

8 May 2009

Richard Max
Richard Max & Co Solicitors
63 Long Acre
London
WC2E 9JN

Our Ref: APP/A5840/A/05/1184427

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY BARRATT HOMES (EAST LONDON) LTD
LAND AT DOWNTOWN ROAD AND SALTER ROAD, ROTHERHITHE
APPLICATION REF: 04-AP-1721 (DATED 17 SEPTEMBER 2004, AS AMENDED
PRIOR TO THE INQUIRY)**

1. As you are aware, an Order was issued by the High Court on 20 August 2008, quashing the decision of the Secretary of State contained in her letter dated 8 August 2006.
2. The Secretary of State wrote to interested parties on 5 February, 18 March and 25 March inviting representations under Rule 19 of the Town and Country Planning (Inquiries Procedure)(England) Rules 2000. In her letter of 18 March the Secretary of State extended the deadline for receipt of comments, as requested by Richard Max & Co Solicitors and Southwark Council. A list of correspondence received in response to her letters is summarised at Annex A to this letter.
3. Having carefully considered all the representations received, the Secretary of State has decided, in accordance with her powers in Rule 19(1)(c) of the Town and Country Planning (Inquiry Procedure)(England) Rules 2000, to re-open the inquiry in order to ensure the full and proper consideration of the appeal proposals. The Secretary of State considers that, in this particular case, there would be clear benefits in re-opening the inquiry rather than proceed to re-determine the case on the basis of written representations. She considers that a new inquiry would allow for a full examination of new matters and changes in circumstance since the original inquiry.
4. The Secretary of State is aware that there is a similar planning appeal (reference 2063340) for the same site. She understands that the Inquiry for this appeal is currently held in abeyance. The Secretary of State considers that it is sensible to

hold a single Inquiry to cover both appeals, since the same issues are likely to arise.

5. On the information so far available, the following are matters about which the Secretary of State particularly wishes to be informed for the purposes of her further consideration of the planning appeal:-

a. The extent to which there have been any changes to policies contained within the development plan for the area which parties consider relevant to the Secretary of State's re-determination of the appeal, namely:

- The London Plan, consolidated with alterations published in February 2008;
- the London Borough of Southwark ("the Council") Unitary Development Plan, adopted in July 2007 (and which replaces the Unitary Development Plan, adopted in 1995, that was in force at the time of the Secretary of State's original decision).

b. The extent to which policies contained in the Council's Canada Water Area Action Plan Development Plan Document Issues and Options Report for consultation, January 2009 are considered relevant by parties to the Secretary of State's re-determination of the appeal.

c. The extent to which changes to the Council's Supplementary Planning Documents (SPDs) for the area are considered relevant by parties to the Secretary of State's re-determination of the appeal, and in particular:

- Planning Obligations SPD, adopted in July 2007;
- Design and Access Statements SPD, adopted in September 2007;
- Affordable Housing SPD, adopted in September 2008;
- Residential Design Standards SPD, adopted in September 2008;
- Sustainable Design and Construction SPD, adopted in February 2009; and
- Sustainability Assessments SPD, adopted in February 2009.

d. The extent to which there have been changes to policies contained within Planning Policy Statement 3 (PPS3), published in November 2006 which parties consider relevant to the Secretary of State's re-determination of the appeal, in particular in relation to the setting of targets for affordable housing (paragraphs 27-29) and the identification of deliverable sites to deliver housing (paragraphs 52-57);

e. The extent to which there have been changes to other policies contained within national planning policy which parties consider relevant to the Secretary of State's re-determination of the appeal, and in particular:

- Planning Policy Statement 25 (PPS25): Development and Flood Risk, published in December 2006;

- Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1, published in December 2007.

f. Any other relevant material planning considerations.

6. The Planning Inspectorate has been asked to make the procedural arrangements for re-opening the inquiry and they will be in contact with you shortly. A copy of this letter has been sent to Southwark Council and other interested parties.

Yours faithfully,

Mark Plummer

Authorised by the Secretary of State to sign on that behalf

Annex A

Representations received

The Secretary of State received the following correspondence in response to her letters of 5 February, 18 March and 25 March 2009. Copies are available upon written request to the address above.

Mr Kam Hong Leung	8 February
Mr Jeremy Pender	12 February
Councillors Paul Noblet, Lisa Rajan and David Hubber	20 February
Southwark Council	4 March and 29 April
Richard Max and Co Solicitors	5 March, 19 March and 29 April
The Downtown Defence Campaign	18 March