

Addendum

The following responses were received following the circulation of the draft report:

Email from David Adkins, Legal Officer, SCC to James Burt, Capsticks LLP, for Landowner. 02/06/23

Hi James

Just a quick reminder that the above deferred application is scheduled for our Panel meeting on the 16th June and so it would be appreciated if any further submissions could be sent to us as soon as possible.

Again, the Panel decision is by no means the end of the process. If the Panel were minded to accept the application and make an Order, then there is the standard 42 day consultation period from the date that Order was made. This means that if any objections were received during that time the whole matter would be referred to the Secretary of State for fresh appraisal.

Kind regards

David

Email From David Adkins, Legal Officer, SCC to James Burt, Capsticks LLP for the Landowner 21/04/23

Hi James

Further to your communication of the 17th inst. I have attached a copy of the Form 3.

The Form 2's are sent directly to landowners (by the applicant) during the initial consultation stage, rather than to us and should therefore already be in their possession.

Needless to say, please let me know if there is anything else outstanding.

Kind regards

David

Email From David Adkins to James Burt, Capsticks LLP, for the Landowner 17/04/23

Hi James

I am just out of our meeting and can confirm that we will defer the matter until the next Panel meeting.

The next possible meeting is on the 16th June and hopefully the matter can be considered there.

I will also email over copies of the Form 2 and Form 3 - although I will need to get these from the office in the morning.

Lastly, I noticed that one of the appendix C attachments has bounced back, so I will re-send this one to you shortly....

Kind regards

David

Email From James Burt, Capsticks LLP, for the Landowner to David Adkins, Legal Officer, SCC 17/04/23

Hi David

Thank you for your email. For the avoidance of doubt, I would like to see Forms 2 and 3.

As you say, it is a legal requirement that the Applicant have complied with the procedure and it is something that the Trust should be entitled to comment on. In addition, given the passage of time, the nature of that notice is relevant to the other points.

Kind regards

James

**Email From David Adkins, Legal Officer, SCC to James Burt,
Capsticks LLP, for the Landowner 17/04/23**

Dear James

Many thanks for your below communication.

In answer to the below points I can confirm that the Forms 2 and 3 do not form part of the Report in any matter – they are merely for our purposes, and identify the landowners concerned. They merely state who they are and the fact that the applicant has informed them of the application. As such we never include these and merely use them for procedural purposes.

The landowner response referred to is dated 1998 and is a letter from the NHS Foundation Trust and should have been included with the first report, apologies if this was not the case - I will of course send this over to you, along with the details relating to the Ramblers Association.

Needless to say, in light of the above points I will raise the question of a deferral at our meeting this afternoon and let you know the outcome.

In the meantime, I will send you a full set of appendices - they are already in email format, and so I will just need to forward them.

Thank you once again for your comments and I will be in touch again later today.

Kind regards

David

**Email From James Burt, Capsticks LLP, for the Landowner to David
Adkins, Legal Officer, SCC 17/04/23**

Dear David

Thank you for your emails.

The Trust remains very concerned that it has not received all the evidence on which the Council would be entitled to form a view, and in respect of which the Officer made their report.

This includes:

1. Form 3 provided by the Applicant (so far as the Trust is aware only Form 1 has been provided – please confirm if there is a Form 2); and
2. The “landowner response form” referred to in the second report dated 1999 (other historic correspondence has been provided but none so far as apparent from 1999).

In addition, I note that the response of the Ramblers, which I had taken to have been a recent addition, is in fact contemporaneous to the application. It is not referred to in the first report, which must raise the prospect that it was only identified as forming part of the application after the date of the first report. In that case, the time which it has been available to the Trust is only very short, as with the revised matrices, and only at my request.

Both issues raise the prospect of further issues in terms of evidence available which are not immediately apparent.

What I would therefore propose is that:

1. The Second Report is considered at an alternative meeting of the relevant decision maker; and
2. In the interim, the Trust is provided with a complete set of documents on which the Second Report has been prepared, and I can provide a “Dropbox-style” link for this purpose (Mimecast).

For completeness, I note that the Trust has serious concerns about the contents of the Second Report and the basis on which it has prepared, but for present purposes it is sufficient to note the above difficulties which the Trust would presently have in responding completely or accurately to them.

I look forward to hearing from you as soon as possible.

Kind regards

James

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- A number of documents missing from the bundle were subsequently sent to Capsticks within the same timeframe.