**APPEAL REF: APP/X2410/W/23/3325902(Application ref: P/21/2639/2)**

**Land north of Barkby Road, Syston, Leicestershire**

Outline planning application for up to 195 dwellings, together with associated affordable housing, open space, landscaping, drainage and play space facilities. All matters reserved bar access which is proposed from Barkby Road.

**CASE MANAGEMENT CONFERENCE SUMMARY**

**The Council is encouraged to draw the attention of interested parties to this Note, including posting a copy on its website.**

1. The case management conference was led by the Inquiry Inspector, Rekha Sabu. The Inquiry is to be held at the Charnwood Borough Council office, Southfield Road opening at 10.00am on Tuesday 14 November 2023.
2. The Inquiry is currently scheduled to sit for up to two days.

**Appearances**

1. Appearances for the main parties were confirmed as follows:

Odette Chalaby for Charnwood Borough Council; and

James Pereira KC for the Appellant.

1. The Council agreed to provide an officer during the Inquiry to assist with administration and to act as a point of contact at the event for interested parties.

**Main Issues**

1. It was agreed that the main issues in this case are likely to relate to:
* whether the proposed transport contributions would meet the tests within the CIL Regulations and National Planning Policy Framework; and
* planning policy and the planning balance.
1. The Inquiry will also look at any benefits to be weighed in the planning balance, including any implications of not proceeding with the scheme.

**Dealing with the Evidence**

1. With the agreement of the parties, the evidence relating to the main issues will be tested through round table sessions.
2. An updated statement of common ground, but more particularly uncommon ground is required. The appellant is to take the lead in the preparation of those statements, liaising with the Council.
3. Any outstanding matters, including matters raised by interested parties, planning policy, any benefits and the overall planning balance, will also be dealt with through round table sessions.

**Conditions**

1. A schedule of suggested planning conditions is to be included in the updated Statement of Common Ground. If there is any difference in view on any of the suggested conditions, including suggested wording, prior to the opening of the Inquiry, this should be highlighted in a schedule with a brief explanation given.

**Planning Obligation**

1. A final agreed draft is to be submitted shortly before the Inquiry opens. The final draft must be accompanied by a CIL Compliance Statement. That statement is to set out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate any particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent. With regard to any financial contributions, whilst the pooling restriction has been rescinded, the Statement will still need to set out whether any relevant schemes are the subject of other financial contributions in order for the Inspector to be able to come to a view as to whether any contribution sought in relation to this appeal is properly justified.
2. A short time will be allowed after the Inquiry for submission of a signed version of the obligation.

**Core Documents/Inquiry Documents**

1. You will need to discuss and agree a list of core documents in advance of preparing your proofs so they can be properly referenced in the proofs. That list is to be co-ordinated by the appellant and must be submitted with the proofs. A template for that list is attached.
2. The Core Documents should comprise only those documents to which you will be referring and do not need to include a copy of the National Planning Policy Framework or deal with areas where there is no dispute. Any Appeal Decisions and/or legal authorities on which any party intends to rely 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.
3. Where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied, as opposed to the whole document. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text.
4. The Inspector intends to access the core documents electronically, but will need a hardcopy set of proofs, appendices and any rebuttal statements as well as the core document list.
5. The appellant is to supply a hard copy set of the Core Documents on Inquiry opening to form an Inquiry library, which can be accessed by interested parties at the event. The Council will host the virtual core document library on their website. The Inspector is to be provided with an electronic set of the core documents and it will be for the Council to print out what elements it needs in hard copy.
6. A minimum of two copies of any new documents produced at the Inquiry will be required - one for the other main party and one for the Inspector. - with extra copies to be made available to assist interested parties if necessary.
7. The following two updated drawings were submitted during the appeal:
* Site Location Plan (P20-3155 001 01 Rev: C) - superseding Site Location Plan (P20-3155 001 01); and
* Concept Masterplan (P20-3155 003 01 Rev: H) - superseding Concept Masterplan (P20-3155 003 01 F).
1. As the changes include a minor alteration of the red line boundary and changes to an illustrative masterplan, they would not fundamentally alter the proposal and would not prejudice the interests of interested parties. Therefore, I accept the plans and do not consider that re-consultation is necessary.

**Inquiry Running Order**

1. In general, the Inquiry is expected to finish each day no later than around 17.00 hours and, will resume on the second day at 09.30 hours.
2. In terms of running order, following the Inspector’s opening comments on the first day of the Inquiry, she will invite opening statements from the main parties (appellant first, followed by the Council) which will set the scene. She will then hear from any interested parties who wish to speak, which often suits those who have taken time out from work, or who may have other commitments.
3. The main issues, including any benefits to be weighed in the planning balance, any implications of not proceeding with the scheme, and the overall planning balance will be dealt with through round table sessions. The appellant’s evidence should also address any other matters raised by interested parties at application and appeal stage.
4. On conclusion of that, the Inspector will lead the usual round table discussion on conditions and provisions of the planning obligation. That will be followed by closing submissions (Council first, then the appellant) which should set out your respective cases as they stand at the end of the Inquiry, with a written copy handed up at the time, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
5. The Inspector will carry out a site visit either after the Inquiry has closed, or before if an appropriate opportunity presents itself during the Inquiry. Whenever it takes place, its purpose is simply for her to see the site and its surroundings. She cannot listen to any representations/discussion/arguments during the visit, but parties can point out physical features, so it is important that you give some thought as to where you wish her to see the site from.

**Document Submission Dates**

1. As set out in the start letter, all proofs are to be submitted no later than **17th October**. Details of the preferred format and content of proofs and other material were Annexed to the pre-conference note.
2. As discussed during the conference, it is anticipated that Leicestershire County Council would provide an updated CIL Compliance Statement to allow Charnwood Borough Council to review their position by Friday 6th October.
3. Therefore, the updated statement of common ground, which should also inform your proofs, is to be submitted at the same time (**17th October**).
4. The latest draft of the proposed planning obligation is also to be submitted at the same time as the proofs (**17th October**) with a final draft no later than **24 October** to be accompanied by the CIL Compliance Statement prepared by the Council and the relevant office copy entries.
5. The Council is to make sure a copy of the notification letter setting out details of the Inquiry, and a list of those notified is sent in to PINS no later than **24 October**.
6. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **31 October**. It is important that any rebuttal proofs do not introduce new issues. As an alternative to a rebuttal, it may be that the matter could more succinctly be addressed through an addendum statement of Common Ground.

|  |  |
| --- | --- |
| 17th October | Deadline for submission of: • all proofs • core documents list • updated statement of common ground• draft planning obligation |
| 24 October | Deadline for:• the Council to submit a copy of the Inquiry notification letter and list of those notified• final draft of planning obligation |
| 31 October | Deadline for submission of: • any necessary rebuttal proofs |
| 14 November | Inquiry opens 10.00 am |

1. Any requests for an extension on the above deadlines should be made to the Inspector as soon as possible.

**Costs**

1. No application for costs is currently anticipated by any party at this stage. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. You are also reminded in this regard, that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the ability to initiate an award of costs.

Rekha Sabu

INSPECTOR

29 September 2023

**TEMPLATE FOR CORE DOCUMENTS LIST**

**(adapt headings to suit)**

**CD1 Application Documents and Plans**

1.1

1.2 etc

**CD2 Additional/Amended Reports and/or Plans submitted after validation**

2.1

2.2

**CD3 Committee Report and Decision Notice**

3.1 Officer’s Report and minute of committee meeting

3.2 Decision Notice

**CD4 The Development Plan**

4.1

4.2

**CD5 Emerging Development Plan**

5.1

5.2

**CD6 Relevant Appeal Decisions\***

6.1

6.2

**CD7 Relevant Judgements\***

7.1

7.2

**CD8 Other**

8.1

8.2

 \* Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.