

23 February 2011

Our Ref: APP/M2325/A/09/2103453

Kensington PT Partnership
94 Park View Rd
Lytham
Lancashire
FY8 4JF

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
REDETERMINATION OF APPEAL BY THE KENSINGTON PT PARTNERSHIP
SITE AT LAND SOUTH OF QUEENSWAY, ST ANNES, LANCASHIRE**

1. I refer to the Order of the High Court dated 14 December 2010, quashing the decision of the Secretary of State for Communities and Local Government contained in his letter dated 30 June 2010 in which he dismissed the above appeal and refused planning permission. The application now falls to be redetermined by the Secretary of State.
2. Rule 19 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (No 1624) requires the Secretary of State to send to persons entitled to appear at the inquiry and who appeared at it a written statement of the matters with respect to which further representations are invited for the purposes of his further consideration of the application. His statement is as follows.
3. Having regard to the Order of the High Court and the evidence available to the Secretary of State at present, he wishes to invite representations on the following matters:
 - (a) the relationship and relevance to the proposal of the requirement in *the North West of England Plan Regional Spatial Strategy to 2021* for Fylde to provide 306 new houses per year, having regard (i) to the Judgment in the High Court on 10 November 2010 on the matter of *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council [2010] EWHC 2886 (Admin)* which held that the revocation of the regional spatial strategies by the Secretary of State on 6 July was unlawful; and (ii) to the related subsequent decision of the Court in *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government [2011] EWHC 97 (Admin)* which held that the Government's intention to legislate to revoke regional spatial strategies was capable of being a material consideration;
 - (b) the relevance to the proposal of the commitment in the Unilateral Undertaking submitted by your Company to construct the M55 link road and how this complies with the three statutory tests set out in Regulation

122 of the CIL Regulations 2010 in terms of making the appeal scheme acceptable in planning terms; being directly related to the development; and being fairly and reasonably related in scale and kind to the development;

- (c) should the Secretary of State be minded to allow the appeal and grant planning permission, it would first be necessary for him (as the 'competent authority') to undertake an appropriate assessment as required under the Habitats Regulations 2010. This is to enable him to verify that the appeal scheme including mitigation would not - either alone or in combination with other projects - adversely affect the integrity of the Ribble and Alt Estuaries SPA. The parties are therefore requested to provide any additional information (beyond that which had been agreed by the parties by the end of the Inquiry) which would enable him to complete such an assessment and/or to indicate if they consider it necessary for any further information to be collected for this purpose;
 - (d) The Secretary of State will also consider representations concerning any material change in circumstances, fact or policy, which may have arisen since his decision of the 30 June 2010 was issued, whether or not they pertain to the matters set out above.
4. You are now afforded the opportunity of submitting written representations to the Secretary of State in respect of the above matters. The Secretary of State considers that a period of three weeks to submit representations is reasonable in the circumstances of this case. You are therefore asked to submit any further representations you may wish to make by no later than **16 March 2011** to the address given on the first page of this letter. Alternatively, you may ask for the inquiry to be re-opened. In deciding whether the inquiry should be reopened, the Secretary of State will consider all views that may be expressed to him on this matter, but the decision is ultimately one for him.
5. I am sending this letter to Fylde Borough Council and other persons entitled to appear at the inquiry and who did appear at it, and to Natural England, to invite them to submit written representations. A copy of this letter is also being sent to other interested persons who appeared at the inquiry and/or asked to be informed of the decision. Please note that any replies received may be copied to other parties for their comment.

Yours faithfully

Jean Nowak
Authorised by the Secretary of State to sign in that behalf