

TOWN AND COUNTRY PLANNING ACT 1990

Section 78 appeals against failure to give notice within the prescribed period of decisions on applications for:

Appeal Ref: APP/A1720/W/20/3252180 (Appeal A)

Outline planning permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access reserved

at

Land at Newgate Lane (North)

and

Appeal Ref: APP/A1720/W/20/3252185 (Appeal B)

Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access reserved

at

Land at Newgate Lane (South)

PRE-INQUIRY NOTE 3

16 December 2020

1. Highways evidence-Benefit Cost Ratio analysis

- 1.1. In their email to the Planning Inspectorate, dated 24 November 2020, the appellants indicated that, in light of the new evidence included in the Council's highways rebuttal, it would be necessary for them to supplement their evidence through the provision of a technical note. At the time it was anticipated that this could be provided by the 11 January 2021, consistent with the timetable set out in my pre-Inquiry Note 2.
- 1.2. However, in their email dated 15 December 2021, the appellants identified: firstly, that they have concluded that it will be necessary to call 2 additional expert witnesses to deal with the rebuttal evidence of Mr Gammer on Benefit Cost Ratio (including Appendix NG6); and, secondly, that progress in preparing the associated evidence has been hampered by the need to first clarify the basis of the Council's rebuttal evidence. As a result, they indicate that the proposed technical note, to be relied on by the new witnesses, cannot be provided until 19 January 2021.
- 1.3. In my judgement, the evidence referred to is relevant to my consideration of the appeals. Furthermore, given the likely technical/detailed nature of the submissions, it would be

advantageous to have the associated evidence set down in writing in advance of the Inquiry. In addition, I have no reason to question the explanation given by the appellants as to the difficulties and delays encountered in seeking to respond to the Council's rebuttal evidence.

- 1.4. Under these circumstances, while the **deadline of 11 January 2021 remains for the submission of any updated proofs on all other matters** (as set out in paragraph 7.2.2 of my pre-Inquiry note 2), **the BCR technical note to be relied on by the 2 new witnesses of the appellants should be submitted by the 19 January 2021.**
- 1.5. The date previously set for the submission of any revised rebuttal proof of evidence (or addendum) of **26 January 2021** remains (paragraph 7.2.3 of my pre-Inquiry note 2).
- 1.6. I have had regard to the Council's view that it may be necessary to provide a written rebuttal to the BCR technical note referred to above and this may not be possible by 26 January 2021. If, having received the appellant's proposed technical note, the Council or other parties consider that further written submissions are necessary, a reasoned request for leave to provide those submissions and the likely time implications should be submitted for my consideration as soon as possible.
- 1.7. The Council is asked to make this note available to other interested parties.

I Jenkins

INSPECTOR

16 DECEMBER 2020