

APPEAL REF: APP/X0360/W/22/3309202
Land East of Lodge Road, Hurst, Reading

Outline planning permission 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)

The Council is encouraged to draw this Summary Note to the attention of interested parties, especially anyone intending to speak at the Inquiry, including by posting a copy on its website.

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The case management conference (CMC) was held on Wednesday 7 December 2022 at 10:00am and was led by myself, David Wildsmith, the Inspector appointed to hold the forthcoming Inquiry. Spokesperson for Wokingham Borough Council (the Council) was Mr Matt Lewin (Counsel). Spokesperson for Mactaggart and Mickel Homes England Ltd (the appellant) was Miss Alyson Jones. Spokesperson for the St Nicholas Hurst Parish Council (SNHPC), who will be appearing at the Inquiry as a Rule 6(6) Party, was Mr Alex Shattock (Counsel).
2. No discussion as to the merits of the parties' respective cases took place at the CMC. Its purpose was simply to discuss the management of the appeal and the presentation of evidence, so that the forthcoming Inquiry can be conducted in an efficient and effective manner.

Likely participants at the Inquiry

3. Mr Lewin indicated that he will be representing the Council at the Inquiry, and that he could call up to 7 witnesses to present the Council's case – Fiona Jones (Planning), Chris Hannington (Landscape and trees), Ian Church (Housing Land Supply (HLS)), Duncan Fisher (Ecology), Gordon Adam (Sustainability), and possibly 2 further witnesses dealing with Minerals and Agricultural Land matters. Mr Lewin explained that the number of witnesses called by the Council may decrease, depending on further work and ongoing discussions with the appellant.
4. Miss Jones stated that the appellant will be represented at the Inquiry by Mr Rupert Warren KC. Mr Warren is expected to call 6 witnesses – Alyson Jones (Planning), Andrew Whittingham (Highways), Tim Goodwin (Ecology), John Hartley (Arboriculture), John-Paul Friend (Landscape) and Ananya Banerjee (Design). In addition, Mr Warren may need to call a further witness or witnesses to deal with Minerals and Agricultural Land matters, depending on the Council's position on these topics.
5. Mr Shattock will be representing SNHPC at the Inquiry, and does not currently anticipate calling any expert witnesses, but may wish to call up to 2 Councillors to present evidence on general factual matters.
6. Other interested persons may speak at the Inquiry but no further information on this was available at this time. The Council will, however, place a copy of this Summary Note on the appropriate page of its website, so that anyone wishing to attend and speak at the Inquiry will know what is expected of them.

Main issues

7. The Inquiry will need to consider the following main issues:
 - (i) planning policy and other planning matters – to include:
 - the principle of development;
 - whether the proposal would represent sustainable development;
 - the extent to which the proposed development would be consistent with the development plan for the area;
 - the weight to be given to relevant development plan policies;
 - Benefits/disbenefits and the overall planning balance.
 - (ii) The Council's current HLS situation (this may not need to be dealt with as a main issue, depending on what agreement can be reached between the Council and the appellant in the Statement of Common Ground (SoCG));
 - (iii) The effect of the proposed development on character and appearance/ landscape and visual matters;
 - (iv) The effect on trees and hedgerows;
 - (v) The effect on biodiversity and ecology (the Council may reach agreement with the appellant on this matter and would not therefore present evidence on this issue – although the SNHPC still opposes the proposal on ecology grounds, and would wish to question the appellant);
 - (vi) The effect on the best and most versatile agricultural land;
 - (vii) The effect on mineral deposits;
 - (viii) The effect on highways and transport matters, including sustainable transport and highway safety (the Council indicated it would not oppose the proposal on technical highway matters or highway safety grounds, although the SNHPC still opposes the proposal on highway safety grounds, and would wish to question the appellant);
 - (ix) Whether any submitted planning obligation (and planning conditions) would adequately address the impacts of the proposed development.
8. The appellant's evidence will also need to address any additional relevant matters raised by interested parties.
9. As noted above, some of these main issues may not need to be explored at the Inquiry, depending on what agreement is reached between the parties, and progress on other matters. In this regard Mr Lewin explained that on 19 January 2023 the Council is intending to adopt a new Joint Minerals and Waste Plan which will have an important bearing on the minerals issue.
10. The main issues will be dealt with by the formal presentation of evidence, which would then be open to cross-examination and questioning.
11. Miss Jones indicated that the appellant was addressing a letter recently received from the Environment Agency, regarding drainage matters, and wished to reserve its position on this matter, which may need to be dealt with at the Inquiry.
12. It was agreed that all evidence would be dealt with on a party by party basis, with the Council presenting its evidence first, followed by the SNHPC, and finally the appellant. The actual running order for the Inquiry will be determined once the extent of the evidence and the likely participants are more clearly known, but initial thoughts are set out later in this Note.

Procedure to be followed at the Inquiry

13. The Inquiry is scheduled to open as a physical “face-to-face” event, at 10:00am on **31 January 2023** at The Council Offices, Shute End, Wokingham, RG40 1BN. Appropriate social distancing and hand sanitising arrangements will be in place. The Council confirmed that “back-up” provision will be made for some sessions to be held “virtually”, if any of the participants are unable to attend in person because they need to self-isolate, or for any similar, justified reason.
14. The Council undertook to make someone available at the Inquiry venue to act as a point of contact for interested persons, during the event.

Evidence: Purpose, preparation and documentation

15. Details of the content and format of proofs of evidence and appendices were attached as an Annex to my Pre-Conference Note. The points set out in that Annex should be followed by all parties. In particular, parties should note that Appendices should be bound separately to the proofs, and should be appropriately tabbed and paginated.
16. Only summaries of evidence will normally need to be read at the Inquiry – elaborated on as necessary – but cross-examination will be permitted on the whole of the evidence contained in the full proof. Summaries should not exceed 1500 words or 10% of the proof whichever is the greater.
17. If a party wishes to include material drawn from the internet as part of their evidence, a reference to a website address is not sufficient as website material may change or be removed. Any such material should therefore be printed and submitted in hard copy, normally as an Appendix to the proof of evidence.
18. Individuals/local residents can speak at the Inquiry but I will not want to hear repetitive evidence. If several people want to speak on similar topics they should seek to co-ordinate their statements, or perhaps elect a spokesperson or persons. Anyone wishing to speak at the Inquiry should submit a copy of any statement they intend to make to the Inspectorate’s Case Officer¹ ideally no later than 1 week before the opening of the Inquiry – ie, by close of play on **24 January 2023**. It would be acceptable, although not encouraged, for interested persons to provide a copy of their written statement on the day they wish to speak. Ideally I will expect to hear from interested persons on Day 1 of the Inquiry.

Core Documents (CDs)

19. The main parties will work together to agree a draft list of CDs by close of play on **20 December 2022**, so that CDs can be properly referenced in the proofs. The CDs should comprise **only** those documents which will be referred to in evidence. Where documents are lengthy, only relevant extracts need be supplied. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text. A copy of the National Planning Policy Framework does not need to be included as a CD, nor do documents that relate to matters which are not in dispute.
20. Any Appeal Decisions and/or legal authorities upon which any party intends to rely will need to be prefaced with a note explaining the relevance of the document to the issues arising in this case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.

¹ Mr Robert Wordsworth Tel: 0303 444 5608; email: robert.wordsworth@planninginspectorate.gov.uk

21. I would like a copy of the CDs in electronic form, and will also need CDs in hard copy form, for use at the Inquiry. The Council confirmed that electronic versions of the CDs, and other relevant Inquiry documents will be available on its website.
22. I also requested that an electronic copy of the finalised CDs be sent to the Inspectorate's Case Officer by file transfer, such as Wetransfer or similar method.

Statements of Common Ground

23. The Council and appellant are working together to conclude the main SoCG, which is intended to include separate SoCG on Highways, Sustainability and Ecology – and possibly HLS – as Appendices. It was agreed that a final version of this SoCG should be made available by **16 December 2022**. It was agreed that the SNHPC be given sight of this SoCG, as it may wish to make comments on it.

Conditions

24. The parties will work together to produce an agreed draft schedule of suggested conditions, to be imposed if planning permission is to be granted, together with the reasons for them and references to any policy support. It is intended that this list be made available as a further Appendix to the main SoCG. The SNHPC should be copied in to the final draft version of the suggested conditions.

Planning Obligation

25. The appellant confirmed that it intends to submit a planning obligation to address matters raised in the Council's 9th and 10th reasons for refusal. An early draft of the planning obligation should be provided by **6 January 2023**, with a final agreed draft by **17 January 2023**.
26. This final draft must be accompanied by a Community Infrastructure Levy (CIL) Compliance Statement, prepared by the Council, setting out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent.
27. If needed, I will allow a short time after the close of the Inquiry for submission of a signed version of the obligation, provided all matters of detail have been agreed.

Key dates for submission of documents

28. To summarise, the following dates were agreed for the submission of documents:
 - A final, signed version of the main SoCG, to include separate SoCG on Highways, Sustainability, Ecology – and possibly HLS – as Appendices, by close of play on **16 December 2022**;
 - A draft list of agreed suggested planning conditions – also as an Appendix to the SoCG, by **16 December 2022**;
 - A list of CDs by close of play on **20 December 2022**;
 - Proofs of evidence (and summaries if the proof is over 1500 words in length) by **6 January 2023**;
 - An early draft of the planning obligation by **6 January 2023**, with a final agreed draft by **17 January 2023**. A CIL Compliance Statement should accompany this final draft planning obligation;
 - The Council to send a copy of the notification letter setting out

details of the Inquiry, and a list of those notified, to PINS no later than **10 January 2023** – if not already sent;

- Any rebuttal proofs of evidence – where necessary to save Inquiry time - to be submitted by close of play on **24 January 2023**;
- A draft site visit itinerary by **24 January 2023** (see later);
- Final time estimates from the main parties, for openings and closings, evidence in chief and cross-examination etc, to be submitted by **24 January 2023**.

29. The above dates are summarised in tabular form in Annex A to this Note.

Costs

30. No party currently anticipates making an application for costs. If any application is to be made, the Planning Practice Guidance makes it clear that as a matter of good practice it should be made in writing before the Inquiry. I reminded the parties that I have the ability to initiate an award of costs in line with the Planning Practice Guidance if I consider it necessary and justified. Unreasonable behaviour may include not complying with the agreed timetables.

Inquiry Venue and facilities

31. The Inquiry venue should ideally be able to provide the following facilities:

- An Inquiry room capable of accommodating socially-distanced seating arrangements if necessary – lockable, to allow secure overnight storage of documents. Although the Council Chamber is a large venue, the Council agreed to explore the need for possible over-spill accommodation, if a large attendance is expected;
- Microphones/PA system;
- Disabled access and facilities;
- Hearing loop;
- Separate large monitor for the Inspector;
- Retiring rooms for Inspector/parties;
- Wi-fi/internet access;
- Provision for “virtual” sessions/participation if necessary;
- Copying facilities;
- Break-out rooms/refreshments/drinks;
- Parking – Inspector/others.

32. The Council undertook the check these matters, and inform the Inspectorate’s Case Officer if any of these facilities are unlikely to be available, or if any problems are anticipated.

Sitting times, Inquiry duration and likely Inquiry running order

33. The current assumed duration of the Inquiry is 8 days – **31 January – 3 February 2023** and **7-10 February 2023**. I will produce a draft Inquiry timetable, which will be kept under review, once the parties have supplied their time estimates.

34. The normal sitting times of the Inquiry will be 10.00am to 5.00 or 5.30pm on Tuesday to Thursday; on Fridays I intend to start at 9.30am and would aim to

finish at mid-afternoon – around 3.00-3.30pm, as some people may have lengthy distances to travel. Timings will be reviewed as the Inquiry progresses. Depending on progress, it may be necessary to start at 9.30am on other days. The lunch period will normally be from about 1.00pm to 2.00pm, with short breaks each mid-morning and mid-afternoon. This daily sitting programme may need to be amended if any virtual sessions prove to be necessary.

35. Following my opening comments on the first day of the Inquiry I will invite opening statements from the main parties, which should ideally be no longer than about 10 minutes each – appellant first, then the Council, then the SNHPC. I will then hear from any interested persons who wish to speak. If any interested persons cannot attend on the opening day of the Inquiry there may be some scope to hear from them later in the week, although ideally interested persons should be heard before I hear the appellant's evidence.
36. The evidence will then be heard on a party by party basis – Council first, then the SNHPC and finally the appellant. After all main parties have presented their cases I will then lead the usual round table discussions on conditions and provisions of the planning obligation.
37. Before hearing closing submissions from the parties, I will wish to carry out an accompanied site visit to the appeal site and surrounding area, and in this regard, all parties are to collaborate on producing a site visit itinerary. Interested persons participating in the Inquiry should have an input to this itinerary, to ensure that it covers all locations that the parties wish me to see. The purpose of the site visit is for me to see the site and its surroundings in the context of the evidence I will have read and heard. I will not listen to any representations or hear any evidence during the visit. I indicated at the CMC that as part of the accompanied site visit I have been asked to view the appeal site from a private dwelling located adjacent to the appeal site's southern boundary, and have agreed to do so.
38. A draft site visit itinerary should be submitted 2 weeks before the opening of the Inquiry – ie by **17 January 2023**. It should include a plan or plans and timings to establish the extent and likely duration of the site visit, so that I can decide when best to fit it in to the Inquiry programme. If the parties want me to visit any locations away from the appeal site itself these should also be listed on the itinerary. I may be able to visit some of these locations on an unaccompanied basis, unless the parties consider it essential that I am accompanied.
39. After undertaking the accompanied site visit I will hear the parties' closing submissions. Ideally these should be a maximum of around 30-40 minutes each. I will first hear from any interested person who wishes to summarise their case for me; then the SNHPC; then the Council; and finally the appellant. Closing submissions should set out your respective cases as they stand at the end of the Inquiry and should be fully cross-referenced. No new evidence is permissible in closing submissions. These closings should be submitted both in writing, and in electronic form to the Inspectorate's Case Officer – ideally in Word format.
40. After hearing closing submissions, and checking if any further applications are to be made, I shall close the Inquiry.

David Wildsmith

INSPECTOR
8 December 2022

Annex A

Summary of Key dates for the submission of documents

16 Dec 2022	Deadline for submission of: <ul style="list-style-type: none">• Signed SoCG between the Council and the appellant, with the following Appendices:<ul style="list-style-type: none">○ Highways SoCG○ Sustainability SoCG○ Ecology SoCG○ possible HLS SoCG○ list of agreed planning conditions
20 Dec 2022	Deadline for submission of: <ul style="list-style-type: none">• final, agreed Core Documents list
6 Jan 2023	Deadline for submission of: <ul style="list-style-type: none">• all proofs of evidence• early draft of the planning obligation
10 Jan 2023	Council to send in copy of Inquiry notification letter and list of those notified – if not already submitted
17 Jan 2023	Deadline for submission of: <ul style="list-style-type: none">• final draft planning obligation• Council's CIL Compliance Statement
24 Jan 2023	Deadline for submission of: <ul style="list-style-type: none">• any necessary rebuttal proofs• draft site visit itinerary• final time estimates from the parties
31 Jan 2023	Inquiry opens 10.00am