

Your Ref APP/Y1138/W/22/3313401
Our Ref DS/SJS/1883
Date 6th September 2023



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Robert Wordsworth
The Planning Inspectorate
Temple Quay House
2 The Square
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Bristol BS1 6PN

Dear Robert,

**APPEAL BY WADDETON PARK LTD C/O AGENT
APP/Y1138/W/22/3313401: LAND AT HARTNOLLS FARM**

Please find attached rebuttal statements of the Appellant and a draft Unilateral Undertaking and summary table. These comprise, firstly:

- A rebuttal to Aaron Beacham's PoE;
- A rebuttal to Anthony Aspbury's PoE;
- A rebuttal to DCC's statement

All 3 of these rebuttals have been prepared by David Seaton. As you will be aware the Appellant will call Mr Seaton to give evidence and, where appropriate, participate in round table sessions.

In addition we attach also attach rebuttal's from:

- Neil Thorne – on transportation and locational sustainability matters raised by Anthony Aspbury
- Andy Williams – on landscape matters raised by Andy Williams

These additional rebuttals have been produced as a result of the evidence in Mr Aspbury's proof of evidence which went beyond the Council's case. As the Inspector will be aware from the additional statement of common ground, the Council has disavowed this evidence, omitting it from Mr Aspbury's proof and confirming that they are not advancing a case that the appeal proposals should be refused on either of these grounds.

Nevertheless, as Mr Aspbury's proof was published, the appellant has considered it necessary to commission rebuttal proofs from Mr Thorne and Mr Williams to address the points raised by Mr Aspbury but not disavowed. Given the Council's subsequent agreement in the additional statement of common ground our provisional view is that neither Mr Thorne nor Mr Williams will be needed to give evidence. However, we can of course make both available should the inspector

have any questions or concerns about the matters that they cover. We would ask, if at all possible, that the inspector confirms whether this will be necessary ahead of the Inquiry in order that suitable arrangements can be made.

The Appellant appreciates that this is, on the face of it, a large number of rebuttals but they are predominately necessitated by:

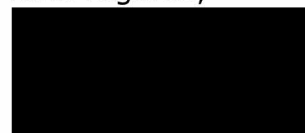
- The original scope of Anthony Aspbury's PoE
- The introduction of new housing supply evidence and errors and contradictions contained within Aaron Beacham's PoE
- The lack of evidential justification provided by DCC in their statement.

The appellant will wait to see what the final position of the LPA and DCC are in relation to matters addressed by these rebuttals but, at this point, considers that, in accordance with good practice, it should be placed on record that the behavior of both Councils appears to give rise to appropriate circumstances for both a procedural and substantive award of costs to be made to the appellant.

Please note that whilst the Appellant has submitted a PoE on Archaeology (from Peter Cox), due to the execution of the Supplementary Statement of Common Ground (Archaeology) (CD7) and DCC's withdrawal of their objection to the appeal proposals the Appellant does not intend to call Mr Cox.

Also attached is a draft Unilateral Undertaking and a summary table. The table sets out the current respective positions of the main parties in relation to CIL Regulation 122 compliance (or not). The Appellant's position in relation to these matters is more fully set out in Core Documents 10 and 11 (and the DCC rebuttal attached to this letter).

Kind regards,



David Seaton, BA (Hons) MRTPI
For PCL Planning Ltd



Enc. Rebuttal statements
Unilateral Undertaking
Summary table