

Your Ref:
Our Ref:

Anthony Middleton
Chief Operating Officer
Coast to Capital LEP

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12th April 2019

Sent by email only:

Dear Mr Middleton

Brighton Valley Gardens Phase 3 ("VG3")

We refer to your letter dated 8 April 2019.

You appear to have misunderstood our letter dated 29 March 2019. We have not made any allegation, serious or otherwise, about the Board's resolution on 22 January 2019. We merely stated that it was inchoate (i.e. not concluded), given that it was conditional. In this respect you agree, given that the Board will be meeting again to make a final decision as to whether or not to fund the VG3 project.

The Minutes of the 22 January 2019 Board meeting include a Note that the Investment Committee "will meet separately to confirm the conditions necessary" for VG3. However, you now say that the Board will take advice from the Investment Committee as to whether or not the funding conditions precedent have been met, that the Board will then consider whether the funding conditions have been adequately addressed and that the Board will then make the final decision. Our client is concerned that this procedure does not accord with the terms of the 22 January 2019 Minutes and Note. It is further concerned that the Board (and the Investment Committee before it) will apparently be meeting in private to decide the issue on an un-minuted basis and on an unscheduled date. We advise that you reflect on the propriety of the procedure you describe.

Thank you for affording our client an opportunity to make written representations to the Board ahead of its meeting. Our client will write to you separately in this regard.

Thank you too for the documents provided.

The City Council has provided our client with an extract of a Mott MacDonald report into VG3. It is now clear that the City Council has not undertaken statutory environmental impact assessment for VG3 (or the preceding VG1-2) and that the non-statutory review it has undertaken for VG3 does not consider the cumulative impact of VG3 and other development (whether VG1-2 or otherwise).

Please ensure that the Board is provided with a copy of this letter. Please also provide us in due course with a copy of the letter advising the City Council of the Board's decision or at the very least inform us in due course of that decision and its date.

Yours sincerely

Gemma Penny
Associate
For and on behalf of asb law LLP