

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

**CASE MANAGEMENT CONFERENCE 22 MARCH 2021**

**INSPECTOR’S PRE-CONFERENCE NOTE**

1. The case management conference (CMC) will be led by Miss Siobhan Watson, a chartered town planner and Planning Inspector. You will be sent separate instructions to join the virtual Teams meeting. Attached is a conference agenda.
2. There will be no discussion as part of the CMC as to the merits of your respective cases and the Inspector will not hear any evidence. The purpose of the conference is to give a clear indication as to the ongoing management of this case and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
3. The Inquiry itself is scheduled to open as a Virtual Teams event at 10.00am on Tuesday 11 May 2021. It is expected to sit for no more than 4 days, hopefully less through effective early engagement.

**Main Issues**

1. Based on the material currently submitted, the Inspector considers that the main issue between the main parties is the effect of the proposal on the character and appearance of the countryside.
2. The Inquiry will also look at any planning benefits to be weighed in the planning balance, including the need for the development. It will also look at the fallback position.
3. In addition, although not comprising any reason for refusal, other interested parties continue to have strongly held concerns which will need to be addressed including:

* the effect of the proposal in terms of increased traffic using local roads, highway safety and accessibility to sustainable modes of transport.
* Noise and pollution/effect on air quality;
* the effect on wildlife.

1. Whether or not these are dealt with as main issues in the eventual decision will depend on the evidence heard in due course.
2. You are requested to give consideration in advance of the case management conference as to whether the identified matters encapsulate those most pertinent to the outcome of the appeal, reaching agreement through discussion if possible.

**Dealing with the Evidence**

1. The Inquiry will focus on areas where there is disagreement. With that in mind, the conference will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible.

1. At this stage, the Inspector considers that the character and appearance issue can be dealt with via the presentation of evidence in chief by a witness for each side, which will then be cross-examined.
2. The Inspector considers that the need for the facility and the planning balance could also be dealt with via the presentation of evidence in chief by a witness for each side, which will then be cross examined.
3. The Inspector is aware that it is entirely likely that a number of third parties will want to have their say at the Inquiry. The Inspector will consider all the representations made at planning application/appeal stage from third parties noting the need for brevity and that the Inquiry should not be used to repeat comments made already. The Inspector will also consider the various technical reports submitted by the appellant to support the application/appeal.
4. In the context of the above, the Inspector does not consider that there would be a need for separate proofs of evidence in respect of noise and pollution, air quality and wildlife. There is no evidence that there is disagreement between the main parties about these matters and, as is normally the case, any third parties at the Inquiry will be asked if they would take questions from the relevant advocate and, of course, the Inspector, if necessary, may also ask questions.
5. However, it is clear that a number of third parties have concerns about the effect of the proposed development on matters relating to traffic generation, highway safety and accessibility. The Inspector therefore considers that this is likely to be a matter which is best addressed by way of the appellant’s highway consultant providing a summary of traffic/highway/accessibility safety effects in the form of ‘evidence in chief’ (i.e. based on a proof which focusses on addressing concerns raised by third parties) and thereafter being available to answer questions by third party speakers. It is possible that the Inspector may also have some questions of her own to ask the appellant’s highway consultant about this matter.
6. Given the above, the Inspector would also ask that a representative of the Highway Authority is on hand to ‘sense’ check what is being said, if needed, but not to give evidence. The Inspector asks the Council to please contact the Highway Authority at this stage to ensure that this is going to be possible. Whether the traffic/safety/accessibility matter is dealt with as main issue in the eventual decision will depend on the evidence heard in due course but given the evidence so far, the Inspector is not anticipating this to be the case. Please be mindful about the potential consequences of submitting late evidence when addressing this issue.
7. You are requested to give the above careful consideration in advance of the related discussion at the CMC. Any request for evidence to be heard other than as currently envisaged will need to be fully justified. All the above points are included on the CMC agenda.

**Statement of Common Ground**

1. At this stage, the Inspector has not received a final/completed statement of common ground (SofCG) but is expecting to have received it by Friday 19th March, before the CMC.

**Conditions**

1. An agreed list is anticipated to be contained within the SoCG.

**Core Documents**

1. The attached Annex sets out the preferred format and content of proofs and other material, which should be observed.

**Case Management Call Etiquette**

1. Also appended, is a case management call etiquette.

**Joining Instructions**

1. A separate email with Teams joining instructions will be sent by the case officer.

Siobhan Watson

INSPECTOR

18 March 2021

**Appendix 1**

**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 and

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;

• where case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

Proofs **should not**:

• duplicate information already included in other Inquiry material, such as site description, planning history and the 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.

Format of the proofs and appendices:

• Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 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.

• Appendices are to be bound separately.

• Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.

**Appendix 2**

**Case Management Conference Call Etiquette**

• Make sure all the necessary persons for your side are present in

good time and that mobile phones and the like are turned off, or on

silent mode during the conference.

• Make sure any electronic devices/phones you will be relying on

during the conference all are fully charged.

• Make sure you know how the service works and how to dial in. This

means keeping the dial-in number and any required PIN to hand. If

you haven’t dialled in before, it’s best you try to dial in early so you

give yourself enough time to troubleshoot in case you run into any

complications.

• Have a copy of the agenda readily to hand.

• Each party should have a single spokesperson nominated to speak.

A case officer will record the names of those present during the call

for each party, before the Inspector leading the case conference

‘arrives’. The Inspector will ‘arrive’ last and leave first.

• Background noise on a conference call can be an issue. You may

want to consider putting yourself on mute and then un-muting

yourself when you speak. Also make sure that personal phones are

kept away from the main speaker phone in order to avoid potential

issues with feedback.

• Know when, and when not to speak – talking over people is rude in

any situation, and when you’re on a conference call, you can’t see

the body language of someone who is about to speak. No one likes

being spoken over, so make sure you take note of your cues to

speak and don’t speak over (or louder) than the other participants

on the call. The Inspector will lead the conference and will invite

specific contributors to speak at particular times.

• As a matter of courtesy, please make the case officer aware when

joining if you intend to record the conference call.