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FAO: Mr Clive Wright
Chief Executive
Shropshire Council
Shirehall
Abbey Foregate
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Shropshire
SY2 6ND

Our Ref: DFD.BG.ALD4.112

Your Ref:

Date: 4 January 2018

By Post and Email: clive.wright@shropshire.gov.uk
ian.kilby@shropshire.gov.uk

Dear Mr Wright

The Town and Country Planning Act 1990 (as amended)
Planning Application No. 17/01152/FUL – Erection of New Food Store, Wrexham Road, Whitchurch

We act on behalf of Aldi Stores Ltd in regard to the above Application which is to be considered at the Northern Planning Committee which meets on the 9th January with an Officer's recommendation to refuse for the reasons summarised in section 7.0 – Conclusion – of the Officer's Report.

Our client, as would be expected, is disappointed that the officers on having considered the evidence submitted by the client's Planning and other consultants and the advice from Leading Counsel which was provided with the purpose of avoiding the LPA having to become involved in a costly and time consuming Appeal reached the Recommendation to refuse as set out in the Report.

The advice of Mr Crean QC, a highly respected and one of the top ranking Silks in the country specialising in Planning Law whom has been instructed by the LPA on a number of its own high profile Appeals and legal challenges, is that on an Appeal the client will be successful with the possibility of a costs award against the Authority.

Mr Crean QC will be speaking at the Meeting next week and as the allotted slot in which he has to speak is short being only three minutes, the purpose of him speaking is not to address policy issues in detail

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other than in very broad terms emphasising that the conclusion reached by the officers as to the planning balance is incorrect in terms of national planning policy.

In addition Mr Crean will address a concern the LPA will have, though not referred to in the Officer's Report, but raised by the Planning Consultants representing Lidl, which is the "threat" that their client will commence judicial review proceedings against the LPA were the Members to approve the Aldi Application. Such a "threat" in our opinion may be a factor that is taken into consideration by Members when considering the Application and the substantial costs that would then be incurred defending such proceedings.

Our client would want to remove concerns on the cost to the LPA arising from court proceedings brought by Lidl to challenge a decision to approve the Application and is prepared to provide an undertaking to the Authority to underwrite the costs that will be incurred by the Authority in defending a judicial review challenge.

The "undertaking" the client is prepared to offer to the Authority to be limited to £50,000 plus VAT, which is considered as a sufficient enough amount to cover all the Authority's legal costs in defending such a claim.

We trust that such an offer/undertaking will enable the LPA to determine the Application in accordance with the relevant NPPF policies as advised by Leading Counsel, thereby avoiding a costly Appeal and with the assurance of having in place the necessary financial resources to defend a judicial review challenge without having to draw upon its limited financial resources.

Conclusion

We trust the Authority will take the offer set out above as a genuine offer and request that this letter be circulated to the relevant officers and all members of the Planning Committee as a Late Item prior the meeting next Tuesday.

Yours faithfully

~~Aaron & Partners LLP~~

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