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**APPEAL REF: APP/D3830/W/21/3266563 Land at Turners Hill Road, Turners Hill, RH10 4PB**

**The Council is encouraged to draw the attention of interested parties to this Note, including posting a copy on its web site.**

**CASE MANAGEMENT CONFERENCE SUMMARY NOTE**

1. The case management conference (CMC) was led by the Inquiry Inspector, Siobhan Watson. It started at 10:00 am and finished at 10.56 am.
2. The Inquiry is to be held as a virtual event on the Microsoft Teams platform, opening at 10.00 am on Tuesday 11 May 2021, resuming at 09.30 on subsequent days. Once the Inquiry is open, it will run on the same lines as a face to face event, adopting the same protocols and etiquette as are normal in the Inquiry room. The Inquiry is scheduled to sit for up to four days.
3. Appearances for the main parties were confirmed as follows:

*Appellant*

* Mr Andrew Tabachnik QC, (Advocate) instructed by Mr Mark Brassey.
* Matthew Last, Ardent (Highways)
* Lisa Jackson, Lisa Jackson Planning (Planning)
* Mark Gibbons, Indigo Landscape (Landscape)
* Peter Mitchell, Peter Mitchell Associates (Need and Benefits)

*Council*

* Ms Emma Dring (Advocate)
* Stuart Rider, Rider Landscape Consultants (Landscape)
* John Dodsworth (Need and Benefits)
* Andy Watt (Planning)

**Statement of Common Ground**

1. A signed statement of Common Ground has been submitted.

**Main Issue**

1. It was agreed that the main issue would relate to the character and appearance of the countryside including the setting of the High Weald Area of Outstanding Natural Beauty, taking into account the fallback position of extant planning permissions and whether any harm would be outweighed by the need for the development.

**Dealing with the Evidence**

1. With the agreement of the parties, the evidence in relation to landscape (including the fallback position) and need will be dealt with by way of formal presentation and cross examination.
2. Issues relating to planning policy and the planning balance will be tested in a round table session which the Inspector will lead.
3. Highways issues raised by interested parties will be dealt with through the formal presentation of evidence in chief by the appellant’s witness who will thereafter be available to answer questions by third party speakers. The Council’s highways witness will also be available.

**Conditions**

1. An agreed schedule of conditions is included in the Statement of Common Ground. Any additional conditions and the reasons for them, including references to any policy support, are to be submitted at the same time as the proofs.
2. Careful attention is to be paid to the wording and the conditions will need to be properly justified having regard to the relevant tests, in particular the test of necessity. You are reminded that as set out in the NPPF, planning conditions should be kept to a minimum and that conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. The reasons for any pre-commencement conditions will need to include that justification. Any difference in view on any of the suggested conditions, including their wording, should be highlighted in the schedule with a brief explanation given.

**Planning Obligation**

1. The appellant intends to submit a unilateral undertaking in respect of the extant planning permission for a chapel. A signed copy should be submitted before the Inquiry opens.

**Core Documents/Inquiry Documents**

1. The Council will set up a dedicated webpage for the core documents. This will be accessed by all of those who may have an interest. The appellant will also provide self-selected hard copies of high resolution A3 documents in relation to the landscape evidence. These will be made available at the Council offices from where the Inspector or a colleague can collect them. Copies should also be made available for the Council and must also be uploaded to the web page. (An appendix suggests how documents should be referenced).
2. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by the Inspector.

**Inquiry Running Order**

1. In general, the Inquiry is expected to finish each day no later than around 17.00 hours and, with the exception of the first day, will resume on subsequent days at 09.30 hours.
2. In terms of running order, following the Inspector’s opening comments on the first day of the Inquiry, she will invite opening statements from the main parties (appellant first, followed by the Council) which will set the scene. She will then hear from any interested parties who wish to speak, and the highway’s evidence.
3. Next, will be the landscape evidence, then the need evidence which will both be by the presentation of evidence in chief and cross-examination. In each case, the Council will present its evidence first, which will be cross-examined and re-examined if necessary, followed by the corresponding evidence of the appellant on the same basis.
4. Last in terms of evidence, matters relating to planning policy and the overall planning balance will be dealt with via a round table discussion. Following this there will be a discussion of the planning obligation and conditions.
5. That will be followed by closing submissions (Council, then Appellant) which should set out your respective cases as they stand at the end of the Inquiry, with a written copy handed up to the case officer beforehand, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
6. The Inspector will carry out an unaccompanied site visit after the Inquiry has closed. The landscape witness will provide maps of viewpoints for this inspection.

**Document Submission Dates**

1. All proofs of evidence are to be submitted no later than **15 April 2021.**
2. An early draft of the proposed planning obligation is to be submitted at the same time as the proofs (**15 April**) with a final draft no later than **27 April**.
3. The Council is to make sure a copy of the notification letter setting out details of the Inquiry, and a list of those notified is sent in to PINS no later than **20 April**.
4. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **27** **April.** It is particularly important that any rebuttal proofs do not introduce new issues. Final timings for openings and closings, evidence in chief and cross examination must also be submitted by **27 April**.
5. A draft programme will be issued following receipt of your final timings in due course. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

**Costs**

1. No application for costs has been confirmed by any party at this stage, although positions are reserved. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. You are also reminded in this regard, that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the ability to initiate an award of costs, although hopefully she won’t have to use it.

I hope that you all found the CMC to be helpful. Thank you for your contributions.

**Siobhan Watson**

22 March 2021

**Appendix**

**TEMPLATE FOR CORE DOCUMENTS LIST (adapt headings to suit)**

**CD1 Application Documents**

**and Plans**

1.1

1.2

etc

**CD2 Additional**

**/A**

**mended Reports**

**and/or Plans**

**submitted after validation**

2.1

2.2

**CD**

**3 Committee Report and Decision Notice**

3

.1

Officer’s

Report

and minute of committee meeting

3

.2

Decision Notice

**CD**

**4**

**The Development Plan**

4

.1

4

.2

**CD**

**5**

**Emerging Development Plan**

5

.1

5.2

**CD**

**6**

**Additional material submitted after determination of the application**

6

.1

6

.2

**CD**

**7**

**Relevant Appeal Decisions/Judgements**

7

.1

7

.2

**CD**

**8**

**Other**

8

.1

8

.2