



The Planning Inspectorate

APP/M1520/W/24/3351658 **Land adjoining Daws Heath Road, Hadleigh**

Construction 173 new dwellings including Public Open Space, Landscaping, Access, Drainage, Parking, Servicing, Utilities and all associated Infrastructure and ancillary Buildings.

Case Management Conference Summary Note

1. This note summarises the discussion from the Case Management Conference (CMC) held on 19th November 2024. The main purposes of the CMC were to discuss the procedural and administrative aspects of the Inquiry, and the issues that will need to be addressed in evidence. This is to ensure the forthcoming event can be conducted in an efficient and effective manner.
2. The Inspector appointed to conduct the inquiry is Tim Burnham MRTPI.
3. The Inquiry is scheduled to open at 10:00 on Wednesday 15th January 2025 running until Friday 17th January and then from Tuesday 21st January until Thursday 23rd January, scheduled for 6 days. The daily start time will be 10am running to 5pm (9.30am earliest / 5.30pm latest if circumstances require).
4. The venue for the Inquiry is Council Chamber, Castle Point Borough Council, Kiln Road, Thundersley SS7 1TF.
5. The Council's advocate is Clare Parry of Counsel (Instructed by Castle Point Legal Services) and the appellant's advocate is Zack Simons (Isabella Buono attending in place for CMC) (Instructed by Matthew Wood, Phase 2).
6. All communication for the Inquiry should go through the Planning Inspectorate's Case Officer, Stephen Skeates stephen.skeates@planninginspectorate.gov.uk
7. It is recommended that the Council place a copy of this note on its website with the planning documents associated with the appeal.

Main Issues

8. The main issue was discussed at the CMC. Following that discussion, the main issue, at this point is;
 - The effect of the proposal on the openness of the green belt/ effect on green belt purposes and whether any harm would be clearly outweighed by other

considerations so as to amount to the very special circumstances required to justify the proposal.

(Matters/topics to be explored at Inquiry relating to main issue above to include green belt openness/purposes, affordable housing, housing land supply and planning balance etc).

On the basis of the discussion at the CMC, I am on the understanding that the Council has not identified any non-Green Belt harm arising from the proposal. If I have misunderstood this, I need to know. I would advise seeking common ground on this matter including discussion over the interaction of landscape/green belt matters.

Dealing with the evidence

9. The main issue will be dealt with through formal evidence. The main parties outlined their hopes to find common ground with regard to Housing Land Supply. I encourage you to do so. Should the parties positions remain at odds, it would be possible to deal with the issue of *disputed sites only* through a round table discussion. **To enable this, a Statement of Common Ground (SoCG), jointly prepared should be provided before the event, identifying sites where there is no agreement** to enable the clear identification of any areas where there is disagreement over housing numbers at any particular site. The RTS would then focus on specific areas where there is disagreement. Should areas of disagreement on this matter remain wider than a limited number of housing sites, the matter should be dealt with through formal evidence.
10. Planning matters and the planning balance should include all other outstanding matters, including benefits, planning policy, along with addressing objections/support from interested parties.
11. The appellant should take the lead on preparing SoCG's, liaising with the Council. Whilst identifying areas of agreement, the statement/s will need to focus specifically on the areas where there is no agreement.
12. The details at the end of this note sets out the preferred format and content of proofs and other material, which should be observed.

Inquiry running order – as matters stand

13. Following my opening comments on the first morning of the Inquiry, I will invite opening statements from the main parties, appellant first, and then the Council. I will also hear from any interested parties who wish to speak, although there will be scope to hear from interested parties on other days if they cannot attend on the first day.
14. Following on from the above, a possible draft order of events is outlined below.

15. It is currently my intention that witnesses will be grouped by party – Council first and then appellant. Any possible RTS on housing sites only can be accommodated at an appropriate time during the event. Let's wait and see if common ground is found on that issue.
16. A RTS on conditions and the planning obligations will be carried out (without prejudice) following formal evidence. I will carry out a site visit. Please provide me with details of any viewpoints you wish me to take in specifically.
17. Closing submissions from the Council and then the appellant will follow all the evidence. These should ideally be no longer than one hour. The closing submissions should set out each parties' respective cases as they stand at the end of the Inquiry, with a copy emailed to the case officer, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt. Any case law should also be attached along with references to relevant paragraphs. A written copy of the closing submissions should also be provided on the day to the Inspector. I would appreciate the advocates assistance in being able to bring the Inquiry to a close during the allotted time in the venue as failing to do so will likely result in a substantial delay to the determination of the appeal.
18. Should there be any applications for costs, they will be heard after closing submissions. The Inquiry will then be closed.

Conditions (without prejudice)

19. A schedule of agreed planning conditions and the reasons for them, including references to any policy support, should be submitted by 18 December 2024, in a tabulated 'Word' document. The Council are to take the lead in drafting conditions. An example is provided at the end of this note.
20. Any differences in views on the suggested conditions, including wording, should be highlighted in the schedule with a brief explanation given.
21. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of **necessity**. It is important to ensure that conditions are kept to a minimum and are tailored to tackle specific problems, rather than standardised conditions or used to impose broad, unnecessary controls. Remove all unnecessary 'tailpieces' from the conditions, e.g. *unless otherwise agreed in writing*.
22. Please order the conditions in line with the Planning Practice Guidance¹ (PPG) and combine where possible to ensure there are not several conditions requiring very similar details.

¹ Paragraph: 024 Reference ID: 21a-024-20140306

Planning Obligation (without prejudice)

23. Final draft to be submitted by 01 January 2025. This will also need to be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council, comprising a fully detailed justification for each obligation, including any policy support. A short period (normally 2 weeks) will be allowed after the event has closed for submission of a signed version.

Core Documents/Inquiry Documents

24. An agreed core document list and all core documents are to be sent electronically to the case officer by 18 December 2024. The Council and appellant are to liaise with each other in formulating the list.
25. The core documents will need to be made available online. This could be a PDF document containing the Core Documents list with embedded hyperlinks to each Core Document. This should be placed on a specifically designed inquiry website, with public access to all documents or a link provided on the public access file on the system to the hyperlink document. The key is that all documents can be found quickly and easily during the Inquiry.
26. The Council would need to be responsible for uploading documents submitted during the inquiry. A separate inquiry documents list will also need to be compiled.
27. The core documents should comprise only those documents to which witnesses will be referring. A copy of the National Planning Policy Framework does not need to be included as a specific core document.
28. It would be helpful to highlight which specific Core Documents that I will need to focus my attention on prior to the Inquiry opening. Please provide me with an up to date link to the documents prior to the Inquiry.
29. Any Appeal Decisions and/or legal authorities on which any witnesses intend to rely **will each 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 are being relied upon, and the relevant paragraphs flagged up.

Housekeeping

30. I am advised that up to 64 interested persons could be accommodated within the room with an overflow area to be used just in case. Please can the Council give thorough attention to the audio and visual requirements of the arrangement. Everyone needs to be able to hear each other and have access to a microphone. If the arrangement poses problems in this regard, the event will be adjourned until any issues can be addressed.

31. I understand microphones are available and in place as the Council chamber will be used. Interested parties will also require the ability to use microphones – please make sure this facility is available.
32. Wi-fi is available, I understand the password will be provided prior to the start of the event.
33. I understand the venue is accessible and benefits from a staffed reception.
34. Guidance for setting up a venue for a public inquiry is provided [here](#). I will not require a monitor/other peripherals as I will work from a laptop.
35. There is the possibility of storing materials during each of the weeks at the Council Offices, if required.
36. It was confirmed that a retiring room is to be made available for myself, and the appellant and their team, thank you.
37. I understand that Car Parking is available at the site.
38. There should be some provision made at the venue for printing/photocopying, if required. Please advise if this would be a problem.
39. If any documents are submitted at the Inquiry in hard copy, **these need to be emailed to Stephen Skeates** stephen.skeates@planninginspectorate.gov.uk separately so he can add them to the digital file.
40. The Council will have no one point of contact for the Inquiry, please make sure there is someone available to assist with queries, particularly from interested parties. As discussed at the CMC the Council should plan adequately for sending out notifications mindful of the upcoming holiday period.

Timings

4 December 2024	Deadline for submission of: <ul style="list-style-type: none"> • SoCG's
18 December 2024	Deadline for submission of: <ul style="list-style-type: none"> • all proofs • core documents list and all core documents • agreed conditions
01 January 2025	Deadline for submission of:

	<ul style="list-style-type: none"> • final draft planning obligation and relevant office copy entries • CIL Compliance Statement (Council) • any necessary rebuttal proofs • time estimates • Copy of the Inquiry notification letter and list of those notified (Council)
15 January 2025	Inquiry opens 10.00 am

41. Following making of time estimates the main parties should prepare a draft timetable which should be sent to the Inspector via email early in the week before the Inquiry. Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated, which will require the cooperation of advocates and witnesses.
42. The possibility of the publication of a revised NPPF was raised at the CMC. On the basis that there can be no certainty when this will be published, the timetable should proceed as stated. Should a revised NPPF be published, I will allow the SoCG/s to be updated and deal with the matter in this way. Any areas of disagreement can be set out within this.

Costs

43. No costs applications have been made to date. If any costs claims are to be made, the PPG makes it clear that they should be made in writing to the Inspector before the inquiry.
44. You are also reminded that to support an effective and timely planning system in which all parties are required to behave reasonably, I have the power to initiate an award of costs in line with the PPG. Unreasonable behaviour may include failing to comply with the prescribed timetable.

T Burnham

INSPECTOR - 19 November 2024 (CMC Timings 10:00-11:20AM).



Content and Format of Proofs and Appendices

Please also see Annex F.10 of the [Procedural Guide: Planning appeals – England](#) for guidance on Proofs of Evidence.

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 necessary to make the case and avoid including unnecessary material, or duplicating material in core documents or another witness' 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 a 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 3,000 words if possible. Where proofs are longer than 1,500 words, summaries are to be submitted.
- Front covers to proofs and appendices are to be clearly titled, with the name and qualifications of the witness on the cover.
- Pages and paragraphs **must be numbered**.
- PDF proofs are necessary and must be enabled to run a word search.

Arrangements should be made for all proofs, appendices and other inquiry documents to be available online for members of the public.

TEMPLATE FOR CORE DOCUMENTS LIST (adapt headings to suit)**PLEASE** insert hyperlinks to each document in the list

CD1 Original application documents and plans	
1.1	
1.2 etc	
CD2 Additional/amended reports and/or plans submitted after validation	
2.1	
CD3 Committee/Officer's Report and Decision Notice	
3.1	
CD4 The Development Plan	
4.1	
CD5 Supplementary planning documents / guidance	
5.1	
CD6 Emerging Development Plan	
6.1	
CD7 Appellant's evidence	
7.1	
CD8 LPA's evidence	
8.1	
CD9 Relevant Appeal Decisions*	
9.1	
CD10 Relevant Judgements*	
10.1	
CD11 Relevant additional information	
11.1	
CD12 Draft conditions and obligations	
12.1	
CD13 Other	
13.1	

* Any Appeal Decisions/Judgements on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision/Judgement to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up.

TEMPLATE DRAFT CONDITIONS DOCUMENT

	Condition	Reason	LPA Notes	Appellant comments	Inspector suggested changes/comments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					