
From: Kay Sully
Sent: Friday, December 21, 2012 5:01 PM
To: 'Morag Thomson'; Kath Haddrell
Cc: rwoodbridge@prologis.com; Lewis, Chris; Hugh Scanlon; Laura-Beth Hutton
Subject: RE: DIRFT III - URGENT

Dear Morag

Thank you for your email of 19th December.

I am able to confirm that the alternative approach does appear to address the concerns discussed at our meeting of the 5th December and the actions that the Planning Inspectorate considered were necessary to overcome the non-acceptance of the first application. It is a matter for you as to what is sent out for further consultation but obviously it is important that the relevant issues are laid out fully to the relevant parties to enable them to make appropriate comments and we will also ensure that all our correspondence is available on the website in time for your suggested period of consultation. Given we have already published the s.55 checklist, it may be helpful to avoid the use of the word checklist in your consultation correspondence as this potentially could cause confusion to the consultees.

Please note that Kath Haddrell and Kay Sully will be working over the festive period, with the exception of 24th December and bank holidays, should you have any further queries.

Lastly, as Kath Haddrell has previously advised, it is not appropriate for any applicant or their agents to contact any Inspector directly via email or post, so please do not send any further correspondence to Dr Pauleen Lane. All contact should be via the case team.

We look forward to receiving the revised shape file shortly and the resubmitted application in due course.

Yours sincerely

Kay Sully

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Kay Sully
Case Manager
National Infrastructure Directorate,
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BS1 6PN

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Email: kay.sully@infrastructure.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our [Information Charter](#) which you should view before sending information to the Planning Inspectorate .

From: Morag Thomson [mailto:moragthomson@marrons.net]
Sent: Wednesday, December 19, 2012 2:15 PM
To: Kath Haddrell; Kay Sully
Cc: rwoodbridge@prologis.com; Lewis, Chris; Hugh Scanlon; Laura-Beth Hutton
Subject: DIRFT III - URGENT
Importance: High

Please see attached indicating a change of suggested way forward.

Regards

Morag

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Tel: 0116 289 2200
Website: www.marrons.net

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Katherine Haddrell
Senior Case Manager
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The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

BY E-MAIL: kath.haddrell@infrastructure.gsi.gov.uk

19 December 2012

Our Ref: MET VT 4437-1-1
Your Ref: TRO50001

Dear Ms Haddrell

**PLANNING ACT 2008
RUGBY RADIO STATION LIMITED PARTNERSHIP AND PROLOGIS UK
LIMITED
RESUBMISSION OF APPLICATION PURSUANT TO SECTION 37 FOR A
DEVELOPMENT CONSENT ORDER IN RESPECT OF THE ALTERATION OF A
RAIL FREIGHT INTERCHANGE (DIRFT III)**

I refer to the non-acceptance of the above application, the meeting held on 5 December 2012, and subsequent e mail and other correspondence.

My clients have now reluctantly come to the conclusion that they will not re-submit the application this week due to the attendant uncertainties as to whether that re-submission will be acceptable to the Planning Inspectorate. They are very disappointed and remain of the view that the initial failure to accept the application, and the subsequent barriers raised to a quick resubmission, are unjustified and unreasonable.

Nonetheless, it is vital that we move forward positively and we wish to make progress on a re-submission without delay on an agreed basis. To that end I set out below the steps it is now intended to take to submit an acceptable application and the timescale. My clients need to receive confirmation from the Inspectorate that this revised course of action resolves all the outstanding concerns of the Inspectorate in relation to the re-submission. The scheme cannot risk a further rejection upon re-submission.

If this programme is not met then there is a significant risk of the development being delayed by a year due to the timing of new relocation works.

PARTNERS: Kevin Sumner Ltd (Co No 7249764), John Edmond Ltd (Co No 7251400), Morag Thomson Ltd (Co No 7253938), Nicholas Robinson Ltd (Co No 7261010), Simon Stanion Ltd (Co No 4960084), Louise Mee Ltd (Co No 4964164), David Prichard Ltd (Co No 7539461), Emma Tattersdill Ltd (Co No 7700323)

CONSULTANT: Peter Marron Ltd (Co No 04960803) ASSOCIATES: Louise Hryniw, Anil Kumar, Julie Russell, Paul Wakefield, Kate Harrison, Chris May

DIRECTORS OF PLANNING: Richard Dunnett, Jane Gardner, Alasdair Jones

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The intended course of action is as follows:

1. Further s.42 consultation exercise

On 3 January 2013 all the s.42 consultees (including Cambridgeshire County Council) will be sent a letter, in similar form to the previous s.42 consultation exercises, advising of a stage 3 consultation period commencing on 4 January and finishing on 1 February 2013. This consultation will include Leicestershire County Council, specifically written to as highway authority even though no works are proposed within their administrative boundary. It will also include all authorities which would have been consulted had works been proposed within Leicestershire.

A further s.46 notice will be issued to the Inspectorate on or before the stage 3 consultation.

2. Documentation

The s.42 consultees will each receive a hard copy of the Pre- Acceptance Submission Update Document (amended and finalised from the draft you have seen) which will set out the changes to the scheme and documentation since the stage 2 consultation and the reasons for the non-acceptance and how these have been addressed.

The letter will include a link to the developer's website which will include all the documentation submitted with the application and the following documentation being submitted to overcome the acceptance issues:

Revised Document List
Pre Acceptance Submission Update
Additional Overall Scheme Plan
Replacement plans of Highway Works
Replacement Chapter C of Environmental Statement
Replacement TA with plan revision numbers amended

3. Consultation Report Update

Following the completion of the stage 3 consultation consideration will be given to any responses and a Consultation Report Update will be prepared to provide the necessary information in respect of the stage 3 consultation.

4. Resubmission

The Inspectorate is already in receipt of a further application fee and a revised shapefile will be with you shortly as requested. It is anticipated that consideration of the consultation responses will take place in early February with the re-submission later in February.

In order to ensure no further delay my clients request confirmation from the Inspectorate that the above course of action addresses all of its concerns expressed in relation to the

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resubmission. Our client's consultants and others will be working on this over the Christmas break and confirmation is required prior to the Christmas break that these resources are being appropriately applied.

I look forward to hearing from you without delay.

Yours sincerely

MORAG E THOMSON

moragthomson@marrons.net

cc Dr Pauleen Lane – Planning Inspectorate
S Pell - British Telecommunications plc
N Mcleod – Aviva Investors
R Woodbridge – Prologis UK Ltd
C.Lewis – Prologis UK Ltd
H. Scanlon – Nathaniel Lichfield & Partners

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