

Noted, thanks. We will now review the procedure.

In the meantime, the appeal continues under the written procedure timetable.

Regards

Nick

From: Emma Fuller [mailto:EFuller@westberks.gov.uk]
Sent: 05 December 2013 15:14
To: Team P7
Cc: brian.smith@consuta.org.uk
Subject: RE: Planning Inspectorate: Ref 2208764: Beale Park, Lower Basildon, RG8 9NW

Dear Mr Patch

Thank you for the e-mail below and the opportunity to comment.

Footnote 18 does not say that that where there is local interest a hearing or public enquiry are the only options of appeal as expressed in the e-mail below. It does however highlight that the involvement of the public within the appeal process must be considered; I quote a *'hearing or inquiry may need to be considered.'* The appellant has expressed concern that under the written representation procedure the public would not be able to attend or participate. This is however incorrect. Subject to the agreement of the land owner the public would be able to attend the site visit and highlight any points of interest at the site. The scheme has generated 50 representations, the council consider that the written representations will allow for these parties to present their views effectively particularly given the nature of the comments raised.

With regards to the other consideration raised with regards to testing evidence the Council have already expressed their view on this and I trust this is sufficient for the Inspectorate to take a decision. The appeal process as a whole allows for openness and transparency and it is not considered that an hearing is needed to achieve this. For the reasons set out above and in my earlier e-mail, the Council feel that written representations are appropriate in this case.

Thank you for the opportunity to comment.

kind regards

Emma

From: Team P7 [mailto:TeamP7@pins.gsi.gov.uk]
Sent: 04 December 2013 16:23
To: Brian W Smith; Emma Fuller
Cc: Appeals
Subject: RE: Planning Inspectorate: Ref 2208764: Beale Park, Lower Basildon, RG8 9NW

Mr Smith - thank you for your email challenging our decision on the procedure for this appeal.

Emma - before I take advice on this, please send me the Council's comments on the points raised so that your views may also be taken into account in our review.

In the meantime, the appeal will continue under the written procedure as set out in our letter dated 2 Dec.

Regards

Nick

Nicholas Patch
Planning Inspectorate
Appeals Administration
3/06 Temple Quay House
2 The Square, Temple Quay
Bristol, BS1 6PN
Tel. 030 344 45479
Email: teamp7@pins.gsi.gov.uk

Advice about the appeals process is available at:
<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

From: Brian W Smith [mailto:brian.smith@consuta.org.uk]
Sent: 04 December 2013 09:58
To: Team P7
Subject: Re: Planning Inspectorate: Ref 2208764: Beale Park, Lower Basildon, RG8 9NW

Planning appeal, your ref APP/W0340/A/13/2208764

Dear Mr. Patch,

We are somewhat surprised by the decision to treat this appeal by written representation and would like this to be reviewed since this procedure is clearly wrong according to your 'Procedural Guidance Planning Appeals and Called in Planning Applications' document criteria.

Significant local public interest.

During our telephone conversation yesterday, you explained the main reason for deciding for a written appeal was that footnote 18 on bullet point 4 of the Hearing Section (Annex J page 49) allows the LPA to make a recommendation about which is the appropriate appeal procedure if there is significant local public interest, and your view is that the LPA is in the best position to judge how the interests of interested parties can best be accommodated.

Footnote 18 however states:- *Where the proposal has generated significant local public interest a hearing or inquiry may need to be considered. In such circumstances the local*

planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event.

Footnote 18 shows that the LPA can indicate whether the appeal should be by hearing or by inquiry procedure ONLY, it does not say written representation, and the choice by hearing or inquiry will be dependant on the number of people likely to attend or participate at the event. A written representation provides no possibility for people attending or participating, so is NOT an option covered under this footnote.

Also the section for written representations makes no mention of when there is significant local interest numbers. Clearly written representations deny local interest of any opportunity to attend or participate, as stated in footnote 18, so will not be appropriate in these circumstances. I would mention that there were some 50 separate representation letters for the application and over 10 of these were from local clubs representing their own members views. We have already had many requests from interested parties and the local media to be kept informed of when a hearing would take place, so we expect many would wish to attend.

Another key consideration

This appeal is not a simple case as suggested by the LPA and we are quite sure that the inspector will need to test the evidence by questioning or will need to clarify matters, this will be extremely difficult or impossible by a written appeal. Your criteria states that a written appeal is only appropriate if the inspector does not need to test the evidence by questioning or to clarify any other matters, so again a written representation is not appropriate under your own guide criteria.

Conclusion

There is significant local public and media interest about this appeal. The hearing procedure is important for openness and transparency for this application which is accepted of great local interest by ourselves and the LPA.

We request that you review the present appeal procedure and apply the published criteria, by adopting the hearing process for this appeal to permit a fair and efficient hearing for all interested parties.

Yours sincerely,
Brian Smith

01488 658795

----- Original Message -----

From: [Team P7](#)

To: brian.smith@consuta.org.uk

Sent: Monday, December 02, 2013 1:12 PM

Subject: Planning Inspectorate: Ref 2208764: Beale Park, Lower Basildon, RG8 9NW

<<101 - WR Start Letter - to Appellant 02_12_2013.pdf>>

Please find attached our start date letter for the above appeal, which we have decided will be dealt with under the written procedure.

Nicholas Patch
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Tel. 030 344 45479
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Correspondents should note that all communications to or from the