

**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**

**INSPECTOR'S NOTE AND DIRECTIONS FOLLOWING CASE MANAGEMENT CONFERENCE – 9 December 2020**

### **Introduction**

1. I held a case management conference (CMC) by telephone on 9 December 2020 in respect of the above appeal, which is to be dealt with via the inquiry procedure. The call was with representatives of the appellant and the Council.
2. The main purpose of the CMC was to review the arrangements for the inquiry.
3. This note provides a summary of the outcome of the CMC and my directions for progressing the appeal and running the inquiry.

### **Practical arrangements for the event**

4. The procedure and arrangements for running the inquiry as a virtual event will be as follows.

#### Inquiry dates

5. The inquiry will open on Tuesday 9 February at 10.00 am and will sit for 4 days. On subsequent days the inquiry will commence at 09.30 am. Each day will include 3 sessions of about 1 ½ hours. Further details are set out below under 'Programming' and in the attached *Annex 1 - Draft Timetable*.

#### Technology

6. The inquiry will be run by the Inspector in the normal way, but via the MS Teams video conferencing platform. PINS will provide a URL weblink for participants to access the event on each day of the inquiry. Access to the event on MS Teams will be possible from any PC, tablet or smartphone with an internet connection. Participants without an internet connection will be able to join by telephone using a landline or mobile. Instructions for joining the event will be issued before the inquiry opens.
7. PINS is likely to run a test event with the main parties about a week before the inquiry is due to open, to allow participants to test their digital connections and the procedure for joining the virtual inquiry. The Case Officer will confirm the date for any the test event in due course.
8. The Council and the appellant confirmed that they are familiar with MS Teams.

9. The following link provides further advice about the use of MS Teams:  
<https://support.office.com/en-us/teams>

### Notifications

10. The inquiry notification letter and site notice will inform all interested parties that the inquiry is to be run virtually. The letter and site notice will invite parties to register in advance with PINS if they wish to 'attend' or participate in the inquiry. If they want to take an active part and speak, the letter/notice will ask them whether they wish to make a statement and additionally ask questions on specific topics.
11. Inquiry notifications should normally be issued a minimum of 2 weeks in advance of opening, which is 25 January 2021. However, given the virtual format of the inquiry, as much notice as possible should be given to allow interested parties time to consider whether they wish to participate. The Council will confirm when the notifications have been issued and to whom.
12. Examples of the wording of virtual inquiry notification letters, site notices and covering letters are attached as Annex 2 and Annex 3.

### Programming and Running Order

13. The inquiry is scheduled to sit for up to 4 days. From PINS' experience to date, sessions of 1½ hours long are the maximum advisable continuous sitting time for a virtual event, with extended breaks in between.
14. I have prepared an initial draft timetable setting out the likely running order. The programme will be refined closer to the opening of the inquiry. The advocates for the Council and the appellant will provide their estimated timings for opening and closing submissions, evidence in chief (EIC) and cross examination (XE) by Monday 1 February 2021.

### Documentation

15. All documents for the inquiry will be made available in a digital format on-line, for all parties to access. This includes, proofs of evidence (PoEs), Statements of Common Ground (SOCG) and Core Documents (CDs). In relation to CDs the appellant confirmed that a set is being put together.
16. The Council confirmed that the appeal documentation is to be held on its website, either through the Planning Application portal <https://selfservice.preston.gov.uk/service/planning/ApplicationView.aspx?AppNo=06/2019/0752&Id1=20201126121918ca3b979ec66faa82> or via a dedicated Appeals Page. The Council should provide an URL weblink to the inquiry documents to include in the site notice and notification letters and confirm this to PINS.
17. Opening and closing statements, and any other documents which I exceptionally may allow to be submitted at the inquiry will need to be submitted in electronic format to the Case Officer and placed on the Council's website for access by interested parties.

### Site visit

18. I will undertake 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**

20. 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.

The inquiry will also look at any benefits to be weighed in the planning balance.

21. A number of other matters have been raised by interested parties and these may be dealt with at the inquiry as well as by written representations.

### **How the main issues and other matters will be dealt with**

22. The Inquiry will focus on areas where there is disagreement.

23. Most of the evidence on the **main issues** will be presented in the traditional manner, through EIC and XE. However, character and appearance will be dealt with by written evidence and a site visit.

24. In terms of the five-year supply issue, this primarily appears to hinge on what basis the housing requirement is derived. A SOCG on housing supply should be provided and should confirm areas where there is consensus 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 any other housing supply issues that are in dispute. That, together with your respective proofs, would inform the presentation of evidence.

25. In terms of **other matters**, particularly highway capacity/safety and drainage objections, these should be dealt with by witnesses for the appellant making statements which should be appended to the POE of the Planning Witness. The technical witnesses should be on hand to answer any questions that interested parties or I have.

## Evidence and Documents

26. The timetable below provides deadlines for the submission of documents:

### Timetable for the submission of documents (electronic)

12 January 2021	Deadline for <ul style="list-style-type: none"><li>• SOCG on housing supply</li><li>• POE</li><li>• set of Core Documents</li></ul>
22 January 2021	Deadline for: <ul style="list-style-type: none"><li>• notification letters to be sent out and site notice posted</li></ul>
1 February 2021	Deadline for submission of: <ul style="list-style-type: none"><li>• any necessary rebuttal proofs</li><li>• final draft planning obligation</li><li>• CIL compliance statement</li><li>• list of planning conditions</li><li>• final timings</li><li>• site visit itinerary</li></ul>
4 February 2021	<ul style="list-style-type: none"><li>• Inspector to issue Inquiry timetable</li></ul>
9 February 2021	<ul style="list-style-type: none"><li>• Inquiry opens 10.00 am</li></ul>

### Other procedural and practical matters

27. If necessary, a further CMC may be held closer to the opening of the inquiry.

28. If you require any clarification on the contents of this Note and Directions, please contact the Inspector via the Case Officer, Alison Bell.

*Mark Dakeyne*

INSPECTOR

9 December 2020

*Attached*

*Annex 1 – Draft Inquiry Timetable*

*Annex 2 – Example of notification letter*

*Annex 3 – Example of site notice*