

**APPEAL REF: APP/C1570/W/22/3296426**

**Outline planning application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access.**

**Land south of Radwinter Road (East of Griffin Place)**

**Case Management Conference to be held at 10.00 on Monday 13 June 2022**

### **INSPECTOR'S PRE-CONFERENCE NOTE**

1. The case management conference will be led by Mrs C Masters, a Chartered Fellow of the RTPI and a Planning Inspector. Attached as a separate document is the agenda and you will be issued with instructions of how to join the conference separately.
2. There will be no discussion during the conference as to the merits of your respective cases and the Inspector will not hear any evidence. Rather, the purpose of the conference is to give a clear indication as to the ongoing management of this case and the presentation of evidence, so that the forthcoming inquiry is conducted in an efficient and effective manner.
3. The inquiry, which is scheduled to open at 10.00 on Tuesday 6 September, will be conducted by myself and is expected at the moment to sit for 6 days. The Inspector will want to discuss this likely timetable and programme during the CMC with a view to finalising the number of sitting days.

### **Likely Main Issues**

4. Based on the material currently submitted, I consider that the main issues in this case are likely to relate to:
  - The effect of the proposal on both the immediate public highway and wider highway network;
  - Whether the proposal adequately provides for sustainable transport measures including pedestrian and cycle movements;
  - Whether the proposal would have an acceptable impact on European Protected Species (bats)
  - Whether the proposal makes adequate provision for any additional need for local services, amenities and infrastructure arising from the development (*subject to the submission of an executed legal agreement before the start of the inquiry*)

- and (possibly) the effect of the development on nearby heritage assets – LPA to confirm. **The Inspector is seeking clarification from the Council in relation to reason for refusal 2 b(iii) in terms of what this relates to and the extent to which technical evidence will be presented on this issue.**
6. All parties are requested to give consideration in advance of the case management conference as to whether the identified matters above encapsulate those most pertinent to the outcome of the appeal.

### **Dealing with the Evidence**

7. The inquiry will focus on areas where there is disagreement. With that in mind, the CMC will explore how best to hear the evidence in order to ensure the inquiry is conducted as efficiently as possible.
8. The parties are requested to give consideration to the likely number of witnesses which will be called and to update the Inspector on this at the CMC.
9. In order to maintain focus on those areas where there is not agreement, I would also like to explore the potential for a programme akin to a Scott Schedule, setting out in a tabular format the key facts in dispute. It would include a brief factual synopsis of the parties' positions on each issue in dispute and will comprise a 'travelling' document to be updated throughout the inquiry as the evidence evolves and agreements are reached.
10. In advance of the CMC and in light of the appellants statement of case, the parties are requested to give consideration to how far agreement can be reached on housing land supply issues for the purposes of this document. This agreement will ensure the efficient running and use of the inquiry sitting time. The document should also clearly outline the highways related main issues and clearly define the areas of agreement and disagreement where necessary. Subject to what is contained within the Council's statement of case, the parties should also agree, as far as possible the landscape and visual impact of the development.
11. The attached Annex sets out the preferred format and content of the proofs, which should be observed.

### **Conditions and Planning Obligations**

12. Conditions without prejudice should be agreed between the main parties, provided in full, including any areas of dispute.
13. Any planning obligations should be submitted in executed form before the inquiry and in any event a latest draft must be available at opening and the deed must be finalised **without exception** before the close.

*C Masters*  
INSPECTOR  
26 May 2022

## **Annex**

### **Content and Format of Proofs and Appendices**

#### Content

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;
- where case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

Proofs **should not**:

- duplicate information already included in other inquiry material, such as site description, planning history and the relevant planning policy;
- recite the text of policies referred to elsewhere: the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals' merits need be referred to.

Format of the proofs and appendices:

- Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.