

**Appeal Ref: APP/M1520/W/24/3338797**

**Land east of Rayleigh Road, Thundersley**

Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.

**CASE MANAGEMENT CONFERENCE (CMC) TO BE HELD AT 14:00 ON  
8 APRIL 2024**

**INSPECTOR'S PRE-CONFERENCE NOTE**

**Preliminary matters**

1. The CMC will be led by Andrew Dawe, the Inspector appointed to conduct the Inquiry itself and decide the Appeal. The CMC will be conducted on Microsoft Teams. Attached as separate documents are instructions for joining the CMC, a conference etiquette which will be observed, and the CMC agenda.
2. There will be no discussion as part of the CMC as to the merits of your respective cases and the Inspector will not hear any evidence. Rather the purpose is to give clear indication as to the ongoing management of this case and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
3. The Inquiry itself is scheduled to open at 10.00am on Tuesday 4 June 2024. It is anticipated that this will be a face-to-face event and so it would be helpful in the lead up to the CMC if the Council could, if not already done so, identify a suitable venue and keep PINS informed as to progress on this.
4. The Inquiry is expected to sit for no more than 4 days (4-7 June). However, the timescales will need to be discussed in more detail at the CMC. To help those discussions, I would be grateful if in the meantime

you could give some thought to likely timings relating to presentation of evidence.

5. I will wish to consider third party involvement and the number of local people who are likely to wish to speak at the Inquiry. It is clearly important that interested persons can participate if they wish to do so. How this can be achieved will be discussed at the CMC.
6. To help me and everyone taking part in the Inquiry to easily and quickly access core documents (CDs) etc. during the event, there will be a discussion at the CMC about how this can be achieved, including how a clearly numbered electronic CD list with links can be provided by the Council on its website as well as hard copies.

### **Main Issues**

7. Based on the material currently submitted, there is no dispute between the parties that, in having regard to the National Planning Policy Framework, the proposal would represent inappropriate development in the Green Belt. Therefore, acknowledging that I have not yet received the Council's Statement of Case (SoC) and noting that the Appellant has set out in their SoC what they consider to be the 'other considerations', I set out below what I consider could be the main issues.
  - 7.1 The effect of the proposed development on the openness of the Green Belt.
  - 7.2 Whether the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.
8. Additionally, as acknowledged in the submissions, the site is within the Zone of Influence identified within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (2020) (RAMS) for the Benfleet and Southend Marshes SPA and Ramsar site, the Blackwater Estuary SPA and Ramsar site, and the Foulness SPA and Ramsar site. To enable me to conduct a Habitats Regulations Assessment (HRA), under my statutory duty, I will require the relevant documents setting out the background/basis for the designations, the threats to them and the associated mitigation strategies. I will also require copies of any Natural England consultation responses in respect of this proposal. It would also be helpful to have copies of any HRAs already conducted by the parties for the appeal proposal.
9. In respect of Housing Land Supply, I will be seeking clarification from the parties as to their respective positions and that this be covered in the submitted evidence and any statement of common ground.
10. Other matters raised by interested parties which are not informing any of the putative reasons for refusal will need addressing. The Appellant's

evidence will need to address these. Whether or not they are dealt with as main issues in the eventual decision will depend on the evidence heard in due course.

11. You are requested to give consideration in advance of the CMC as to whether the above identified matters encapsulate those most pertinent to the outcome of the appeal, reaching agreement through discussion if possible.

### **Dealing with the Evidence**

12. The Inquiry will focus on areas where there is disagreement. With that in mind, the CMC will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible.
13. I currently anticipate that the main issues, together with any related planning matters, would all be dealt with through the formal presentation of evidence in chief and cross-examination. However, the CMC will be an opportunity to discuss whether it would be appropriate for any aspect to be conducted instead by round table discussion. The evidence of the Appellant will also need to address the other matters raised by interested parties.
14. You are requested to give the above careful consideration in advance of the related discussion at the CMC. Any request for evidence to be heard other than as currently envisaged will need to be fully justified.
15. All the above points are included on the CMC agenda.
16. The attached Annex sets out the preferred format and content of proofs and other material, which should be observed.

*Andrew Dawe*

INSPECTOR

27 March 2024

## **Annex**

### **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 other documents or another witness's evidence;
- 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.