

CASE MANAGEMENT CONFERENCE (CMC) NOTE

Appeal Ref: APP/A1720/W/20/3275237

Land East of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham.

Held via Teams at 14.00 on Monday 16th August 2021

Full Application: 206 Dwellings, Access Road from Peak Lane Maintaining Link To Oakcroft Lane, Stopping Up Of A Section Of Oakcroft Lane (From Old Peak Lane To Access Road), Car Parking, Landscaping, Substation, Public Open Space And Associated Works.

Purpose of the CMC

1. To discuss arrangements for holding the virtual event scheduled for Tuesday 19th October at 10.00 via Teams.

Present:

Anne Jordan – Inspector

For the Appellant: Christopher Boyle QC (Landmark Chambers), Kevin Squires (Landmark Chambers), Sarah Beuden (Savills), Jon Seymour (ACD Environmental), Keith Dillon (ID Partnerships), David Buczynskyj (Persimmon Homes South Coast), Peter Warren (Savills).

For the Council: Robert Williams (Cornerstone Barristers) Peter Kneen Fareham Borough Council

2. The CMC provided an opportunity to discuss how the virtual event will work and to clarify other procedural matters. There was no discussion of evidence at the conference or consideration of the merits of the appeal.

Means by which the Inquiry will proceed

3. The virtual inquiry will be held using Microsoft Teams, to be hosted by the Council. The event is to be livestreamed but not recorded. The inquiry will be subject to the same provisions of the Rules and Regulations as conventional face-to-face inquiries.
4. Those present at the CMC indicated that they had all participated in virtual Inquiries before and so were familiar with Microsoft Teams and its main features. To ensure the smooth running of the Inquiry a further Test Event for the main parties (including witnesses) will be needed before the inquiry.

The parties are asked to confirm their availability for the CMC/Test on **Monday 11th October at 11.00am.**

Notification of the appeal and site notice

5. The Council confirmed that it will be undertaking notifications by post. The notification letter will be adjusted to take account of the virtual nature of the event and will ask interested persons to register with the Council if they wish to observe or participate in the inquiry. The Council is asked to send the letter out at least 3 weeks before the inquiry is due to commence.
6. The Council also agreed to place a copy of the notification letter on its website and in the local newspaper. The Appellants will put up a site notice in the same locations used for the planning application. This should also be done 3 weeks before the inquiry. Copies of the site notice and notification letter should also be provided to PINS.

Opening dates, sitting times and inquiry duration

7. A virtual event will require shorter sitting sessions with planned breaks. It was agreed that there would be two sessions in the morning and one in the afternoon of about an hour and a half each in length.
8. The main parties confirmed that they would be available for the inquiry to open on **19th October at 10.00. Six days with an additional reserve day** were agreed should be sufficient to complete the inquiry, providing everyone keeps to their time estimates. The Inquiry will not sit on Friday 22nd October or Monday 25th October.

Main issues and other evidence

9. The main issues were discussed. Subject to some refinement of wording the main issues for the appeal are likely to be:
 - The effects of the proposal on the landscape character and appearance of the area. (cross examination)
 - Whether the appeal proposal would cause harm to the spatial character of the area as a result of development taking place on land designated as countryside. (cross examination)
 - Whether the proposal would deliver an acceptable residential environment for future occupiers. (cross examination)
10. Other matters will include five year housing land supply (extent of the shortfall, impact on heritage assets; (written submissions), whether an appropriate drainage strategy can be delivered, provision of affordable housing, provision of open space, impact on protected species, provision of education infrastructure and measures to reduce the use of the private car.
11. The Appellant indicated that it was likely that the matter of Housing Land Supply would be subject to agreement between the parties and covered

within the Statement of Common Ground (SoCG). Should this not prove possible a short round table session could be conducted to deal with the matter.

12. The Inspector also advised that she would find it helpful if a Landscape SoCG was prepared to identify areas of agreement in relation to landscape matters. This should include a comparative table of the main matters and an indicative pro-forma is included below. The parties are not obliged to use this if they consider an alternative format to be more productive.
13. The Inspector indicated that the proofs of evidence should address the impact of the new NPPF and the likely timescale of delivery of the proposed development.

Inquiry running order and programme

14. The inquiry will open at 10.00 each morning. A preliminary running order was discussed and this will be confirmed prior to opening. The evidence will be heard on a topic by topic basis with landscape evidence heard first in week one.

On the first day Tues 19th October

- Inspector's opening comments
- Appellant's opening
- Council's opening
- Third parties who wish to speak
- Landscape - Appellant EIC

Day 2 Weds 20th October - Landscape

Day 3 Thurs 21st October - Character and Appearance

Day 4 Tuesday 26th October - Character and Appearance Planning

Day 5 Wednesday 27th October - Planning, potentially HLS round table

Day 6 Thursday 28th October - Conditions, S106, any other matters identified during the Inquiry and potentially closings.

Day 7 Friday 29th October - Closings/Reserve Day

15. If local residents are unable to speak on the 1st day the Inspector will arrange an alternative convenient point in the programme. A round table session will be held on planning conditions and the Planning Obligations. Participation does not prejudice any party's case but is a normal component of a planning inquiry.

Planning obligation and conditions (CIL compliance schedule)

16. The Council advised that the planning obligation currently submitted was in draft form only and that it was likely to be replaced by a Unilateral Undertaking (UU). The parties confirmed that a finalised obligation,

agreed conditions schedule and any relevant CIL compliance schedule will be available at the opening of the Inquiry.

Management of inquiry documents

17. Although the Inspector intends to conduct the Inquiry using electronic documents, she is grateful for the advice of the advocates on this matter and will identify any documents she needs in hard copy by the **11th of October**. The Council have confirmed they will host all Inquiry documents.
18. There is no formal provision for the provision of rebuttal proofs and the Inspectorate discourages their use. The receipt of any additional evidence is at the discretion of the Inspector and should be submitted in good time prior to the event. All parties are asked not to hand documents into the Inquiry unless absolutely necessary as these are not easy to deal with at a virtual event. If this cannot be avoided, they will need to be submitted electronically the night before they are required to be shared and placed on the Council's Portal.
19. The parties agreed to provide an agreed list of submitted plans, which should identify superseded plans and additional plans which were not before the Council when the Council made their decision.
20. Openings should be sent to Tim Salter at PINs by email on the morning of the 19th October at least 1 hour before the opening of the Inquiry. Closing submissions should also be provided at least one hour before delivery. Time will be built into the programme to facilitate the preparation of closing submissions.

Costs

21. The appellants have given notice that a costs application may be forthcoming and were advised that any such applications should be made in advance and in writing.

Site visit

22. The Inspector advised that she would visit the site in advance of the inquiry and if necessary after its close. She intends to make both visits on an unaccompanied basis. It would be helpful if the parties agree an itinerary with selected viewpoints for the preliminary visit. The appellant is also asked to confirm if prior access needs to be arranged for the site.

Actions:

- The parties should confirm their availability for the Test on Monday 11th October at 11.00am.
- At the test the parties should provide the agreed list of plans and the agreed site visit itinerary.
- At the Test the Inspector will confirm the documents required in paper copy.

Anne Jordan
16th August 2021

Landscape Statement of Common Ground (SoCG)

The SoCG should include the following matters:

- Nature of the Appeal Site
- Any Designations
- Nature of the Development
- Relevant Character Assessments
- Methodology for assessing the Landscape and Visual Effects of the Development
- The Landscape and Visual Effects of the Proposal
- Comparison of Both Assessment of Landscape and Visual Effects (see suggested table)

<i>Comparative Table of Visual Effects</i>		
	<i>Council</i>	<i>Appellant</i>
<i>Landscape Judgements on Value and Sensitivity</i>		
Landscape Value of the Site and surroundings		
Sensitivity of site and surroundings		
<i>Effects on Landscape Receptors</i>		
Effects on character of site itself		
Character of areas outside site within ZTV		
Effect on character of any wider designations		
<i>Effects on Visual Receptors</i>		
Judgement on extent of visibility		
.....agree each relevant visual receptors – e.g PROWs, nearby residents, vehicle users in relevant highways, etc and identify effects upon each		

An agreed site visit itinerary, identifying viewpoints should also be provided.