



Clerk: Mrs. M Bradshaw MIA CiLCA

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Mr Guy Davies, Inspector
HM Planning Inspectorate

15th September 2025

Appeal ref. : APP/X0360/W/3364304

Land between Lodge Rd and Tape Lane, Hurst RG10 0EG

Dear Mr Davies,

I am writing to seek clarity on the admissibility of evidence submitted by the Appellant in advance of the adjourned hearings of this Appeal. The Parish Council and other interested parties have two major concerns:

- i. The lateness of a number of the submissions, well past the deadlines set when you adjourned the hearings.
- ii. The subject matter covered by a number of the submissions, that goes well beyond the limited comments that you requested.

Lateness of submissions

You adjourned the hearings to enable the Appellant to submit additional evidence regarding flooding risk at the site, on the basis that the Environment Agency had not responded to various requests by the Appellant in a timely manner. We (the Parish Council and other interested parties) were disappointed by the adjournment, as more than nine months had passed since the Planning Application had been refused, which we judged to have been more than adequate for the Appellant to have engaged with the EA and prepared their flood risk assessment. However, it was clear that there were a number of issues outstanding that you wished to be resolved properly, and you clarified that we could respond to the Appellant's new evidence, the deadline for receipt of our new evidence being set as 2 September.

The Appellant accordingly submitted new evidence on Flood Risk, on 15 August, comprising around 30 documents, and the Parish Council and three other interested parties (all in copy) duly submitted their responses to this by 2 September.

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We were therefore surprised and dismayed to note the submission of four additional flood risk documents by the Appellant on 9 September, and five additional documents on 12 September, in one of which the Appellant noted that this gave the LPA and other interested parties 11 days to review the documents.

I would draw your attention to two salient points: first, the Appellant disclosed that they had actually received the required EA documents on 5 August, so that it had the Appellant taken more than a month to respond; secondly, although the interested parties do indeed have at least 11 days in which to review the documents submitted on 9 and 12 of September, the format of the Hearing gives us no opportunity to respond to these documents, either in writing or verbally, making any review by us in those 11 days somewhat pointless. Perhaps you can rectify this imbalance by inviting at least one of the interested parties to speak at the re-convened Hearing?

We submit that the Appellant has grossly abused your decision to allow a deferral, seeking to gain advantage by ignoring deadlines and submitting a set of continually evolving flood risk assessments to try to address the inherent weakness of their case in respect of the flood risk. We would therefore ask you clarify whether this was acceptable behaviour by the Appellant, and if not, we request that you disallow all evidence received after the deadline 2 September. They had nine months to prepare their evidence, and they singularly failed to do so.

Subject matter of additional evidence

Although the Hearings were adjourned to allow submission of additional evidence in respect of flood risk, we note that the Appellant submitted material new evidence concerning i) the veteran trees on the site that were cut down by the Appellant previously, and ii) the Local nature Recovery Strategy. This new evidence goes well beyond the comments on these two issues that you had requested. These issues were covered during the original Hearings and are not listed to be reviewed again during the rescheduled Hearings. We therefore contend that it was not admissible for the Appellant to submit materially new evidence on these topics, and that their views on these should have been submitted and questioned in conformity to the original Inquiry deadlines. Again, we ask that you clarify whether this new evidence on these topics is acceptable, and if not, we request that you disallow it.

For the avoidance of doubt, the Parish Council and other interested parties are firmly of the view that none of the new evidence submitted by the Appellant late, and on the 0118 979 8914





topics already inspected as well as on flood risk, in any way strengthens their case. We are seeking clarity on the admissibility of this evidence purely on the grounds of fairness and what we hope is procedural correctness.

Yours sincerely,

David Boyd

Vice-Chair, St Nicholas Parish Council

cc: Andrew Dolinski, Jonathan Norris, Andrew Butler

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