



The Planning Inspectorate

APPEAL REF: APP/N2345/W/20/3258889

Land at Cardwell Farm, Garstang Road, Barton, Preston PR3 5DR

Outline application for up to 151 dwellings with associated works

**Case Management Conference to be held at 10:00am on Wednesday
9 December 2020**

INSPECTOR'S PRE-CONFERENCE NOTE

Introduction

1. The case management conference (CMC) will be led by Mr Mark Dakeyne, the Inspector appointed to hold a public inquiry and determine this appeal. Instructions for joining the telephone conference, a conference etiquette to be observed, and the conference agenda are attached.
2. The purpose of the CMC is to give a clear indication as to the ongoing management of this case and how the evidence will be presented at the Inquiry so that the event itself is conducted in an efficient and effective manner. There will be no discussion during the CMC as to the merits of your respective cases and the Inspector will not hear any evidence.
3. The Inquiry, which is scheduled to open at 10.00am on Tuesday 9 February 2021, will be conducted as a virtual event by Mr Dakeyne. Four sitting days have been scheduled for the inquiry.
4. Following the close of the CMC, I will issue a summary of the outcome of the discussion, together with any Directions.

Practical arrangements for a virtual event

5. There are a number of matters that will need to be discussed at the CMC and agreed for action, in advance of the virtual event.
 - a. Technology
 - i. The digital video conferencing platform for the virtual event will be MS Teams, which requires an internet enabled PC, tablet or Smartphone. It will also be possible for interested parties to join the event by telephone.
 - ii. It is assumed that the main parties have the capacity to support and use this technology for advocates and witnesses. PINS will be able offer technical support in advance of the inquiry, if required. A test event is normally held a few days before the inquiry.
 - iii. I will also need to understand the potential number of interested parties who may wish to speak at the inquiry and discuss how this will be managed.

b. Programming, dealing with the evidence, and running order

- i. A programme for the inquiry will be required allowing for suitable screen breaks. From our experience to date, sessions of 1 to 1 ½ hours long are the maximum advisable continuous sitting time for this type of event. However, although sitting times may be less than in a physical event, virtual inquiries tend to be more focused so I would anticipate that four days should be sufficient.
- ii. I will provide a draft timetable as soon as possible after the CMC but would ask that parties give consideration to the programme taking into account the virtual format, the number of witnesses and potential interested parties wishing to speak, and advocates time estimates.

c. Documentation

- i. Provision of all documents electronically will be acceptable in the current circumstances. The parties should arrange for electronic copies of proofs of evidence (POE), statements of common ground (SOCG), Core Documents and all other relevant documentation to be made available on-line before and during the inquiry. Means to ensure all documents can be available to members of the public will need to be considered. It is noted that appeal documentation has already been uploaded to the Council's website which will be the most suitable platform for inquiry documents, and that the Council intends to set up a dedicated page.
<https://selfservice.preston.gov.uk/service/planning/ApplicationView.aspx?ApNo=06/2019/0752&Id1=20201126121918ca3b979ec66faa82>
- ii. The documentation, including Core Documents, will need to be structured so that it is easily accessible. Documents submitted during the inquiry will need to be added without significant delay.

d. Notification

- i. The inquiry notification will need to be issued a minimum of 2 weeks before the inquiry opening. It will need to provide details of the virtual event format, how to access the event to participate or observe, guidelines for those wishing to speak, where to access documents, and other relevant information. The site notice should include the same details. These details will need to be confirmed at the appropriate stage to allow time for the notification letter and site notice to be drawn up.

e. Site visit

- i. I will carry out an unaccompanied site visit before the inquiry. I may also undertake a further site visit after the inquiry. If I need to be accompanied by the parties, I will make arrangements for this at the inquiry. An itinerary should be drawn up in advance of the inquiry. This can be added to at the inquiry, as necessary.

Main Issues and other matters

6. Based on the material submitted thus far, including the statements of case (SOC) and the Planning SOCG, the Inspector considers that the main issues in this appeal are likely to be:
 - a. Whether the proposal would accord with the development plan strategy for the area;
 - b. The effect on the character and appearance of the area;
 - c. Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
 - d. Whether paragraph 11. d) ii. of the National Planning Policy Framework (the tilted balance) is engaged.
7. The inquiry will also look at any benefits to be weighed in the planning balance.
8. Other issues have been raised by interested parties. These may also need to be addressed at the inquiry.

Dealing with the evidence

9. 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.
10. The issue of character and appearance would be best dealt with by written evidence and a site visit.
11. It appears that the five-year supply issue hinges on what basis the housing requirement is derived. If this is the case it would be best dealt with through the presentation of evidence in chief and the cross-examination of the planning witnesses of the Council and the appellant. Although not highlighted in the SOC, if there is also a dispute about delivery of particular sites and this could be decisive, then a round table discussion, supported by a dedicated SOCG, would be appropriate for this area of evidence.
12. The SOCG should confirm areas where there is consensus in terms of housing supply, and also identify areas where there is disagreement, summarising the reasons for those differences. In doing this it should draw on evidence in the supporting documents. It should include in tabular format a summary of the respective position of the main parties on the housing requirement and, if necessary, those sites where there is a dispute as to whether they contribute to the five-year supply. That, together with your respective proofs, would inform the presentation of evidence and any round table discussion.
13. The development strategy and tilted balance issues, including whether the most important policies for determining the application are out-of-date, would be dealt with through the presentation of evidence in chief and the cross-examination of the planning witnesses of the Council and the appellant. This would enable the Inspector to obtain a clear understanding of the differences between the parties on how the development fits with the strategy, the weight to be given to development

plan policies and any emerging policies, and adverse impacts versus benefits.

14. The CMC will also discuss how issues raised by interested parties are best addressed. For example, it is noted that there are highway capacity/safety and drainage objections. These might be best dealt with by witnesses for the appellant making statements and being available to answer questions.

Evidence and documents

15. A timetable for the submission of POE and other documents will be included in the 'Summary and Directions' circulated after this CMC. The start date letter from the Case Officer dated 22 October 2020 set out the deadlines for the submission of POE (12 January 2021). A housing supply SOCG should also be provided by this date so that it will have informed the POE.
16. The deadlines for the submission of other documentation such as any rebuttals, the final draft obligation under Section 106 of the Planning Act (s106), a Community Infrastructure Levy compliance statement and draft conditions, will be set out in my 'Summary and Directions'. In terms of the s106, the Planning SOCG sets out what obligations will be contained within it. The conditions set out as an appendix to the Council's statement of case should form the basis for an agreed draft schedule of conditions.
17. The attached Annex sets out the preferred format and content of proofs and other material, which should be observed.

Finally

18. You are requested to give careful consideration to the above and any other relevant matters in advance of the CMC. If there are any other matters that I have not addressed, please raise them at the CMC.
19. If either party requires clarification on any of the matters raised within this note, please contact me via the Case Officer, Alison Bell.

Mark Dakeyne
INSPECTOR

27 November 2020

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 complexity of the issue 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 and the Framework 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.
- Appendices should not replicate documents that are included as Core Documents and be used sparingly.