

Environment & Development Department
Planning & Building Control

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Contact: **Mr J Berriman**
Direct No. **01584 813334**
File Ref:
Your Ref:
Date: 17 March 2009

Mr James Caird
Glebe House
Caynahm
Ludlow
SY8 3BN

Dear James

RE: BISHOPS CASTLE BIOMASS APPEAL

Thank you for your letter of the 10th March 2009. I think that it is understood that you are bound to give some limited professional response in so much that it does not undermines the overall position of the council and with a view to avoiding or reducing our costs.

Bill Jones has instructed me to state that if in your opinion the third parties have unnecessarily led to the Council incurring additional costs then a claim should be made against the third parties for recovery of those costs.

Yours sincerely

Rob Mills
Senior Development Control Officer

Caird Consulting

Architecture Town Planning Urban Design Conservation

Mr. R.C Mills
South Shropshire District Council
Stone House
Corve Street
Ludlow
Shropshire
SY8 1DG

Date 10 March 2009

My ref

Your ref

Dear Rob

BISHOP'S CASTLE BIOMASS APPEAL

Rob - I think that James is bound to give some limited professional assistance in the matter as it does not involve the overall performance of the Council and to avoid reduce our costs. Leg

You've probably heard that the appeal has had to be adjourned until April. The Rule 6 parties are making a meal of it and it looks like at least 2 more days. In addition, we have agreed to meet at Niall Blackle's office next week to agree (if we can) the conditions which the Rule 6 parties have yet to sign up to despite all the work in advance.

I assume you'll want me to continue to act for you. Is £500 a day still ok? I'll only charge half for the conditions meeting. In the meantime I attach my invoice for work so far as I guess you'll be wanting to deal with it before the end of the financial year.

There are a couple of points I should bounce off you.

1. My evidence

Judging from submissions from the Rule 6 Parties and the comments of the objectors, I won't be able to avoid being cross examined. Clearly I can stonewall demands for evidence on behalf of the Council about the Council's view and all the historical baggage. But I may be asked for my professional opinion which I would be bound to give. Having heard all the evidence I can hardly claim not to have a view. As all the evidence points towards an approval this would have to be my judgement (unless the Rule 6 parties come up with some convincing arguments in their evidence yet to be heard). No doubt this will create outrage amongst the objectors because of the repeated comments of their brief that the Council should have been protecting their interests.

2. Costs

It seems to me that there will inevitably be a application of costs against the Council. Non-determination is not explicitly referred to in the Circular as unreasonable behaviour on the part of the Council. However, it seems more than

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RTPI



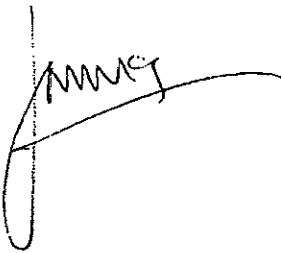
possible that the Inspector will find the Council's position unreasonable and award costs accordingly. Either way, I would like to be able to argue on your behalf that the Council has done everything it could under the circumstances to avoid costs to the appellants by not presenting a case.

Whilst the fact of the PI may have been the Council's responsibility, its length most certainly has not been. This is entirely the responsibility of the Rule 6 Parties whose case has been pettifogging in the extreme. I think that there is a very good case to be made for asking for a proportionate part of any award of costs to the appellants to be paid by the Rule 6 parties because of the unreasonable way they have conducted their case; by excessively prolonging the Inquiry over matters which any properly advised party (as they are) should be aware are not of proportionate relevance to the decision to be made.

What do you think?

With best wishes

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. J. [unclear]', written over a vertical line. The signature is stylized and somewhat cursive.



Elizabeth
Davies/STAFF/SHROPSHI
RE-CC

27/04/2009 09:22

To Roy Morris/CSSD/SHROPSHIRE-CC@SHROPSHIRE-CC
cc
bcc
Subject Fw: [Fwd: BioMass Appeal]

First of three e-mails from Rob Mills

Elizabeth Davies
Planning Technician/Admin (South)
01584 838362
www.shropshire.gov.uk

----- Forwarded by Elizabeth Davies/STAFF/SHROPSHIRE-CC on 27/04/2009 09:23 -----

Rob
Mills/STAFF/SHROPSHIRE
-CC

27/04/2009 09:11

To Elizabeth
Davies/STAFF/SHROPSHIRE-CC@SHROPSHIRE-CC
cc
Subject Fw: [Fwd: BioMass Appeal]

----- Forwarded by Rob Mills/STAFF/SHROPSHIRE-CC on 27/04/2009 09:12 -----



James Caird
<james@caird.org.uk>
25/03/2009 14:19

To Rob Mills <rob.mills@southshropshire.gov.uk>
cc
Subject [Fwd: BioMass Appeal]

Dear Rob

Here is the latest version of the conditions which I am happy with. The changes are all beneficial as they improve upon or clarify the monitoring regime and other standards involved.

Please let me know if you have any concerns.

Best wishes

James

----- Message from Niall Blackie <N.Blackie@fbcmb.co.uk> on Wed, 25 Mar 2009 11:37:34 +0000 -----

To: 'MIKE DAWES' <mdawes@hafodwenpowyfl.orangehome.co.uk>, 'Karen'
<karen@unionstreetgarage.co.uk>

Subject: BioMass Appeal

Dear Michael

I am attaching the draft conditions which I have amended following our discussion last week - can you look at them and let me have any thoughts as to their drafting? I appreciate that your ability to negotiate on them was extremely limited. I propose to email to the Inspectorate as follows