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Neil Devereux
Planning Inspectorate
VIA EMAIL ONLY

Dear Neil

PLANNING APPEAL: 6002643

Further to recent correspondence and in accordance with the inspector's timeline, I provide the following comments on the LPA and Third Party (TP) Statements regarding the Unilateral Undertaking and land control issues. I also confirm our position vis-à-vis pre-commencement conditions.

Unilateral Undertaking

We apologise for the matter of land ownership being raised late in the process. However, as all parties will appreciate, this is not a planning reason for refusal in itself. The suggested solution of the planning condition ensures that the development permitted cannot commence until the LPA is satisfied as to the land ownership and that all necessary land is bound by the planning obligations appropriately.

The beneficiaries of the drainage land support the development. They are not parties to the Unilateral Undertaking at this stage, but there is no suggestion of any objection in principle. This is not something that raises a planning concern, and the proposed condition provides a clear mechanism to address it before any development starts.

To this end, the UU is agreed between the LPA and the Appellant

Land Control Issues

Both the LPA and TP raise an issue about whether the beneficiaries would execute the UU, raising a concern about the 'certainty' which can be applied to whether the condition will be discharged or not. Contextually, I can confirm that the beneficiaries have consistently supported the Appellant's proposals from the very outset of the project.

With both the LPA and the TP making the point about certainty and expressing concerns about there being a sterile, unimplemented permission, it is necessary to examine the tests associated with assigning a condition to a planning permission. In planning condition terms, the focus is on ensuring that the conditions are clear in how they can be discharged. There is no requirement to demonstrate certainty that they will be discharged.

Pre-Commencement Conditions

For avoidance of doubt, and as requested by the Inspector, I provide formal confirmation that the Appellant accepts the various pre-commencement conditions proposed.

Yours sincerely
Nathan McLoughlin BSc (Hons) DipTP MRTPI
Managing Director