

From: Withers, Simon
Sent: 09 October 2013 17:21
To: Bliss, Si
Cc: 'Henry May'
Subject: RE: Your appeal 2199602. Site at: Tidnor Wood Orchards. LPA ref: S113607/O

Dear Mr Bliss,

I have previously expressed a willingness to deal with this appeal by way of the Written Representations procedure if it were deemed appropriate by the Inspectorate.

In the light of recent exchanges, I would reiterate this willingness in order to move the appeal forward.

I fully accept the right of the Inspector to review this decision and in the event that the dates put forward by Mr May are feasible given the need to formally change the procedure I can ensure that either I or a colleague will attend the accompanied visit.

Yours sincerely

Simon Withers

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From: Henry May [<mailto:tidnorwood@googlemail.com>]
Sent: 09 October 2013 17:14
To: Bliss, Si
Cc: Withers, Simon
Subject: Re: Your appeal 2199602. Site at: Tidnor Wood Orchards. LPA ref: S113607/O

Dear Mr. Bliss,

Thank you very much for your email that I have just received.

I am very grateful to you for putting forward a compromise in so genteel a manner. I take it that referring the matter back to the LPA as I suggested in an earlier email was not considered a suitable option despite the fact, I argue, that incorrect information was presented to the Planning Committee by the LPA.

I have an "Orchard Manager" who has been with me for many years and he will willingly show your Inspector the site although he will be coming to France with me on 6th - 10th December.

I know that I have been nuisance enough but may I tell you that I can arrange to be at Tidnor to show the site to your Inspector myself on the 30th & 31st October or otherwise on the 3rd and 11th, 12th December (I intend to be at Tidnor anyway).

I have copied this to the LPA (Mr. Withers) as you have directed.

Yours sincerely,

Henry May.

On 9 October 2013 13:46, Bliss, Si <simon.bliss@pins.gsi.gov.uk> wrote:

Mr May

Regrettably, it doesn't appear that have we managed to move things forward as much as I'd hoped. However, we do need to do something to move the appeal along and I set out below a possible compromise.

The Inspectorate is willing to change from a hearing to the written procedure on the basis that both you and the LPA consider it suitable. Our reservations about this have not disappeared, but in the circumstances we are prepared to see if the the appeal can proceed in this way. However, I should be clear that the Inspector appointed to determine the appeal could ultimately still decide that it is not possible to proceed by the written procedure and call for a hearing or, if he/she is able continue by the written procedure then they will of course only be able to determine the appeal based on the written evidence before them (as I have said before there can be no discussion about the merits of the proposal or the evidence at the site visit).

Turning to the matter of the site visit, and noting you are resident a long way away, I shall require some firm assurance from you that you, or an appointed representative, will be able to attend the site visit at a date and time to be arranged in due course.

Providing you are agreeable to the above, and can assure me that there will be someone to attend the site visit, then I shall arrange for the appeal to change procedure.

I look forward to hearing from you; if possible please by 16 October. You'll see I've copied this email to the LPA and I should be grateful if you would do likewise with your reply.

Yours sincerely

Simon

From: Henry May [mailto:tidnorwood@googlemail.com]

Sent: 14 September 2013 16:49

To: Bliss, Si

Subject: Re: Your appeal 2199602. Site at: Tidnor Wood Orchards. LPA ref: S113607/O

Dear Mr. Bliss,

Thank you for your carefully constructed and urbane email of the 12th September. I really do understand and appreciate your concern and efforts that everything should be handled in a proper and responsible manner. For my part I am not trying to be difficult.

I feel that I have done everything that I possibly can to make a case for a worker's cottage at Tidnor essentially for the protection of our National Collection of cider apple varieties for the benefit of future generations. You will have seen from the Planning Portal that I have written reams of information to give a thorough and honest account of what I am about and that I have met every objection as they have arisen. As I have written before I believe that I really do not have anything else to add to that. I wanted a respected Inspector to take all that information into account and use his/her judgement and experience to arrive at a

balanced view as might a good documentary. I see a hearing as more of a soap opera where the hard core issues are not revealed and discussed.

We have just been granted the equivalent of a National Collection status for our French cider apple collection in Calvados Normandy (please see the attachment). The citation states that our collection is "UNIQUE EN FRANCE". You will see that I am obliged to collect our award in Paris on 18th October. Through the local Maire and Regional Head I have promised to give the French Collection away, and the land in which the trees grow, as a gift to the people of France. I am trying to do the same with the UK Collection as you will know if you truly have read all the associated paperwork. I find that trying to be a philanthropist is VERY hard work. I am telling you this because it was my intention that ultimately, perhaps even after my death, the two collections and regions might get together in a spirit of concord(e). So much for dreams.

What really pisses me off about all this is that my Plan A, the cottage, would have ensured that much of the 26 acres that I own at Tidnor Wood Orchards would have remained as orchards which would have satisfied EVERYBODY in the locality and beyond. Plans B to F WILL all involve the loss of hundreds if not thousands of (unprotected) orchard trees and pollution as the land is taken out of an organic regime. Plan G, if I have to travel that far, will mean my cloning the Museum trees and reproducing the U.K. National Collection in the fertile ground that I own in Normandy. But that is not your bag - I know. And not that anyone should feel sorry for me as by selling off Tidnor Wood piecemeal and in its entirety will make me a great deal of money - which I don't need.

If I have a complaint it would be that your rules for making an appeal left me in no doubt that I had to confine the reasons for appeal to the rejection notice that I received from the Council - 3 reasons in my case. I did just that. I presented you with a detailed and reasoned argument with photographic evidence. Where has that gone? It has not appeared on the Planning Portal for all and sundry to see whereas everything else has. The Council in their submission to you have not acknowledged any of my points but instead used up a great deal of space advertising the new fact that I had placed 2.65 acres of Tidnor on the market for sale. I put Old Orchard on the market deliberately to advertise the fact that I am not joking about the break up of Tidnor Wood Orchards. The remaining 23+ acres is there to be saved.

I think that the Council has become obsessive over this particular planning application - but who am I to say?

If I lose this appeal I will not be defeated by that. As I have made it clear to you I have alternative plans in hand. For me to withdraw my appeal at this stage will be a SURRENDER. I see a hearing as little more than a SHOW TRIAL where the verdict is pretty well inevitable. I am not willing to endure that for the reasons that I have given you. The firing squad is entirely under your command. All you need to do is give the order; "APPEAL REFUSED".

Yours sincerely,

Henry May.

On 12 September 2013 15:32, Bliss, Si <simon.bliss@pins.gsi.gov.uk> wrote:

Mr May

I refer to recent email exchanges you have had with my colleague Rob Carey. He has asked me, in my role as one of the managers in the Inspectorate, to review the progress of the appeal and in doing so respond to your most recent email dated 15 August.

To come straight to the point, the Inspectorate has very carefully considered how best to determine this appeal and our judgement is that, given the nature of the

proposal and the matters at issue, experience of other such appeals suggests that an Inspector will not be able to come to a fully informed, fair and sound decision on your appeal without having the opportunity to ask questions to clarify or test evidence. This can only be done at a hearing as the written procedure does not permit the evidence to be discussed whatsoever.

I realise the journey down from Scotland is a major factor for you consider, but it seems to me that even had the appeal been suitable for the written procedure you would still have had to make that journey to be present when the Inspector visited the site (as you have stated that Inspector could not see the site from public land and thus would need to go onto private land - in which case he/she must be accompanied by you (or perhaps your representative) and the Council).

I note your comments about the short period of time you had to speak at the Committee meeting, and in case it helps you form a decision then I should explain that hearings normally last about half a day and take the form of an Inspector-led discussion on the written evidence and what the Inspector considers to be the main issues. The hearing then concludes at the site.

I note also you mention that local residents may attend the hearing and you have concerns over that. There is little I can say on that score as the hearing is open to the public and so they may attend and, if the Inspector permits, take part in the discussions. I would point out however that the Inspector will ensure that the hearing is orderly so that everyone involved can have a fair hearing. Ultimately though I must leave this to you as it is entirely for you to weigh up.

In summary, I don't think it is in anyone's interests for the appeal to drift with uncertainty in the air about if/how it can be concluded. The Inspectorate has clearly set out its position. It seems to me that the appeal must now either press on with your firm commitment that you (or a representative should you choose to appoint one) will participate in a hearing (in which case arrangements can start to be made for the date of the hearing), or I feel I've no option other than to put it to you that you should consider withdrawing it. Either way it is entirely your decision but I'm afraid I must press you to let us know which you wish to do.

Regards

Simon
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