



APPEAL REF: APP/W0340/W/20/3265460
LAND AT SANDLEFORD PARK, NEWTOWN ROAD, NEWBURY

Case Management Conference Friday 5 March 2021

This note sets out the matters discussed at the Case Management Conference (CMC) held at 10:00 on 5 March 2021.

The conference was arranged to consider the management of the Inquiry as a virtual event.

Inquiry Arrangements

The forthcoming Inquiry will be undertaken as a digital event using the Teams platform. The Inquiry will open on **Wednesday 5 May 2021** at 10:00am.

The Inquiry is scheduled to sit for 12 days. However, there may be a need for additional sitting days due to the virtual nature of the Inquiry. It was agreed that the parties would be available for the remainder of the final week up to Friday 28 May should additional time be required.

Having regard to health and safety issues and other constraints it is intended to have two sessions of an hour and a half in the morning and one in the afternoon. The Inquiry should therefore be timetabled on this basis.

There will be a break of about half an hour between sessions with an hour for lunch. As far as possible any discussions between the parties or the need to take instructions should take place outside of the scheduled sitting times to avoid unnecessary adjournments.

Inquiry Timetable for Submission of documents

The parties agreed the following timetable at the CMC.

15 March 2021	Statement of Common Ground summarising changes arising from Wheatcroft Documents.
22 March 2021	R6 Parties Statement of Case*
7 April 2021	Exchange of Proofs of Evidence
21 April 2021	<ul style="list-style-type: none">• Rebuttal Proofs if required• Draft UU with summary• CIL Compliance Statement• Draft Site Visit Itinerary• Draft conditions• Statement of Common Ground Addendum to reflect most recent position including progress with those

	<p>matters still under discussion (e.g.Highways issues) and Council's position following consideration of the Wheatcroft Documents</p> <ul style="list-style-type: none"> • Time Estimates
5 May 2021	Inquiry Opens

* To include reference to those parts of the Appellants & Council's Statement of Common Ground that R6 parties agree with and those they disagree with.

Likely Main Considerations

The following main considerations were agreed at the CMC.

- Whether the proposed access arrangements, including the emergency access and the access to Development Parcel Central are satisfactory;
- The Warren Road access;
- The highway mitigation works;
- The effect of the proposal on the character and appearance of the landscape;
- Whether the proposal is acceptable in terms of carbon emissions, the use of renewable energy and sustainable development objectives;
- The effect of the proposal on the ancient woodland, other woodlands and veteran trees, including the effects on connectivity and surface water run-off;
- Habitats and biodiversity;
- The comprehensive development of the SSSA;
- Air quality; Replacement land for the Rugby Club;
- Planning benefits and overall planning balance.

There are a number of other issues where the main parties may reach agreement before the commencement of the Inquiry. In the event that these matters are not agreed they will become additional main considerations.

- Whether the proposal would deliver an appropriate quantum. location and mix of affordable housing;
- Whether the proposal would provide suitable expansion land for Park House School ;
- Whether the surface water and groundwater impacts are acceptable

The parties confirmed that housing land supply is not a main consideration for this appeal.

Inquiry Running Order and how the Evidence will be heard

The evidence will be heard on a topic basis through both the formal presentation of evidence and roundtable sessions. Where evidence is

presented by way of evidence in chief and cross examination, I shall hear from the Council first, followed by the Rule 6 parties and then the appellant. The round table sessions will take the form of structured discussions that I shall lead and will be based on an agenda to be distributed closer to the date.

We will commence by hearing the opening statements from all parties.. I shall then hear from interested parties not represented by the Rule 6 parties.

The intended running order for the various topics is as follows;

Formal presentation of evidence

- Highways and access issues, including highway mitigation works ;
- Character and appearance and landscape issues.

Roundtable Discussion

- Air Quality;
- Carbon emissions/renewable energy;
- Woodland and trees;
- Habitats and biodiversity, including biodiversity net gain.

Formal Presentation of Evidence

- Comprehensive development of SSSA;
- Planning balance.

Should the issues in relation to affordable housing, expansion land for Park House School and surface and groundwater impacts remain outstanding they will be heard by way of a roundtable session. I understand from the CMC that the issue regarding the replacement Rugby Club land would be discussed as part of the planning obligation session. Should it prove that this discussion would be unsuitable for the planning obligation, it will be a separate roundtable session.

Once we have heard the evidence in relation to the above topics we shall then have a discussion in relation to the planning obligations and the planning conditions. This will be followed by closing submissions, starting with the Rule 6 parties, followed by the Council and then the Appellant.

The closing submissions should set out the main parties respective cases as they stand at the end of the Inquiry, with a written copy handed up to the Inspector in advance (email to case officer), appropriately cross-referenced where evidence is relied on.

Time Estimates and Proofs of Evidence

Once the parties have had the opportunity to review the proofs of evidence, they should submit time estimates for opening remarks, evidence in chief and cross examination where relevant, and for the duration of roundtable sessions, and closing submissions.

It is important that these estimates are as realistic as possible so that a timetable for the event can be prepared. Due to the range of issues for the Inquiry it is probable that we shall need at least some of the contingency days.

The Appellant and the Council agreed to submit a Statement of Common Ground setting out a factual summary of the Wheatcroft Documents.

Proofs of evidence should set out the primary case on the basis of the Wheatcroft Documents, but since this has been recovered by the Secretary of State proofs should also comment on the position should he decide not to accept some, or all, of the Wheatcroft documents.

Site Visit

As discussed at the case conference, I would like a draft site visit itinerary identifying locations other than the site which the parties wish me to visit, and an approximate indication as to how long might be needed for the visit. As third parties may wish to promote viewpoints during the Inquiry, this plan does not need to be finalised until towards the close of the event.

Should the visit include any areas of privately-owned land other than the appeal site, it would be helpful if the parties could explore how access could be provided in the light of the need for social distancing.

Management of Core Documents & Inquiry Library

The Council has helpfully volunteered to provide a website for all Inquiry documents. All documents will need to be accessed digitally. Should the Rule 6 parties wish to add any additional Core Documents they should notify the Council so that these can be added to the library.

The library will need to be updated throughout the event and it would be helpful if a separate folder is provided for documents handed up during the Inquiry. Any such documents should be emailed to the case officer no later than the end of the day on which they are submitted. Should it be necessary to submit any documents during the course of the Inquiry I would urge the parties to submit them the day before to avoid unnecessary adjournments.

As mentioned at the CMC I would prefer to have a hard copy of the proofs of evidence and the LVIAs. Arrangements can be made to collect these from the Council Offices, following the exchange of proofs. They should be forwarded to the Council's office no later than 14 April 2020.

Conditions

The Council will prepare draft conditions and discuss these with the appellant. I would remind the parties that the reasons for the conditions, including references to any policy support, should also be included. Careful attention must be paid to the wording and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity and enforceability in accordance with the

guidance in Planning Practice Guidance. Any difference in view on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. The agreed conditions should be circulated to the Rule 6 parties for their comment.

Where other parties, such as the Highway Authority and Natural England have suggested conditions, similar justification is required. Where it is not intended to include such conditions, a brief explanation should be provided.

Costs

If either party intends to make an application for costs, Planning Practice Guidance makes it clear that it should be made in writing to the Inspector before the Inquiry. You should give the other parties timely notice to enable them to compose a response. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the Planning Practice Guidance.

Lesley Coffey

Planning Inspector

11 March 2021