

David Gavin
Nathaniel Lichfield and Partners
14 Regents Wharf
All Saints Street
LONDON
N1 9RL

Our Ref: APP/Q1445/A/09/2102048

13 July 2010

Dear Mr Gavin,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY EXPLORE LIVING (NO 1) LTD, X-LEISURE (BRIGHTON 1) AND X-
LEISURE (BRIGHTON II) LTD
APPLICATION REF: BH2007/03454
LAND AT BRIGHTON MARINA, BRIGHTON, EAST SUSSEX, BN2 5UT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Martin Pike BA MA MRTPI, who held a public local inquiry on dates between 3 November and 16 December 2009 (and which was closed in writing on 1 March 2010), into your clients' appeal under Section 78 of the Town and Country Planning Act 1990 against the decision of Brighton & Hove City Council to refuse planning permission for:-

- i) Demolition of the existing Asda retail store and redevelopment to create an enlarged retail store (Class A1) of 11,412 sq m along with 2,056.5 sq m of other retail uses in Class A1-A5 and 395 sq m of office accommodation (Class B1), a 342 sq m community hall (Class D1), with associated plant, refuse and parking facilities. This part of the redevelopment to also include 779 residential units with associated parking, public/private amenity space and a new bridge link for pedestrians/cyclists;
- ii) Demolition of part of the eastern end of the existing multi-storey car park to create a replacement Asda petrol filling station and pedestrian footbridge;
- iii) Demolition of the existing estates management office to create a 3 – 4 storey building comprising 35 residential units with associated private amenity space;
- iv) Demolition of the western end of the existing multi-storey car park to create a 6 – 11 storey building (Sea Wall) comprising 117 residential units with associated parking, private amenity space and seasonal kiosk 72.5 sq m;
- v) Demolition of the existing petrol filling station to create a 28 storey building comprising 148 residential units and 182.5 sq m of Class A1-A5 retail space with associated plant, refuse and parking facilities and a 26 sq m office unit (Class B1);
- vi) Demolition of the existing McDonald's and redevelopment to create a new 5 –16 storey development including a Drive-Thru restaurant facility (Class A3) comprising 555 sq m. This development also includes 131 sq m of other Class A1

- A5 retail space and 222 residential units with associated parking and public/private amenity space
- vii) Change of use of two existing retail units (Class A1) within the Octagon development to create a Healthy Living Centre (Class D1) comprising 516 sq m;
- viii) Construction of a Combined Heat and Power unit;
- ix) Alterations to existing vehicular circulation, pedestrian and cycle access arrangements, areas for cycle parking and the creation of new and enhanced routes for access and servicing;
- x) A new bridge link for pedestrians and cyclists between the upper cliff and the north-western part of the Cliff Site (Asda site), along with associated engineering works;
- xi) New areas of hard and soft landscape, green roofs and formal and informal areas of amenity space including youth facilities.

on land at Brighton Marina, Brighton, East Sussex, BN2 5UT in accordance with planning application Ref: BH2007/03454, dated 14 September 2007

2. On 18 June 2009 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that as submitted, the proposal is unacceptable and that the appeal be dismissed; but, if flaws in the s106 obligation could be resolved, then the appeal be allowed and planning permission granted subject to the conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation to dismiss the appeal. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR).

Procedural matters

4. The Secretary of State notes that the description of the development has been subject to minor changes and amendments since it was submitted (IR1.1-1.3). Like the Inspector (IR1.3), the Secretary of State has determined the application on this basis and does not consider that any prejudice has been caused to any party in doing so.

5. In reaching his decision the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. He has also had regard to those matters addressed by the Inspector relating to the adequacy of the ES as set out in IR1.11-1.22. Like the Inspector, he is satisfied that the ES meets the requirements of the 1999 Regulations, and that sufficient information has been provided for him to assess the environmental impact of the appeal.

Representations received after the close of the Inquiry

6. Following the close of the Inquiry, the Secretary of State received the written representations listed at Annex A of this letter. He has taken account of these representations in his determination of this appeal but, as they did not raise any new matters not considered at the Inquiry, he has not considered it necessary to circulate them to all parties. Copies of representations can be made available upon written request to the address at the foot of the first page of this letter.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. On 6 July 2010 the Secretary of State revoked all Regional Strategies including the South East Plan and it is therefore no longer part of the development plan. In determining this appeal the Secretary of State has taken this into account but he does not consider it necessary to refer back to parties on the implications of this change before reaching his decision. This is because he has decided to refuse planning permission for this proposal for reasons unrelated to this matter and which are set out later in this letter.

8. In this case, the development plan comprises the saved policies of the Brighton & Hove Local Plan 2005 (BHLP). The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR4.6-4.9.

9. Other material considerations include those national planning policy documents listed at IR4.16, PPS5: *Planning for the Historic Environment*, and the Supplementary Planning Guidance mentioned at IR4.13-4.15. The Secretary of State agrees with the Inspector's assessment of the weight to be afforded to the latter. Circular 11/95: *Use of Conditions in Planning Permission*, Circular 05/05: *Planning Obligations* and the *Community Infrastructure Levy (CIL) Regulations*, which came into force on 6 April 2010, are also material considerations. The emerging Core Strategy is also a material consideration (IR4.10-4.12), but given that this is some way from adoption, the Secretary of State affords it limited weight.

10. The Secretary of State has had special regard to the desirability of preserving the nearby listed buildings and their settings, or any features of special architectural or historic interest which they possesses, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the possible impact of the proposal on the Kemp Town Conservation Area, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of this area, as required by section 72 of the same Act.

11. Since the inquiry closed, the Government has published PPS4: *Planning for Sustainable Economic Growth*. The Secretary of State agrees with the Inspector's assessment of the implications of this fact as set out in IR16.125. He does not therefore consider that there has been any material change in those policies to the extent that it would affect his decision or require him to refer back to parties for further representations prior to reaching his decision.

New national policy and other changes since the close of the inquiry

12. Since the inquiry closed a number of relevant changes have taken place, details of which are set out by the Inspector at IR1.23-1.28 and in Annex B of the Inspector's report. The Secretary of State's consideration of each of these is set out below.

South Downs National Park and English National Parks and the Broads

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the designation of the South Downs National Park, and the publication of "English National Parks and Broads: UK Government Vision and Circular 2010", as set out in IR1.23-1.24 and paragraphs 1-2 of Annex B.

Planning Policy Statement 25 (Revision) and Coastal Change Supplement

14. The Secretary of State has considered the Inspector's assessment of the relevance of the PPS 25 (Revision) and Coastal Change Supplement as set out in IR1.26 and paragraphs 3-10 of Annex B. He agrees that the revision of PPS25 has no material effect on the consideration of this appeal (Annex B, paragraph 4). With regard to the implications of the Coastal Change Supplement, the Secretary of State understands that the shoreline management plan for this area identifies this section of coastline as subject to "hold the line". CCMA policies, including DCC5.1, do not, therefore, apply.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

15. The Secretary of State has considered the Inspector's assessment of the relevance of PPS5 as set out in IR1.27 and Annex B, paragraphs 11-16. He agrees that the policy changes brought about by PPS5 are material to the consideration of this case. However, he is satisfied that the Inspector's assessment of the impact on the setting of Kemp Town has been thorough, and based on a detailed evidence base. He therefore does not consider that there have been any material changes in policy to the extent that they affect his decision or require him to refer back to parties for further representation prior to reaching a decision.

Community Infrastructure Levy Regulation 2010

16. As the Inspector notes at IR1.28 the Community Infrastructure Levy Regulations 2010 (CIL Regulations) came into force after the inquiry concluded and so they were not addressed by the parties and the Inspector has not taken them into account. However, the Inspector helpfully sets out his views on the extent to which he considers they are material to this decision in Annex B, paragraphs 17-23. The Secretary of State agrees with the Inspector that the CIL Regulations are material to the consideration of this appeal (Annex B paragraph 19). He also agrees that there is no material difference, in this application, of the three tests compared with the five tests in Circular 05/05 (Annex B, paragraph 20). The Secretary of State further agrees with the Inspector's reasoning and conclusions that certain elements of the off-site recreation elements set out in Annex B paragraph 21 do not meet either the tests of Circular 05/05 or those set out in the CIL Regulations. He agrees that no weight should be given to these matters in reaching his conclusion on whether or

not the s106 obligation is satisfactory. The Secretary of State is satisfied that the remaining provisions of the deed are relevant and necessary to the proposed development and do comply with the tests in both the Circular and the Regulations. However, he has other concerns about the deed which he addresses in paragraphs 30-33 of this letter.

Matters agreed between the appellants and the Council

17. The Secretary of State has noted those matters agreed between the appellants and the Council as set out in IR5.1-5.5. On the matter of retail impact, he is satisfied that the findings of the Retail Impact Statement indicate that there is capacity to support the amount of additional floorspace proposed, and that the proposal would not have any significant effect on the vitality and viability of any other shopping centre in the locality (IR5.2).

18. As for flood risk issues addressed at IR5.3-5.5, the Secretary of State, like the Inspector, is satisfied that the Flood Risk Assessment demonstrates that all of the tests set out in PPS25 are met (IR5.5).

Main Issues

19. The Secretary of State agrees with the Inspector that the main issues in this appeal are those set out in IR16.1.

Appearance/Visual Impact

20. The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR16.2 – 16.59, on appearance and visual impact issues, including the design, height, siting and layout of the development, the effect on the rest of the Marina, and the effect on the surrounding area, including the Kemp Town Conservation Area and the South Downs National Park. He agrees with the Inspector that there is no credible challenge to the Council's analyses in the Marina masterplans that a substantial investment is needed to transform both the environment and the economy of the Marina, and that such a transformation would best be achieved by high density mixed use development that includes a large amount of housing (IR16.7). Like the Inspector, he considers that the proposed development represents a high quality design which would bring about a major beneficial change to the poor urban structure and physical environment of the western end of Brighton Marina (IR16.55).

21. The Secretary of State agrees with the Inspector that the scheme is not without some shortcomings, including constraints deriving from the retention of the access ramps, concerns about the success of Harbour Square, the loss of strategic cliff and sea views from parts of the western approach to the site, and the interaction between the taller buildings and listed Regency terraces in certain views from Kemp Town (IR16.55). He agrees with the Inspector's finding that the architectural merits of the development in views from certain locations west of the Marina would not be sufficient to outweigh the loss of an iconic link with the coastline and Downs, meaning that the proposal conflicts with BHLF policy QD4 (IR16.57). He considers that there would not be any significant conflict with BHLF policies HE3, HE6 and HE11, which aim to prevent development that would adversely affect the setting of

listed buildings, conservation areas and registered historic parks and gardens (IR16.58). The Secretary of State considers that, by conserving the setting of these designated heritage assets, the proposal also complies with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with national policy in PPS5 (IR16.58). He agrees with the Inspector that whilst there is broad compliance with the development plan, the loss of certain strategic views means that the proposal does not fully comply (IR16.59).

Residential Amenity

22. The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR16.60 – 16.73, in respect of the impact of the proposal on residential amenity. He agrees with the Inspector that, whilst a sizeable proportion of the proposed flats would undoubtedly be small, the minimum unit size would nevertheless be acceptable (IR16.60) and that, overall, the residential component of the development would be provided with adequate levels of daylight and sunlight (IR16.62). He has had regard to the fact that the Council provided no evidence to suggest that unacceptable noise conditions for nearby residents would arise from the proposed LEAP and NEAP in Cliff Park but accepts that the potential for some disturbance to nearby residents would exist (IR16.66). The Secretary of State is satisfied that the conditions experienced in the least agreeable flats would not be below the standards that residents should reasonably expect of 21st century housing and agrees with the Inspector's conclusion that the proposal complies with BHLF policies QD27 and HO4 (IR16.68).

23. The Secretary of State has had regard to the representations made by BMRA, MGAG and some local residents with respect to the loss of light for existing residents living close to the proposed buildings (IR16.69). He agrees with the Inspector's conclusion that whilst the development would result in some loss of light to a relatively small number of residents living at the Marina, that loss would be within commonly accepted guidelines and would not cause a material nuisance to those occupiers and that the proposal thereby accords with BHLF policy QD27 (IR16.71).

Housing

24. The Secretary of State agrees with the Inspector's reasoning and conclusions on housing issues, as set out at IR16.74 – 16.83. Like the Inspector, he considers that the proposal would deliver a major boost to meeting the city's overall housing need (IR16.74). Given the substantial and continuing need for one and two bed properties to meet the demand from an ever-growing number of small households, he agrees with the Inspector that there is no basis for rejecting the proposals on the ground of inappropriate dwelling sizes (IR16.77). He further agrees that there is an adequate range of dwelling sizes to ensure a reasonably mixed and sustainable community (IR16.77).

25. The Secretary of State agrees with the Inspector that the supply of 40% of the dwellings as affordable homes would comply with the development plan and would go some considerable way towards making the Marina a more mixed and inclusive community (IR16.81). He shares the Inspector's view that the objective of creating a mixed and inclusive community would be better served had the affordable housing

been distributed through all the main residential blocks (IR16.83). However, having had regard to the fact that one third of the Cliff Site building would comprise private flats, all three tenures would be distributed across the building and individual units would be 'tenure blind' in terms of their appearance, he agrees with the Inspector that the distribution of affordable housing is acceptable (IR16.83).

Infrastructure Provision

26. The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR16.84 – 16.106, with respect to provision of infrastructure, including whether the demands that occupiers of the development would make on existing infrastructure are to be adequately mitigated, with particular regard to education and outdoor amenity space. Like the Inspector, the Secretary of State does not accept that the two contributions offered in the s106 undertaking, totalling £120,000, to provide enhancements for the terraced gardens at Rottingdean and enable the creation of an informal sports area at Rottingdean Beach, are necessary to enable the development to proceed, or that they are directly related to the proposal (IR16.96). He is also not satisfied that the unspecified contribution of £200,000 to '*such other facilities as the Council shall notify...*' is necessary or directly related to the proposal (IR16.97). He considers that these contributions do not meet the tests of Circular 05/05 (and hence the CIL Regulations) and he has given no weight to these provisions in determining this appeal (Annex B, paragraph 21).

27. The Secretary of State considers that, overall, the provision of on-site outdoor recreation and amenity space in accordance with the 2.4ha standard of BHL P policy HO6 would not be achieved, but that there is no conflict with the policy because it allows for contributions to be made for alternative sites, which, like the Inspector, he has found to be acceptable (IR16.100). He agrees with the Inspector that the design of the open space provision is satisfactory and that there is no conflict with BHL P policies QD1, QD2, QD3 and HO4 (IR16.100). He further agrees that the appellant's contribution of £594,000 is reasonably related in scale and kind to the education needs of the proposed development and therefore that it meets this test of the Circular and, as a result, there is no conflict with BHL P policy HO21 (IR16.106).

Other matters

28. The Secretary of State agrees with the Inspector's reasoning and conclusions on transport and viability matters, as set out at IR16.107 – 16.114. He agrees with the Inspector that, coupled with a substantial package of improvements to public transport and the pedestrian and cycle network, and various traffic management measures and parking controls, the evidence suggests that the development would bring about an integrated and highly sustainable transport system at the Marina (IR16.109). He has had regard to the District Valuer's (DV) appraisal, which was commissioned jointly by the appellants and the Council, and shares the Inspector's view that nothing has arisen since, including the Council's point about a fixed land price negotiated at the bottom of the market, that causes him to depart materially from the DV's analysis and conclusions (IR16.114).

29. Like the Inspector, the Secretary of State has taken into account the huge number of representations which oppose the development and the wide ranging

matters that they raise (IR16.124). He agrees with the Inspector's assessment of concerns raised over flooding, crime, public disorder and emergency access, as set out at IR16.124.

Section 106 unilateral obligation

30. The Secretary of State has considered the provisions of the completed s106 obligation, alongside the Inspector's comments on this at IR15.2 – 15.9 and IR16.115 – 16.123. As stated in paragraph 16 of this letter he has given no weight to the provisions which he has concluded do not comply with either the policy tests in Circular 05/2005 or with those prescribed in the CIL Regulations. With regard to the deed as a whole, he agrees with the Inspector's reasoning and conclusions with respect to the shortcomings of the s106 obligation, as set out at IR16.115 – 16.123. He notes the absence of Asda and McDonalds as parties to the s106 obligation (IR16.115) and, like the Inspector, he has had regard to Circular 05/2005 which advises that all who have a legal interest in the land, including the freeholder and any lessees, should be bound in to the Deed (IR16.117).

31. The Secretary of State also has to consider the possibility, however remote this may be, of the Council disposing of its freehold interest in the site and this resulting in the successor in title being able to lawfully implement the planning permission without complying with the s106 obligation (IR16.119). He also has other concerns. Given the complexity of the proposed development, he would expect to see more effective sanctions to ensure compliance with the provisions of the s106 obligation. For example, he considers that the s106 obligation places no restriction on the development continuing in the event of a breach of covenant by either the Owners or the Developer. He also observes that the trigger for provision of many of the benefits secured by the s106 obligation is tied to "First Occupation" of a defined proportion of residential units or of the development as a whole but in the absence of any requirement for notice to be given when a trigger date has been reached, he considers this is likely to contribute to difficulties with enforcement.

32. The Secretary of State agrees with the Inspector that the consequences of certain provisions of the s106 obligation not being fulfilled are potentially very serious (IR16.120). Given that their respective leasehold interests are not bound by the deed he has had particular regard to the Inspector's view that if the release from covenants applied solely to the development built on Asda and McDonalds land this could affect the delivery of the benefits set out by the Inspector at IR16.120. He agrees with the Inspector that, given the seriousness of the consequences of non-compliance with the s106 obligation, a cautious approach is required and he needs to be satisfied that there is no foreseeable risk of the covenants being circumvented (IR16.121). The Secretary of State agrees with the Inspector's conclusion that because key interested parties are not joined in the Deed, there is a risk of the development being freed from the s106 obligation and, consequently, the appeal proposal is not acceptable in its current form (IR16.121).

33. The Secretary of State has considered the appellant's suggestion, referred to by the Inspector at IR16.123 that they be given an opportunity to seek a solution in the event of him being minded to allow the appeal. However, he considers that taking this course of action in an attempt to resolve what, in his opinion, are fundamental shortcomings in the s106 obligation would not offer a realistic prospect

of the matter being satisfactorily resolved at this stage of the process. He takes the view that the careful drafting and attention to detail needed to make unilateral obligations which deal with complex requirements work successfully are absent in this case and that rectifying these shortcomings is essentially the responsibility of the applicant and the parties to the s106 obligation.

Conditions

34. The Secretary of State has had regard to the proposed conditions set out at annex A of the Inspector's Report, the Inspector's assessment of conditions, as set out in IR15.1, and the policy tests in Circular 11/95. The Secretary of State is satisfied that the proposed conditions are reasonable and necessary, and meet the tests of Circular 11/95. However, he does not consider that they overcome his reasons for dismissing the appeal.

Overall conclusions

35. The Secretary of State agrees with the Inspector's approach to the balance of considerations and his summary conclusions, as set out at IR16.126 – 16.139.

36. The Secretary of State considers that there are a number of factors weighing in favour of the proposal, such as regenerating a currently unattractive and economically fragile part of the city, and the provision of much needed housing in a sustainable location. He agrees with the Inspector's conclusion that, for the most part, the development would be a high quality solution to a challenging site (IR16.136). He is also satisfied that the proposal would preserve the setting of the Kemptown Conservation Area and listed buildings and would accord with national guidance in PPS5 in this respect. Factors weighing against the proposal include the loss of views of the cliffs, the Downs, and eastward glimpses of the sea. The Secretary of State agrees with the Inspector that the planning balance favours the grant of planning permission (IR16.138) but, for the reasons given previously in this letter, he concludes that the shortcomings in the s106 obligation together with the consequences of its provisions being unfulfilled are potentially so serious that the proposal in its current form is unacceptable and that planning permission should, therefore, be refused.

Formal Decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for

- i) Demolition of the existing Asda retail store and redevelopment to create an enlarged retail store (Class A1) of 11,412 sq m along with 2,056.5 sq m of other retail uses in Class A1-A5 and 395 sq m of office accommodation (Class B1), a 342 sq m community hall (Class D1), with associated plant, refuse and parking facilities. This part of the redevelopment to also include 779 residential units with associated parking, public/private amenity space and a new bridge link for pedestrians/cyclists;
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- iii) Demolition of the existing estates management office to create a 3 – 4 storey building comprising 35 residential units with associated private amenity space;
- iv) Demolition of the western end of the existing multi-storey car park to create a 6 – 11 storey building (Sea Wall) comprising 117 residential units with associated parking, private amenity space and seasonal kiosk 72.5 sq m;
- v) Demolition of the existing petrol filling station to create a 28 storey building comprising 148 residential units and 182.5 sq m of Class A1-A5 retail space with associated plant, refuse and parking facilities and a 26 sq m office unit (Class B1);
- vi) Demolition of the existing McDonald's and redevelopment to create a new 5 –16 storey development including a Drive-Thru restaurant facility (Class A3) comprising 555 sq m. This development also includes 131 sq m of other Class A1 -A5 retail space and 222 residential units with associated parking and public/private amenity space
- vii) Change of use of two existing retail units (Class A1) within the Octagon development to create a Healthy Living Centre (Class D1) comprising 516 sq m;
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- ix) Alterations to existing vehicular circulation, pedestrian and cycle access arrangements, areas for cycle parking and the creation of new and enhanced routes for access and servicing;
- x) A new bridge link for pedestrians and cyclists between the upper cliff and the north-western part of the Cliff Site (Asda site), along with associated engineering works;
- xi) New areas of hard and soft landscape, green roofs and formal and informal areas of amenity space including youth facilities.

on land at Brighton Marina, Brighton, East Sussex, BN2 5UT in accordance with planning application Ref: BH2007/03454 (as amended), dated 14 September 2007.

Right to challenge the decision

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

39. A copy of this letter has been sent to Brighton & Hove City Council and all interested parties.

Yours sincerely,

Michael Taylor
 Authorised by the Secretary of State to sign in that behalf

BRIGHTON MARINA POST INQUIRY CORRESPONDENCE

Name	Date of letter / email
S KIRBY MP	17/5/10
M HIGGINS	4/6/10
S HORROX	4/6/10
R POWELL	2/6/10
B SIMPSON	2/6/10
P WALLACE	2/6/10
R HENDERSON	4/6/10
M WEATHERLEY MP	3/6/10
S TINDELL	7/6/10
B IMPEY	5/6/10
V LIRAKIS	5/6/10
L SHRIMPTON	4/6/10
G VINCENT	8/6/10
A BRUCE	9/6/10
D COHEN	9/6/10
S DUMFORD	9/6/10
L GUNSEL	9/6/10
M HOGG	9/6/10
M LIPTON	9/6/10
L McCRICKARD	9/6/10
F MORRIS	9/6/10
D NEWBERY	9/6/10
S WALLACE	9/6/10
A BAH	9/6/10
E DREW	10/6/10
R HARRIS	10/6/10
D JEWELL	10/6/10
A PARKER	10/6/10
A RUPPRECHT	9/6/10
R STEWART	9/6/10
R CROSSLAND	9/6/10
L CHESTER	9/6/10
A & S GRANT	9/6/10
J ROBERTSON	9/6/10
M DALLEY	9/6/10
N SABINE	9/6/10
M LAWRENCE	9/6/10
M ANTRAM	10/6/10
M SMITH	10/6/10
M RICE	10//6/10
J GRAY	10/6/10
B FISHLEIGH	9/6/10
D GIBSON	10/6/10
K O'DWYER	11/6/10
PETER PHILLIPS	11/6/10
M GATES	11/6/10

ANNEX A cont'd

Name	Date of letter / email
PAUL PHILLIPS	11/06/10
M BRISLEY	11/06/10
S HUTCH	14/06/10
P STOCK	13/06/10
C BROOKE	14/06/10
C STIRK	14/06/10
A STOCK	13/06/10
A ABAZA	13/06/10
B BICKELL	14/06/10
M HUXLEY	14/06/10
G ALLEN	17/06/10
M SMITH	16/06/10
H RUSH	16/06/10
P JONES	15/06/10
R COWL	15/06/10
V DAVIES	15/06/10
M CHOWEN	15/06/10
J & G HARTLAND	02/06/10
P BRICKMAN	01/06/10
P SHIELDS	20/06/10
G PARISH	24/06/10