses and student halls of residence.
15. We attach a Report from Flood Control International outlining proposals to protect the buildings at The Property in the unlikely event of an overtopping scenario. This report establishes how flood defences can be readily installed, as they have been at many similar sites in the UK and across the world. This is proven technology.

Transport

16. As noted above, PFA submitted evidence in 2004 to establish that the change of use to general office use would not increase traffic flow beyond the existing permitted use.
17. We attach the letter from D M Mason Engineering Consultants Limited (“DMM”) dated 4th November 2010 which supported the (initially refused) 2009 planning application. DMM modelled the proposed use for the Property and established that the traffic flow would be a fraction of the existing permitted use.
18. We attach a second letter of DMM dated 13th November 2007 which modelled various potential uses for the site and establishes that all considered scenarios would provide a reduced traffic flow as compared with the existing permitted use.

Matters of Public Policy

Planning

19. It is generally accepted and reflected in the National Planning Policy Framework (“NPPF”) that:
 - 19.1. the reuse of buildings is sustainable because the resources are already used and can be reused;
 - 19.2. Reuse in the Green Belt is appropriate; and
 - 19.3. Reuse of a building already in a flood risk should equally be appropriate.
20. The NPPF, at paragraph 103, specifically states that:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment⁵ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location

development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

21. As noted above, the Appeal Inspectorate determined that the application of the Exception Test was entirely appropriate in respect of this Property.
22. Section 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where a planning application is refused:

“...the notice must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a

positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.”

23. We trust the Council accepts that it has not engaged with our client in a manner consistent with section 35(2).
24. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that, in dealing with a planning application, a local planning authority must have regard to a “*local finance consideration as far as it is material*”. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. You will be aware that there would have been a New Homes Bonus Payment payable on each unit proposed at the Property in our client’s 2015 applications. Furthermore, and as dealt with further below, the proposal included provision for significant strengthening of local flood defences without impact on the public purse.

Housing

25. The Council cannot currently demonstrate a 5-year housing land supply.
26. The 2016 Annual Monitoring Report (AMR) states that the Council’s housing supply is 4.54 years, which equates to a shortfall of 960 dwellings which need to be provided in the next five years. The 2017 AMR has not yet been published but it is expected this figure will fall due to the slow delivery of larger, strategic sites within the authority.
27. The West of England Joint Spatial Plan is currently being prepared which establishes the additional sources of supply to meet the Housing Need for the West of England (and South Gloucestershire) over the plan period. Given that of the Strategic Development Locations identified for South Gloucestershire, only one site in Thornbury is projected to begin delivery in the first 5 years, there is still a high degree of reliance on the existing commitments.
28. Our client’s proposals would potentially assist the Council in meeting its housing objectives.

Flood Defences

29. As you know, The Environment Agency treats the Severn Estuary as a defended coastline and has issued a long-term plan for flood defence maintenance and improvement via a mixture of public and private investment.
30. Plainly, the Council recognises both the need to maintain flood defences and that, inevitably, this must be considered in line with economic and housing development plans in the region. We need look no further than plans regarding the Avonmouth-Sevenside Enterprise Area (“ASEA”) flood defence project. Quoting from Council media statements:

“A joint £80 million project by South Gloucestershire and Bristol City Councils and the Environment Agency, is being designed to protect the Avonmouth-Sevenside Enterprise Area (ASEA) and 2,500 homes against the possibility of rare but severe flooding. The scheme will

also create at least 80 hectares of new wetland habitats for internationally important birdlife...

A key objective of the project is supporting the growth of the ASEA – one of six strategically important employment areas in the West of England – with the capacity to see 12,000 new jobs created by 2026.... By improving flood defences, developers will have more confidence, encouraging them to invest and to unlock the economic potential of the Enterprise Area and generate jobs.

Leader of South Gloucestershire Council, with responsibility for Economic Development in the Cabinet, Councillor Matthew Riddle, said:

“This scheme of work is needed to protect homes and businesses for the next 60 years. The changing climate presents risks that we must adapt to and working with our partners and experts at the Environment Agency we believe this work will give us the protection we need for the future. We appreciate there will be some inevitable disruption while construction takes place and we will of course do our best to minimise this by working in stages. We are asking for input from residents and businesses now so that as far as possible we can take account of communities’ needs as we plan the delivery of this project.”

Marvin Rees, Mayor of Bristol, said: “This is a great opportunity to make the most of central government and Local Enterprise Partnership funding to protect the Avonmouth area against an ever increasing flood risk, whilst also encouraging new investment and growth.”

Wessex Area Director Nick Gupta of the Environment Agency said: “By pooling resources and working in collaboration we can build improved flood defences to better protect more than 2,500 homes and many businesses for decades to come at the same time as protecting biodiversity and the environment.”

31. We trust the Council can see the parallels with the Property which is, as you know, situated just to the north of the area in question and can deliver similar benefits, generating employment and/or housing.

Brownfield Registers & Use of Brownfield Sites

32. The Guidance from the Department for Communities and Local Government states:

“What is the purpose of brownfield registers?”

*Brownfield registers will provide up-to-date, publicly available information on brownfield land that is suitable for housing. This will improve the quality and consistency of data held by local planning authorities which will provide certainty for developers and communities, encouraging investment in local areas. Brownfield registers **should include all brownfield sites that are suitable for housing development irrespective of their planning status**” (our emphasis).*

33. It is well known from court cases that an assessment of the openness of the green belt can include amalgamation of footprints and floor spaces across a site and the use of very special

circumstances to outweigh any harm. See for example *Lee Valley Regional Park Authority v Broxbourne Borough Council* [2015] EWHC 185, where Ouseley J said at §68:

“Once the issue is whether or not inappropriate development should be permitted in the Green Belt, all factors which tell in favour of the grant go to making up very special circumstances, which may or may not suffice. It is not necessary to go through the process of considering whether a factor is not a very special circumstance but nonetheless falls to be taken into account in favour of the development as another relevant material consideration.”

34. The very special circumstances that would weigh in favour of the Property of course include:

- 34.1. Existing buildings to be reused;
- 34.2. Consolidation of buildings across the site;
- 34.3. Better internal resilience to flood;
- 34.4. An agreed FEP for the site with warnings;
- 34.5. Accommodation at 2nd floor level;
- 34.6. Visual, landscape and ecology improvements;
- 34.7. Transport plan;
- 34.8. Economic regeneration and jobs; and
- 34.9. Business rates generated from use of the Property.

Confirmation of Proposals

35. Our client has previously outlined its willingness to further strengthen flood defences and provide alternative access to the Property. However, for absolute clarity, our client can confirm the following:

- 35.1. The proposal is for a privately funded length of flood defence from the Aust Services to Oldbury Power Station. The Environment Agency have confirmed that they either own or control the land over which the flood defences were built and therefore are able to permit the improvements to an agreed specification.
- 35.2. As called for in the Environment Agency, “Managing Flood Risk on the Severn Estuary” Report, this will be built on top of the existing defences to increase their height by approximately two metres.
- 35.3. This will reuse and upgrade the existing road that was provided when the flood defences were built. This road connects to the roundabout at the M48 Aust Services at the southern end and to the lane at the access to the Whale Wharf site at the northern end.
- 35.4. The road will be sheltered by the height of the increased bund and will have passing places. It will connect to all the existing bridleways and there can be picnic areas for amenity benefit.
- 35.5. The above proposal would provide improved flood defences and a road that will allow direct access from Whale Wharf to the M48 motorway. This will ensure reduced traffic in Littleton upon Severn.

36. The proposal is of course contingent upon us agreeing a commercially viable mix of uses for the site that would enable the above to be funded.

Questions for the Council

In order to determine a sensible way forward for use of the Property, we would appreciate the Council's responses to the following questions:

1. Does the Council accept in principle the findings of SMA, Royal Haskoning DHV and the Appeal Inspector that:
 - 1.1. The flood risk at the Property is correctly characterised as a residual risk of flooding and not a direct flood risk; and
 - 1.2. The maximum water level in a 1 in 200 year event has been modelled as 7.47m ODN whereas the crest level for the defence is 9.53 m ODN?

If not, please explain why.

2. Does the Council accept that the residual risk is appropriately mitigated by the FEP agreed in conjunction with the Environment Agency and yourselves in 2011? If not, please explain why.
3. Does the Council accept that the proposed works set out by Flood Control International to protect the buildings against overtopping (namely the 1 in 200 year scenario) would further mitigate against any residual risk? If not, please explain why.
4. Does the Council welcome proposals by the private sector, and specifically our client, to actively strengthen flood defences? If not, please explain why.
5. Does the Council accept the findings of DMM that the proposed uses considered within DMM's correspondence would generate significantly less traffic than that estimated by the Council under the current permitted use? If not, please explain why.
6. Does the Council accept that the Property should be included on Part 1 of the Brownfield Register? If not, please explain why it is not suitable.
7. Given the unusual level of resistance experienced to date and in light of the obvious economic and social benefits to be brought to the area in terms of housing, education and/or job creation, does the Council wish to now actively engage with our client to find a solution that will achieve an appropriate use for the site? If not, please explain why.
8. Specifically, given that South Gloucestershire has a significant housing shortfall will the Council reconsider its position on residential development at the Property if it can be demonstrated that any new housing can be build 600 mm above any overtopping flood water? If not, please explain why.

9. Does the Council in particular wish to engage with our client to explore its proposals to strengthen flood defences and at the same time find a suitable alternative access to the Property and the surrounding area? If not, please explain why.

Next Steps

I trust you will appreciate our client's growing frustration. As outlined, various proposed uses have been put forward to bring this brownfield site back into use. The flood risk is minimal and has been effectively addressed. The traffic impact would be no worse than under the existing permitted use. Beyond that, our client has made proposals that would further address both concerns.

The Council's approach to those proposals is puzzling to say the least, particularly when juxtaposed against the positive and proactive support given to the ASEA. We trust the Council accepts that its duties, and those of its officials, extend beyond merely protecting the views of certain local residents (which our client has nonetheless endeavoured to address with its proposals) to objectively promoting the wider interests of the authority's area, region and economy.

We ask for the Council's views in writing initially to the questions posed and, from there, our client and his advisors will be glad to meet with the Council to discuss an appropriate and constructive way forward.

If you require any further information to provide answers to the questions, please let us know. Either way, we would appreciate an acknowledgement within 7 days and a written response within the next 14 days.

Yours faithfully



Loney Stewart Holland LLP