

19 April 2023

Dear David,

Lower Hockenden Farm, Swanley (appeal reference APP/G5180/C/22/3312256)

I responded to your email of yesterday afternoon (18th April), and I acknowledged it within half an hour, only to receive an out of office notification from you saying you are now on leave until 24th April. I rang your office switchboard this morning and spoke to a colleague who confirmed this is indeed the case.

As you will know from listening to your voicemails, I have made 2 unsuccessful attempts to contact you by phone on 4th April, a further 2 attempts on the 5th, and others on the 11th, 13th and 17th. I have also emailed you (and copied in your colleague John Stephenson on several of these) on the 5th, 11th, 13th and 17th. I also invited you to attend a site meeting with your rights of way colleagues on the 12th, but my invitation was ignored, and no one from the planning team attended.

As I've said in my emails, I've come into this situation without involvement in any of the history, and am keen to work with you as constructively as possible to get everything satisfactorily resolved. I also said I thought that this was likely to include reviewing some of the decisions that have been made in the past that led us to this point where we find ourselves trying to resolve the issue through a Public Inquiry, rather than by agreement.

I have pointed out that I needed to talk through with you BSG's proposed solutions to the way forward and obtain your input, in order to make sure everyone agreed on the objective we are working towards, and the detail of how it is going to be achieved.

Other than a brief exchange of emails on the 5th between us, in which you made a request of me to advise at the outset how BSG would intend to resolve this matter (and which I have been making repeated attempts to try and do), I have been unsuccessful in getting any response from Bromley Council either verbally or in writing.

I know you will already be aware of the following paragraphs from the Planning Inspectorate's Procedural Guide – Planning appeals – England in relation for the need for an appellant and planning authority to work collaboratively, and in particular the following paragraphs from Appendix R

“R.1.2 It would be a good idea for the appellant to discuss the draft statement of common ground with the local planning authority when they contact them before they make their appeal.”

“R.2.3 Working together in agreeing a statement of common ground will assist the parties in providing relevant evidence and should help to reduce the quantity of material which needs to be presented and considered and help inform the early engagement process.”

From the outset of my involvement, I have been clear that I am trying to explore with you how we might get things resolved acceptably, and possible alternatives to going through a protracted and adversarial appeal process. I also wrote to you after the site meeting on the 12th following an unsuccessful attempt to contact you by telephone, to say that I thought *“the best approach will be to*

agree a solution together and then confirm with an exchange of written correspondence – avoiding the need for a formal appeal process, but obviously I will need your input into this for it to work.”

We now (Bromley and BSG) find ourselves in a situation where we need to update our Statements of Case for a Public Inquiry on 28th April, however, the earliest you could now enter into any discussion on this is the 24th, and even then only to review emails I might send on a proposed approach - with no current commitment from Bromley even to respond.

On the basis your leave was pre-planned and not due to some unforeseen personal or family emergency, I'm very disappointed by this. In any case, even if unforeseen, you have not given me any alternative contact who will be managing this issue in your absence.

I've tried earlier to contact John Stephenson by phone to see if he could assist, but his voicemail is saying he is out of the office. I've also copied in Marion Paine and Paul Courtine, who I understand are the solicitors managing this appeal on behalf of Bromley Council, for information.

I will obviously need to have further discussions with BSG as to how they want to proceed in the light of the current situation, however, if someone else from Bromley (Neil, Marion or whoever else might be appropriate), would contact me to discuss this urgently, I would very much appreciate it.

Yours sincerely,



Adrian Lynham
Director
Continuplan Limited

Cc: John Stephenson, Bromley Council
Mairon Paine, Bromley Council
Paul Courtine, Bromley Council
Donna McBride, Bournemouth Sand & Gravel