

LPA RESPONSE TO COSTS APPLICATION – HENTHORN ROAD

- i. It is acknowledged that DMG2 was not pursued in evidence. However, once the appeal was lodged the appellant had to address, in evidence, the development plan as a whole. Failure to pursue it therefore by the LPA did not result in additional expenditure.
- ii. 'Wholly reliant on the private car'. This is an over forensic point. The proposal will be over reliant on the private car – the difference in language did not result in any wasted/additional costs.
- iii. Cycle access – it is acknowledged this was not pursued but basically DMI2 was pursued by the LPA by reference to walking. DMI2 was a proper reason for refusal and it was incumbent on a prudent assessment. Facing an accessibility reason for refusal to address the issue in the round table discussion. It is inconceivable that the appellant met with an access/sustainability reason would not address all aspects of the issue.
- iv. No merit re accessibility by foot – the CIHT distances etc are not arbitrary. They are well recognised and a material consideration. (see closing statement.)
- v. No merit re bus case (see closing statement).
- vi. Neighbouring sites consent – Inspector Stephens envisaged a high quality bus stop at Lune Road. It has not been provided. He also envisaged a lit 'northern' route to the leisure centre – it has not yet been lit.

D. E Manley QC