



**APP/X0360/W/22/3309202**

## **Land East of Lodge Road, Hurst**

*Outline application for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure including the formation of a new highway access road from Lodge Road located adjacent to the existing field access to be closed (all matters reserved except for access)*

### **CASE MANAGEMENT CONFERENCE**

**10.00 on Wednesday 7 December 2022**

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

#### **General Matters**

1. The case management conference will be led by myself, Mr David Wildsmith, the Inquiry Inspector. I am a Chartered Town Planner, Chartered Engineer and Planning Inspector. Attached as separate documents (unless already sent separately), are instructions for joining the conference and the conference agenda.
2. One of the first things I will need to do is establish the names of those people who wish to participate in the Inquiry, what parties or bodies they represent, and what witnesses they expect to call.
3. During the conference there will, however, be no discussion as to the merits of your respective cases and I will not hear any evidence. Rather, the conference is an opportunity for me to give a clear indication as to the ongoing management of the appeal and the presentation of evidence so that the forthcoming Inquiry is conducted in an efficient and effective manner.
4. The Inquiry is scheduled to open at 10.00am on Tuesday 31 January 2023 at The Council Offices, Shute End, Wokingham. The Inquiry is currently scheduled to sit for 8 days, although the number of sitting days may change as more information regarding the scope and extent of the Inquiry becomes available. The involvement of interested persons may have an impact on the number of sitting days required. These matters will be explored at the case management conference.
5. The St Nicholas Hurst Parish Council will be appearing at the Inquiry as a Rule 6(6) Party.

#### **Main Issues**

6. The Council's Decision Notice sets out 10 reasons for refusal covering a wide range of matters, and other important topic areas are mentioned in the appellant's appeal Statement of Case, including the Council's 5-year housing land supply position.
7. In view of these points, and based on the currently available information, I consider that the issues which will need to be explored at the Inquiry are likely to include:
  - Planning policy and other planning matters – including the principle of development; whether the proposal would represent sustainable development; and the weight to be given to relevant development plan policies;
  - The Council's current housing land supply position;
  - The effect of the proposed development on character and appearance of the area; landscape and visual matters; and impact upon trees and hedgerows;

- The effect of the proposed development on the best and most versatile agricultural land, and on mineral deposits;
- The effect of the proposed development on biodiversity and ecology;
- The effect of the proposed development in highways and transport terms, including sustainable transport matters;
- Whether any submitted planning obligations and planning conditions would adequately address the impacts of the proposed development.

8. The Inquiry will also look at any benefits to be weighed in the planning balance, and any implications of not proceeding with the scheme.

### Dealing with the Evidence

9. The Inquiry will focus on areas where there is disagreement. With that in mind, and once the main issues have been established and agreed, the case management conference will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible. I will consider which issues can best be dealt with through the formal presentation of evidence by individual witnesses – which would then be subject to cross-examination, in the usual Inquiry format; and which issues, if any, might best be dealt with by focussed round table sessions.
10. Matters relating to planning policy and the overall planning balance, including any benefits of the proposal, are usually best dealt with through the formal presentation of evidence and cross-examination, and I would expect that to be the case here.
11. In the Inquiry context my own view is that matters relating to housing land supply; character and appearance/landscape and visual matters; biodiversity and ecology; and highways and transport are often also best dealt with by the formal presentation of evidence and cross-examination. That said, I accept that some of these matters – particularly housing land supply – could be examined by means of focussed round table discussions, and I am open to hearing the parties' views on these matters. If round table sessions are agreed upon for any of the main issues detailed above, I will expect the parties to work together to draw up appropriate draft agendas for such sessions, which I will then finalise before the Inquiry opens.
12. Issues relating to any submitted planning obligations will be dealt with by a round table session, as will any proposed planning conditions, in the usual manner.
13. The evidence of the appellant will additionally need to address any other relevant matters raised by consultees and interested parties.
14. I have seen a draft version of a general Statement of Common Ground (SoCG) between the appellant and the Council, which includes a draft Highways SoCG as an appendix. Final versions of these, and any other SoCG considered necessary and/or helpful will need to be agreed as soon as possible so that they can inform the production of proofs of evidence. You should give some thought as to when final SoCG could reasonably be agreed.
15. I have not yet seen any reference to Core Documents but a list will need to be agreed between the Council and the appellant as soon as possible, so that documents can be appropriately referenced in proofs of evidence. You will need to consider how the Core Documents and proofs of evidence will be accessed by all those who may have an interest in the case. It may be, for instance, that the Council is in a position to set up a dedicated website for the Inquiry where electronic versions of these documents can be perused. Or the Council may simply post these documents on the relevant planning application page of its website. These are matters we can explore at the conference.
16. The attached Annex sets out the preferred format and content of proofs and other material, **which is to be observed by all parties to the Inquiry**. At the case

management conference I will seek to agree a timetable of key dates for the submission of documents.

### **Other matters**

17. I will wish to establish, as soon as is reasonably possible, whether the current allocation of 8 days is likely to be sufficient, or whether it would be prudent to seek to reserve any additional sitting days. I will therefore expect parties attending the case management conference to know how many witnesses they will be expecting to call, and have an initial idea as to how long they expect to take in presenting their case, and questioning other parties.
18. The Inquiry is currently scheduled to proceed as a live, "face to face" event, but as the country is still not fully on top of the Covid pandemic I will expect appropriate hand-sanitising arrangements to be made at the venue, with social-distancing measures as considered necessary and/or appropriate. Other facilities available at the venue will be discussed at the case management conference.
19. In addition, I will need to explore what arrangements can be made for "virtual" attendance, if any of the expected participants need to self-isolate, or are otherwise unable to attend in person. The Council, in particular, is asked to give some thought to this matter prior to the case management conference.
20. I will wish to be informed if any party is considering making an application for costs, in accordance with the Planning Practice Guidance
21. I will visit the locality of the appeal site and the publicly accessible parts of the surrounding area, on an unaccompanied basis, before the Inquiry begins, but I will also expect to carry out a further site visit accompanied by representatives of the main parties, either during the Inquiry, or immediately after it has closed. I will not hear any evidence at the accompanied site visit – it is simply an opportunity for me to see features and appreciate matters which will already have been discussed at the Inquiry. My preference is to carry out the accompanied site visit after all the evidence has been heard, but before the parties deliver their closing submissions. That said, the site visit could take place after closing submissions if that proves to be more appropriate.
22. Although not a matter for the case management conference, I will want the parties to work collaboratively, before the opening of the Inquiry, to prepare a draft site visit itinerary for the accompanied site visit, setting out what features and/or locations you wish me to see – with an estimate as to how long the site visit is likely to take, and whether or not any parts of the site visit need to be carried out at particular times of day. This will enable me to work out when the site visit can best be fitted into the overall Inquiry programme.
23. Following the close of the case management conference I will issue a summary note of the outcome of the matters discussed, together with any necessary Directions.

*David Wildsmith*

INSPECTOR

28 November 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 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;
- Include relevant data, where necessary and appropriate, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the SoCG).

Proofs **should not**:

- Duplicate information already included in other Inquiry material, such as the officer's report, decision notice, site description, planning history and 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.
- Provide any references in the form of website address, as these may change without notice, or be removed. If a party wishes to include material drawn from the internet as part of their evidence, any such material (or relevant extracts) should be printed and submitted in hard copy, normally as an Appendix to the proof of evidence.

### **Format of the proofs and appendices:**

- Proofs should be no longer than 3,000 words if possible. Where proofs are longer than 1,500 words, summaries are to be submitted.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read;
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover, **along with the abbreviated form of the witness's relevant professional qualifications**;
- Pages and paragraphs are to be numbered.
- **Appendices are to be bound separately**;
- Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.

**All proofs/statements, appendices and other documents should be available for members of the public to view on the Local Planning Authority's website.**