

It is almost a certainty that this application will not be determined today and that the final decision will be at appeal or judicial review.

Will the position you will be defending be where you can say you have put communities at the heart of planning and delivered the principles of sustainable development¹. Or will you be defending a permission which at the public inquiry you described as not your preferred option, one that poorly serves up to date policy objectives, a scheme which the Inspector found to be inferior, outdated with substantial adverse repercussions.²

Officers are advising that the submission of the ES “does not enable you to revisit matters of principle.” They have not said how they have come to this view, which we believe can be challenged. In 2006 the Government wrote to chief planning officers regarding amendments to be introduced following changes to the law referred to in para 10. They said “These amendments will provide for comprehensive assessment at the reserved matters stage so as to relate to **all aspects of the project which have not yet been assessed.**”³

Barrister Richard Harwood says that following these changes a planning authority can only grant consent when it has taken proper account of the impacts of a development, **even if that evidence only comes to light at the second stage of the planning process ie the reserved matters stage.**⁴ He describes the concept that a council is powerless to prevent inappropriate development with outline permission at the reserved matters stage **as unsound.**

In short you can form a judgement on the totality of this development using the standards of today, if this matter was before you as a fresh application would you approve it?

I turn now to the reserved matters. We have given this matter a great deal of consideration this site and its history deserves the best. It is the unanimous view of all Parish’s that the application is seriously deficient. The support of other statutory consultees is less than lukewarm. The position of the County is difficult to understand with officers also misinterpreting the current legal position. Nevertheless their observation that the mitigation proposed is questionable is germane.⁵ One hundred and seventeen personal objections have been made, not forgetting Tim Yeo MP.

Regarding design and layout a summary of our detailed views is on page 35 and 36 of the report. This is not simply about aesthetics, even though they are extremely poor. Almost half of the space is for the convenience of the car as late as last week footpaths and cycle ways were removed from the plan. Buses will not be able to navigate the labyrinth of twisting cul-de-sacs.

The report on the design of the development makes no reference to conservation and efficient use of water, sustainable drainage linked with habitat creation, on site recycling or that the houses and buildings will be built to the highest environmental standards; all contrary to local plan policy.

¹ Planning Policy Statement 1 Delivering Sustainable Development

² HMS Ganges 325 application Inspectors Report to the Secretary of State paras 152 and 153

³ DCLG to Chief Planning Officers 30 June 2006

⁴ Environmental Impact Assessment Richard Harwood Barrister 39 Essex Street Chambers April 2009

⁵ Para 115

Alternative and renewable energy is the subject of a section 106 agreement but is ancillary to the development not part of the overall design.

Finally the proposed conditions and section 106 agreements. The developer has voluntarily agreed to provide measures even though officers are of the view that they are not obliged to, could this be because they have received similar advice that they must address all of the impacts of the development?

The restriction to residents aged 55 may be enforceable at first occupation but it is not entirely unreasonable that children will come along in the future. We cannot see how this restriction can be enforced. Wardens and residential staff may have children. It is therefore entirely right that a contribution for pre school provision, education and play equipment be sought.

This development will have a major, significant adverse impact on the social and community infrastructure of Shotley. No provision other than restricted access to some facilities in the development (contrary to the outline permission⁶) Our village hall is at 100% capacity, meeting the needs of our young people will be diluted and they will have an even tougher fight for resources. A significant sum must be commuted to the community to offset this damage. The sum for health was based on the health impact assessment for the previous 325 application – a totally different demographic and I refer you to the views of the local GP practice at paragraph 201.

Experienced planning solicitor Stephen Ashworth has said that “None of us should be involved in delivering development to outmoded and obsolete standards simply because a consent is old” The time has come to remove this dead weight and allow an appropriate and sustainable solution to come forward.

⁶ Para 80 page 17