



The Planning Inspectorate

APPEAL REF: APP/A1720/W/22/3299739

Land east of Newgate Lane East, Fareham

Outline application with all matters reserved except access for residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works.

CASE MANAGEMENT CONFERENCE (HELD ON MS TEAMS)

10:00 Wednesday 27 July 2022

Summary note (to be read in conjunction with my pre CMC note)

Attendees

1. The parties were represented at the conference by the following persons:

Appellant:

- Luke Wilcox of Counsel (Spokesperson)
- Tim Wall, Tetra Tech
- Neil Tiley, Pegasus Group
- James Atkins, Pegasus Group
- Trevor Moody, Pegasus Group
- Heather Knowler, EFM

Council:

- Peter Kneen, Fareham Borough Council (Spokesperson)
- Alex Roberts, LSH
- Ian Dudley, LGL
- Nick Sibbert, TLP
- Nick Gammer, Hampshire County Council

2. The advocates for the Inquiry were unable to be present. They are Christopher Boyle QC for the appellant and David Lintott of Counsel for the Council.

The Inquiry

3. The Inquiry will commence at 10am on Tuesday 11 October 2022. It is scheduled for 8 sitting days.
4. It will be held in the Council Chamber at Fareham Civic Offices. The Council Chamber will not be available after 2pm on Thursday 20 October but is available every other scheduled day.
5. It is anticipated that the event will be mainly a physical event, held in person. However, if advantageous to the programme, closing submissions, and potentially the round table sessions on conditions and S106 could be held online on MS Teams.
6. The Council confirmed that it could host on MS Teams in whole or in part if necessary, including the use of screens in the Council Chamber if required and agreed by the Inspector.

Main Issues

7. Based on the material submitted and the discussion at the CMC, it was agreed that at this stage, the main issues in this appeal were likely to be:
 - Whether the proposed development would be consistent with the policies of the development plan which seek to prevent additional residential development in the countryside and protect the integrity of the Strategic Gap
 - The impact of the proposed development on:
 - the character and appearance of the open countryside of the area
 - the integrity of habitat sites and their network, and protected species.
 - highway safety and the operation of the highway network

The Inquiry will also examine other considerations, including whether the Council can demonstrate a five year supply of housing, to be weighed in the planning balance in respect of the proposal.

How the main issues will be dealt with

8. It was agreed that evidence would be heard on a topic by topic basis. Most topics will be heard through formal evidence in chief and cross-examination. The parties are in general agreement on this.
9. Those matters subject to formal presentation of evidence and cross-examination would be planning evidence and planning balance, landscape, and the matters of principle relating to both highways and housing.
10. Evidence relating to the detailed housing land supply and ecology is expected to be heard by round table sessions along with conditions and planning obligations. The planning obligations round table would deal with the issue of education contributions which are in dispute currently. These may get resolved before the commencement of the Inquiry.
11. Planning evidence and the planning balance evidence will be heard together towards the end of the Inquiry, and both advocates will call one planning witness. Each party will also call one witness to deal with housing matters which will be dealt with partly through formal evidence and partly through a round table session.
12. There is a dispute over whether the Council can demonstrate a five year supply of deliverable housing land, but both parties agree that paragraph 11d of the National Planning Policy Framework is engaged as a result of the Housing Delivery Test position.
13. Due to witness availability, the Council has asked for landscape matters to be heard in the first week, and the appellant has asked for housing matters to be held in the second week. The appellant's witness on education contributions is not available on 11 or 12 October.
14. I have drawn up an initial outline programme based upon the availability constraints of the venue and witnesses set out above and taking account of the discussion at the CMC about how evidence will be presented. This has been done without knowing time estimates of witnesses at this stage and will be refined. It is attached to this note. I would appreciate early feedback from the parties without prejudice.
15. I will rely upon the assistance of the advocates to help ensure that the Inquiry can be completed within the allotted time and that the agreed final programme can be adhered to.

16. Opening submissions will help everyone to understand the main arguments of respective cases, and set the scene. Such statements should take no longer than 30 minutes to be delivered. Written copies should be provided in writing to the Inspector in advance of the opening submissions.
17. I will hear from interested persons on day one, after opening submissions. At the moment, the Fareham Society and the Lee residents association have indicated that they would like to speak. It is expected that others will wish to speak also.
18. Following consideration of the appellant's comment on this issue, I will set a deadline for any technical evidence to be submitted by third parties, although I have no indication that any such evidence is expected.
19. At this stage I would expect all opening submissions and the statements of interested persons to be completed by lunchtime on the first day. I will keep this under review.

Planning Conditions and Planning Obligations

20. These will be the subject of round table sessions. I urge the parties to continue to work together on these and submit final draft versions to me by the deadlines set in this note. The suggested plans condition must list all the plans, agreed by the two parties, to which the permission will relate.
21. Careful attention will need to be paid to the wording of the suggested conditions and they will need to be properly justified having regard to the tests for conditions and in particular the test for necessity. The order of suggested conditions should follow the advised order set out in the PPG.
22. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.
23. In response to the appellant's question, I may allow the final executed Section 106 to be submitted post the closing of the Inquiry if the final version is fully agreed. However, because the Inquiry dates have been pushed back, there is little scope for delay as the Rosewell targets

have to be met. If I allow it therefore, it will be a very short extension.

Core Documents/Inquiry website

24. The Council has agreed to host the Inquiry website and a link to it was circulated post the CMC. During the Inquiry I will ask for Inquiry Documents to be added and no other documents will be added without my agreement once the Inquiry commences. I will clarify this list during the Inquiry.
25. To assist members of the public, the final Inquiry programme should be added to the Inquiry website.
26. The parties will need to agree a list of Core Documents in advance of preparing proofs. The Core Documents will only need to comprise documents which parties are referring to and do not need to include the National Planning Policy Framework or any PPG.
27. Any appeal decisions or legal authorities on which either party intend to rely upon will need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.

Site Visit

28. I will need the parties to agree and submit an itinerary for me to follow on my site visit. This should include the key public viewpoints etc that the parties wish me to visit.
29. I will make an unaccompanied site visit before the start of the Inquiry, only visiting public vantage points. I will make a second site visit during the Inquiry and will require access to the site. For that visit I will need to be accompanied by a representative of both parties.

Amendments

30. The appellant indicated that they may seek to make a minor amendment to the proposal. If so, I will consider whether this should be accepted having regard to the Wheatcroft principles.

Costs

31. I have not received any indication that any application for costs are expected. If any application is to be made, this should be done in writing to the Inspector, preferably before the opening of the Inquiry. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, I also have the power to initiate an award of costs in line with Planning Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.

Timetable

32. It is imperative that the Statements of Common Ground are prepared in good time. The appellant would normally be expected to lead on this, as is the case thus far.

33. The Housing Land Supply position will need to be the subject of a dedicated Statement of Common Ground including a Scott Schedule relating to sites.

34. Ecology and Highways are also matters which will be covered in a Statement of Common Ground. Some highway matters will be agreed and others, namely the principle, will be the subject of formal presentation of evidence.

35. Rebuttal proofs should only be provided where there is clear justification for them. They must not be used to introduce new matters that could have been covered in main proofs of evidence.

36. I will not require hard copies of Core Documents but will require a hard copy set of proofs of evidence, statements of common ground and any rebuttals. These should be sent to PINS.

37. Following discussion at the CMC, the following timetable will apply:

Prior to 13 September	Draft programme issued by Inspector
13 September	Deadline for the submission of: <ul style="list-style-type: none">• all proofs of evidence• core documents list• suggested planning conditions• draft of planning obligation• statement(s) of common ground (if not submitted before) including HLS Scott Schedule• any technical evidence from interested persons
27 September	Deadline for the submission of: <ul style="list-style-type: none">• CIL Compliance Statement• Any rebuttal proofs• Itinerary• Final timings estimates• Council's notification letter and list of those notified
4 October	Final programme issued by Inspector
11 October	Inquiry opens

Mike Worden

INSPECTOR

28 July 2022