

Javad Hakimbashi (trading as Anglo Investments)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

My Ref: PU/AC

Your Ref:

And to [REDACTED]

Date: 24 February 2023

Dear Mr Javad Hakimbashi

**Revised Exemplar Neighbourhood Masterplan and Supplementary Planning Document Consultation (SPD)**

Thank you for your email response to the above consultation. The Council has carefully considered your representations.

Moreover in the light of your submission that it would be unlawful for the Council to adopt the SPD in its present form it is appropriate to comment further.

As you are aware similar comments have previously been made on your behalf by Temple Bright LLP by letter dated 30 March 2022. The Council responded in detail by letter dated 25 May 2022, a further copy of which is attached hereto for ease of reference. The Council's previous comments remain apposite. In addition the following points are reiterated.

It is noted that your representations rely upon reference to supporting text as the basis for the submission that the SPD amounts to a fundamental change in approach which conflicts with the Core Strategy and is therefore unlawful.

Your approach, respectfully, is incorrect for the reasons originally identified in the letter of 25 May 2022. The SPD upon which there has been two rounds of consultation is consistent with and derived from planning policy in the Core Strategy. It has moreover been made pursuant to and in accordance with the adopted Core Strategy which contains a suite of policies, including CS1, CS2, SG2, GC1 and GC2 among others, identifying the need for regeneration. Your approach fails to have proper regard to that textual body of Core Strategy policies. For example policy CS2 expressly states that in the Exemplar Neighbourhood (SG2) "...sites will be brought forward in accordance with approved masterplans to demonstrate a comprehensive and co-ordinated approach to site development and infrastructure provision."

Supporting text, such as the extract from paragraph 17.4 upon which you rely, does not constitute or equate to planning policy per se. Established case law makes a clear and significant distinction between the status of development plan policy and supporting text. This is not an instance in which new policy is being promoted outside of the development plan process. Rather it is an iterative development of policy within an established adopted plan framework which expressly provides for the preparation of a masterplan

within its terms. Moreover, whilst the meaning of policy is a legal matter, the interpretation and application of such policy is a matter of planning judgement for the planning decision-maker. The Core Strategy must properly be read as a whole and primacy given to the terms of policy therein.

The position as set out in the SPD is one which the Council as Local Planning Authority is fully entitled to reach. In consequence the Council will shortly be moving towards adoption of the SPD.

Within that context, the Council would reiterate that it of course remains receptive to further discussions with yourself and other affected parties and in particular, as identified in the letter of 25 May 2022, to your substantive proposals for regeneration, or, alternatively, "reinvigoration". Please do not hesitate to contact me in that regard.

Yours sincerely



**Peter Udall**  
**Strategic Director**  
**Economy, Innovation and Growth**

Cc. Zahra Hakimbashi