

Date: 31 October, 2016

Your Ref:

Our Ref: ED / EJG / 000429

Mr Chris Burgess
Hansells Solicitors and Financial Advisors
13 The Close
Norwich NR1 4DS

Dear Mr Burgess

PF/16/1251: Childrens' Playground, North Lodge Park, Overstrand Road, Cromer

I am instructed to advise the North Norfolk District Council (the NNDC). I have been provided with a copy of your letter to Nicola Baker dated 17 October 2016 and asked to reply on behalf of the NNDC.

The first point to make is that the NNDC has sought to build a good, pro-active and productive relationship with your Client, the Friends of North Lodge Park. It is therefore very disappointed to have received your letter urging it to withdraw the application for planning permission for a 48 space car park on the redundant children's playground at North Lodge Park on the grounds that it may not, in some way, have complied with legislative or constitutional procedures.

Your letter makes a number of references to the need for a high standard of probity to be upheld by the NNDC in dealing with this matter given that the application for North Lodge Car Park is being submitted by the NNDC as land owner where it is also acting as the local planning authority. In addition, a number of references are made to good practice guidance and case law. The NNDC is fully aware of its duties and the good practice and law referred to. It has every intention of exercising its statutory functions in relation to the determination of this planning application in the same way as all others, without bias or pre-determination.

Planning applications by landowning local authorities to themselves as local planning authority are commonplace and the issues requiring particular care and attention are well known and understood. You will see from the enclosed 'Planning Protocol for North Norfolk District Council Developments' that the NNDC has already given this issue specific consideration and one way in which it seeks to transparently demonstrate its impartiality in considering its own planning applications is through the Constitution requirement that any applications made by the NNDC to itself must be determined by Development Committee. This application is still under consideration and so a recommendation is yet to be made to Members, which will follow the conclusion of the statutory consultation process. It is not

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accepted that this application has been pre-determined in any way nor is there any evidence whatsoever to support such an allegation or the suggestion that some form of bias has arisen in the course of consideration.

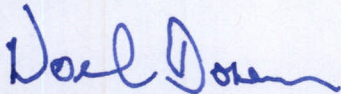
The NNDC has been approached by both your Client and the Cromer Town Council to meet to discuss the application proposals. As previously advised to your Client, the NNDC has declined both such requests as the proposed development is currently the subject of a formal planning application and statutory consultation. We do not believe that it is appropriate to meet with interested third parties to discuss the proposal outside of this process. To do so might be seen by other interested parties, particularly those with objections to the proposal, as compromising either the Friends of North Lodge Park, the Town Council or, more particularly, the NNDC's own due process in the consideration of this planning application.

I can confirm that the NNDC, as local planning authority, is satisfied that any required documents have been requested and submitted and that the application is full and valid in this respect. Your Client's allegation that the application omits to include information which a private developer would have been asked to submit is categorically denied. If, as a result of the statutory consultation process further evidence/documentation is required by consultees, such information will be requested at that time. All comments submitted as part of the consultation process, be they in support, in objection, or simply making comment, will be taken into consideration before any recommendation is made to members of the Development Committee.

I note your clients have requested that the application is withdrawn and that you strongly urge the same. The NNDC, as landowner and applicant, does not intend to withdraw the application, there would be no public interest in pursuing such a course of action and, in fact, there would be a detrimental waste of public resource. That being the case, the NNDC, as local planning authority, then has a statutory duty to determine the application, which it is in the course of doing.

If you should have any further comments in relation to this matter then please do not hesitate to raise them with me.

Yours sincerely,



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