18th April 2019

FAO Inspector Housden
c/o Programme Officer – Louise St John Howe

Dear Ms St John Howe

**RE North East Derbyshire Local Plan Examination**

I write further to the Inspector’s letter to North East Derbyshire District Council (“NEDDC”) of 18 February 2019 (ED65) wherein the Inspector set out interim findings on the emerging Local Plan.

A key implication of that letter was the proposed removal of our site (DR2) as a draft housing allocation. This is notwithstanding the fact that this is a site that has had clear support from the Council throughout the consulted iterations of the Plan, and it is in accordance with the Council’s proposed spatial strategy.

This point is further emphasised in North East Derbyshires subsequent correspondence to you dated 27 March 2019 (ED76) wherein they again make the case for its inclusion in the Plan.

Despite the Inspector’s stated intention to not be “inviting comments from the Council or anyone else on the matters raised in this letter” (ED75), removal of the site at this stage is of course prejudicial to Richborough, particularly given the paucity of reasoning included within the interim findings. Therefore I therefore enclose Counsel’s Opinion concerning the latest stage of the examination, which makes it clear that doing so renders the plan both unsound and unlawful.

On the basis of the information before us and discussions had with the local authority on this matter, we will likely be left with no option but to Judicially Review the legal compliance of the plan should it proceed as per the Inspector’s proposed drafting.

The rationale for that approach is as clearly set out in the Counsel opinion.
For these reasons I respectfully encourage the Inspector to give further consideration to the role that site DR2 plays in supporting both the spatial framework and North East Derbyshires ability to meet its housing requirements in order to deliver a sound and legally compliant local plan.

Yours sincerely

James Carpenter BA (Hons) MSc MRPI
Planning Director

(e) jamesc@richboroughestates.co.uk
(t) 07903 175 898

Enc. Counsel opinion of Thea Osmund-Smith of No5 Chambers dated 19 March 2019

cc Richard Purcell, Head of Planning (NEDDC)
     Helen Fairfax, Planning Policy Manager (NEDDC)