The Linhay  
Old Hazard  
TQ9 7LN 7th June 2016

Dear Mr Eland re. APP/3146496  
Please accept this as my Final Comment on the Statement of Case by the LPA.

Firstly please include my email to you on 26th May 2016 as a formal response to the LPA statement of case.  
  
I would like it noted that with regard to the letter from Environmental Agency mentioned in the LPA’s statement 5.4, we will address this at the Inquiry.

I note that the LPA has now supplied the list of documents to be used. Please could you kindly request for copies of the redacted complaint and officer notes referred to in points 11 and 12 to be sent to me as soon as possible via email.

I would also like it noted that I expect this to be the LPA’s full list of documents which they will be relying on at Inquiry. I am not expecting following exchange of proofs of evidence to find reference to or the inclusion of documents that could and should have been referred to at this time.

With regard to procedure I would like to re-state my original invitation in my email of 11th May 2016 that I am ‘prepared to immediately withdraw my ground 'd' arguments provided that the park authority do not make an application for costs at this time in relation to withdrawing the ground 'd' appeals, and provided that the park authority agree to the appeals being dealt with by the hearing procedure.’

In response, the LPA stated that they would only be willing to downgrade to an Informal Hearing if I was to drop all grounds for argument under grounds b and c, as well as d. However this would mean dropping arguments of what is already accepted as ancillary to my forestry use of the holding and therefore I am not able to drop these arguments.

The final decision rests with PINS, but in my opinion my appeals could be dealt with satisfactorily by adopting the hearing procedure if there is no ground ‘D’ appeal to consider, and I believe that the LPA’s position will result in me incurring unnecessary costs. After all I would not need to enlist legal representation or a barrister at a hearing, and I recognize that the costs of the inspectors time are also going to be extended into a significantly longer process should we continue to this public inquiry rather than a hearing. Put simply, what could be dealt with at a hearing in a single day will inevitably take 3 days at a Public Inquiry.

In terms of costs, whilst I am primarily dealing with the administration side of the appeal myself, I have already instructed both planning consultants, and legal advisers who have provided advice in connection with the enforcement notices served and the appeals already. They will continue to provide advice throughout, and will appear as witnesses and / or as advocate at the public inquiry, unless the procedure is changed.

I thank you for your help in this, Yours truly,  
Doug King-Smith