



**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 (TO BE HELD ON MS TEAMS)

10:00 ON Wednesday 27 July 2022

INSPECTOR'S PRE-CONFERENCE NOTE

1. The case management conference will be led by Mike Worden BA (Hons) DipTP MRTPI, the appointed Planning Inspector. Attached as separate documents are instructions for joining the conference, conference etiquette, and the conference agenda.
2. The conference will involve no discussion of the merits of the case and the Inspector will not hear any evidence. Rather the purpose is to give clear indications in relation to the ongoing management of the case, and the presentation of evidence, so that the Inquiry is conducted in an efficient and effective manner.
3. The Inquiry is scheduled to open at 10:00 on Tuesday 11 October 2022. It is scheduled for up to seven sitting days.
4. The Inquiry will be held mainly in person at a venue which the Council will need to confirm. It is probable that some elements of the Inquiry will be held online.
5. At the moment there is no Rule 6 party.

Likely Main Issues

6. This is a failure to determine case. However, based on the material submitted, the representations made and the minutes of Planning Committee on 15 June, I consider that the main issues are likely to relate to:
 - 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
7. The Inquiry will also examine any benefits to be weighed in the planning balance in respect of the proposal.
8. The draft Statement of Common Ground of 22 May 2022 produced by the appellant does not refer to ecology being in dispute. Can the parties clarify? I am aware I will need to undertake an Appropriate Assessment.
9. The Council has also stated that it would have included a reason for refusal relating to the loss of best and most versatile agricultural land. At this stage, I do not see this as a main issue which would require the testing of further evidence but one which will need to be considered and taken account of in the planning balance. I would welcome the view of the parties on this.
10. Both parties agree that a five year supply of housing land cannot be demonstrated. However, there is disagreement as to the extent of the shortfall. The Council's view is that it just below 5 years whilst the appellant considers it to be at the end of the 0.93-3.57 years range. To assist the Inquiry, the parties will need to prepare a statement of common ground so that I can quite clearly understand why and where there is difference in position on the extent of the shortfall such that I can exercise my planning judgement.
11. I note that the highways reason for refusal refers to a lack of information being submitted with the application. I have also seen the statement from May 2022 between the appellant and the highway authority. Is this a matter on which agreement is likely to be reached prior to the Inquiry and for which a statement of common ground could be produced? If agreement is reached this could reduce Inquiry time, but I would like to hear the views of the parties on this point.
12. Refusal reason (b) in the Council Committee report refers to landscape and visual effects of the proposed but also the 'function' of the countryside. Is this a different function to that covered within reasons for refusal (a) and (c)? I have not included it within one of my main issues for the moment, but would welcome the views of the parties on this point.
13. There is an absence of a legal agreement which would set out planning obligations in respect of a number of matters referred to in the Council's reasons for refusal. The draft Statement of Common Ground list the draft provisions. I would encourage progress to be made on these so that the legal agreement can be completed before the inquiry commences.
14. The likely main issues above may be refined or added to as information is submitted and considered.

15. It is essential that all parties communicate effectively with one another to narrow the issues for consideration at the Inquiry. This should be an ongoing conversation.

Conditions and obligation

16. I will need the parties to submit a jointly agreed list of suggested planning conditions. I have seen that there is a list of conditions suggested by appellant in the Statement of Common Ground.
17. If there is agreement, at least a final draft version of the obligation should be submitted to the Inspectorate before the Inquiry by a deadline I will set at the conference.

Dealing with the evidence

18. The Inquiry will focus on those 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. I would like to hear the views of the main parties in respect of dealing with the evidence and would like them to have given consideration to this prior to the conference. At the moment I would envisage evidence concerning the main issue relating to planning policy and the planning balance to be subject to formal presentation and cross-examination. Some of the other matters may be subject to progress between now and the opening of the Inquiry and I will refer to this below. The testing of evidence relating to landscape character could be suitable for a round table session and I would welcome the views of the parties on this matter.
19. I would like the parties to give me an indication at the conference of how many witnesses they intend to call and who they may be, if this is known.
20. I envisage that the Inquiry will open as usual with brief opening statements and any necessary legal submissions.
21. There is considerable local interest in the case. I propose to hear from those local residents who wish to make verbal statements subject to no hearing repetition. At this stage I intend that this would take place on the first day after opening submissions. This may take some time given the interest in the case and I want to ensure that local residents are able to present their views. I would then hear evidence from the main parties.
22. If there is agreement on planning obligations, I would expect to deal with this issue through a round table session. I will also deal with conditions through a round table session.
23. I might well hold the round table sessions on planning obligations and conditions, and hear closing submissions online via MS Teams. This will depend upon the programme and may assist the advocates in preparing closings.

- 24.I would like the Council to consider how the virtual option could be facilitated in line with PINS protocols. I would like to hear from the Council on this issue at the conference. I would also like to explore whether the virtual option would be available if necessary if other parts of the Inquiry unexpectedly could not be held in person.
- 25.I will set out deadlines for the submission of proofs of evidence, statements and other material.
- 26.The attached Annex sets out the preferred format and content of proofs and other material, which should be observed.
- 27.I will visit the site unaccompanied before the start of the Inquiry and again before or after it closes. I would like both parties to agree an itinerary which will enable me to see the site from various viewpoints. I will set a deadline for the submission of a plan showing this itinerary.
- 28.For my second visit, I will need access to the site. For this visit I will need to be accompanied by representatives of the two main parties.

The Inquiry venue

29. I would like the Council to confirm as soon as possible where the Inquiry will be held.

Document Library

- 30.The parties will need to agree a list of Core Documents as these will need to be referenced in the proofs of evidence. I will want to discuss this at the conference so the parties will need to give some thought to this in advance.
- 31.There will need to be a library of Inquiry documents. Having the Inquiry library on line has worked very well for virtual events and I have found it very valuable in those events that have returned to physical settings. I will be relying on this website prior to, during and after the Inquiry.
- 32.I would like to agree with the parties how this library could be put together and made available to the public prior to and throughout the Inquiry. I would like discuss this at the conference.

Mike Worden
INSPECTOR

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 number and complexity of issues 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 core 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;
- where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

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 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.

- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
- Pages and paragraphs should be numbered.
- Appendices are to be bound separately.
- Appendices are to be indexed using projecting tabs, labelled and paginated.
- Plans are to be reduced to a maximum A3 size and bound together for easy reference.
- Photographs are to be produced in A3 or A4 format.

Arrangements should be made for all proofs, appendices and other Inquiry documents to be available for public viewing on the Council's website or other dedicated website as agreed with the Inspector.