

**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 held at 10.00 on Monday 13 June 2022**

#### **CASE MANAGEMENT CONFERENCE SUMMARY VERSION 2**

##### **Introduction**

1. The inquiry is scheduled to open at 1000 on 6 September 2022 and is expected to sit for 6 days. The exact number of sitting days will be confirmed once the parties have provided time estimates.

##### **Main issues and how the evidence will be heard**

2. The Council are to confirm the inquiry venue by **Friday 17 June**. It was confirmed that there will be the ability for participants to join virtually if needed and the Council's planning witness will be participating in this manner. The Council have already advised that sitting on Tuesday 13 September will need to take place virtually and the Council should provide log in details for this to all parties prior to the opening of the inquiry.
3. The Appellant and Council largely agreed with the first three main issues set out in the pre-conference note. The parties also confirmed reason for refusal 3 concerning protected species had been addressed. It was also anticipated that an executed legal agreement would be provided to address the 5<sup>th</sup> reason for refusal. The Council requested that the issue of climate change referred to in reason for refusal 4 be included into main issue two. On this basis, the main issues in this appeal are:
  - The effect of the proposal on both the immediate public highway and wider public highway network;
  - Whether the proposal adequately provides for sustainable transport measures including pedestrian and cycle movements and adequately addresses the issue of climate change;
  - Whether the site is in a location which is or can be made sustainable;

*Possible fourth main issue:*

  - *The effect of the development on nearby heritage assets*

4. The Council advised that they may wish to call a heritage witness to address reason for refusal 2b(iii). The issue of heritage assets is not covered by the Councils Statement of Case. It was agreed that the Council would confirm how they will be proceeding on this issue no later than **Friday 17 June**. If the Council are proceeding to call a witness on this issue, they should set out the scope of this evidence no later than **Friday 24 June**. The Inspector advises that the Council should have full regard to the Procedural Guide to Planning Appeals and in particular Annex J which identifies what should be covered in the Statement of Case.
5. In terms of witnesses, the parties confirmed as follows:

**Council** – Planning Witness, Highways witness, Climate change (no technical evidence on air quality), *Heritage witness – dependant upon outcome of point 4 above*, Affordable housing (possibly 5 in total)

**Appellant** – Planning witness, Highways witness, Affordable housing, *Heritage witness– dependant upon outcome of point 4 above* (4 total)

**Rule 6** – Air Quality witness (1 total)

The Inspector advises that with the potential for this number of witnesses, the programming of the inquiry to sit for 6 days is tight. A first draft programme it attached at the end of this note. The Inspector would be grateful for the parties views on this once proofs of evidence are received.

6. The Appellant and Council have provided a signed SoCG. A SoCG has also been provided on highways matters.
7. Turning to how the evidence will be heard, it was agreed that the main issues will be dealt with by evidence in chief by the relevant witness(es) for each side, which will then be cross-examined. In addition, there will also be a round table discussion on planning conditions and the planning obligation.

### **Scott schedule**

8. The parties agreed to prepare a Scott schedule. This should set out in a tabular format the key facts in dispute, building on the statements of common ground. It will comprise a 'travelling' document to be updated throughout the Inquiry as the evidence evolves and agreements are reached. The timetable for producing this document is set out below.
9. The Inspector has requested the following be addressed as part of this schedule:
  - **Highways matters** – LPA and Appellant position and/or agreed position regarding capacity/accessibility (one plan to set out location and distances to agreed list of facilities/services) /mitigation measures;
  - **Planning Matters** – areas of agreement/disagreement on main issues and separate schedule on Rule 6 parties concerns if possible;
  - **Agreed statement regarding the Link Road** – including details of which schemes have contributed and when and timeframe for delivery.

## Conditions and Planning Obligation

10. The parties agreed to discuss and agree a list of conditions. I will consider the wording of these and discuss with the parties at the round table session. Any pre-commencement conditions will need the written agreement of the Appellant.
11. The Council have been provided with a draft of the planning obligation. The Council agreed to provide comments on this draft as soon as possible. The Inspector emphasised the importance of a finalised draft being submitted before the inquiry, with the document being finalised **without exception** before the close of the inquiry. Key dates for the progress of this document are set out below.

## Core documents and online library

12. The parties agreed to the production of a list of core documents. This should allow for a common referencing system within the proofs of evidence. The Council confirmed that an online document library system would be hosted by the Council. This will facilitate the ability to quickly post and circulate inquiry documents throughout the event. This should be available online by the **9 August 2022**.

## Inquiry programme

13. In order to assist this process an initial draft inquiry programme is set out below.

| Date                         | Session 1  | Session 2  | Session 3  |
|------------------------------|--|--|--|
| <b>Tuesday 6 September</b>   | Inspector: Opening<br>Appellant: Opening submissions<br>LPA: Opening submissions | Rule 6: Opening Submissions<br>Third Parties<br>LPA: Witness | LPA: Witness   |
| <b>Wednesday 7 September</b> | LPA: Witness   | LPA: Witness   | LPA: Witness   |
| <b>Thursday 8 September</b>  | Rule 6: 2 speakers,<br>1 Witness   | Appellant:<br>Witness  | Appellant:<br>Witness                                |
| <b>Friday 9 September</b>    | Appellant: Witness   | Appellant:<br>Witness  | Appellant:<br>Witness or Site Visit –<br>accompanied |
| <b>Monday 12 September</b>   | Site Visit – accompanied if not taken place on Friday                            |  |  |
| <b>Tuesday 13 September</b>  | Round table –<br>Conditions/Planning<br>Obligation                               | Closing<br>submissions                                       | Closing<br>submissions<br>Inspector closing          |

|                        |  |  |  |
|------------------------|--|--|--|
| (to be held virtually) |  |  |  |
|------------------------|--|--|--|

14. The parties are requested to consider the above draft and provide comments back as soon as possible and no later than **16 August 2022**. An updated programme following receipt of final timings and clarity on any other areas of dispute will be provided before the inquiry opens. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the co-operation of both advocates and witnesses.

### Costs

15. No application for costs has been made at this stage. Any applications should be made in writing before the close of the inquiry. In order to support an effective and timely planning system in which all parties are required to behave reasonably, you are reminded that the Inspector has the power to initiate an award in line with the Planning Guidance. Unreasonable behaviour may include not complying with the prescribed timetable.

### Timetable for the submission of documents

16. The following table sets out the agreed timetable for providing the main documentation:

| Date                  | Deadline for submission of:  |
|-----------------------|--|
| <b>17 June 2022</b>   | LPA to confirm intentions regarding heritage matters, if necessary scope of evidence to be set out on later than <b>24 June 2022</b><br>LPA to confirm inquiry venue |
| <b>24 June 2022</b>   | First draft of Core Documents list to be provided by the LPA and circulated to all parties   |
| <b>15 July 2022</b>   | LPA to provide comments back on Planning obligation  |
| <b>29 July 2022</b>   | Appellant to send first draft of Scott schedule to LPA and Rule 6 party<br>Rule 6 party to send first draft of Scott schedule to appellant                           |
| <b>9 August 2022</b>  | All proofs of evidence<br>Conditions<br>Core Documents library available   |
| <b>16 August 2022</b> | Planning Obligation<br>CIL compliance statement<br>Time estimates  |
| <b>23 August 2022</b> | Agreed Scott schedule  |
| <b>30 August 2022</b> | Rebuttal evidence deadline (if necessary)  |

|                         |                     |
|-------------------------|---------------------|
|                         |                     |
| <b>2 September 2022</b> | Final timings       |
| <b>6 September 2022</b> | Inquiry opens 10.00 |

*C Masters*

INSPECTOR

14 June 2022