



Planning Inspectorate

APPEAL REF: APP/ Q1825/W/24/3350905

Land west of Hither Green Lane, Redditch

Case Management Conference held at 9.00 hours on Tuesday 5 November 2024

INSPECTOR'S POST CONFERENCE NOTE

1. The case management conference (CMC) was led by the Inquiry Inspector, Darren Hendley. The Inquiry will open on Tuesday 21 January 2025 at 10.00am.
2. The purpose of the conference was to provide a clear indication as to the ongoing management of the case and the presentation of evidence so that the forthcoming Inquiry is conducted in an efficient and effective manner. There was no discussion of the merits of the case. The Council is encouraged to post a copy of this note on its website so that interested parties are aware of it.
3. The advocates were confirmed as Charles Banner KC for the appellant and Andrew Parkinson for the Council. The spokesperson for North Redditch Communities Alliance (NoRCA) was Charles Robinson. Kathryn Ventham also spoke on behalf of the appellant.

Main Issues

4. It was agreed that the main issues are a) the effect of the proposal on green infrastructure provision with regard to designated open space and recreational use; b) the effect on the character and appearance of the area, including design quality; c) transport matters by way of traffic impact and the use of modes of transport other than the car and, d) planning balance (including housing land supply and the benefits of the scheme if not a separate issue) and conclusion.
5. The main parties confirmed that it was the intention that a signed Section 106 Agreement will be submitted containing planning obligations that would secure, if agreed, the various provisions relating to the Council's Planning Officer Committee Report.
6. The main parties also confirmed that the appeal representations of the Worcestershire Acute Hospitals NHS Trust and the Worcestershire County Council Education are being reviewed as regards Section 106 Agreement matters.

How the Main Issues will be Dealt With

7. The effect of the proposal on green infrastructure provision with regard to designated open space and recreational use; the effect on the character and appearance of the area, including design quality; and the planning balance (including housing land supply and the benefits of the scheme if

not a separate issue) and conclusion will be dealt with through formal evidence. Evidence in relation to the transport matters by way of traffic impact and the use of modes of transport other than the car would be appended to the planning evidence.

8. Additional matters that the evidence of the appellant will also need to address are set out in paragraph 12 of the pre-conference note.
9. The appellant intends to call 3 witnesses, covering green infrastructure, character and appearance, and planning. The planning witness may also cover aspects of green infrastructure. The evidence on character and appearance will focus on design quality. A transport witness would also be on hand. It is not intended that the transport evidence would be of a necessarily technical nature.
10. Where a witness will cover more than one topic area with regard to the main issues, it should be made clear in the respective Proof of Evidence which part relates to which main issue.
11. The Council confirmed that as it does not intend to present evidence that it would not call witnesses. NoRCA will present a statement at the Inquiry as an interested party.

Conditions

12. The Council should take the lead in preparing a draft list of conditions. A final agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted. Both main parties will need to pay careful attention to the wording and the conditions will need to be properly justified having regard to the tests.
13. Any difference in views on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.
14. Planning Conditions will be dealt with by a Round Table Session (RTS) that will be led by the Inspector.

Planning Obligations

15. A final draft of the Section 106 agreement is to be submitted by the appellant before the Inquiry opens. The final draft must be accompanied by the relevant office copy entries.
16. A Community Infrastructure Levy (CIL) Compliance Statement is to be submitted by the Council. It must contain a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, in particular the test of necessity in order to mitigate a harm arising out of the development proposed. It should also 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.

17. A short period of time will be allowed after the Inquiry for the submission of a signed version of the Section 106 agreement by the appellant.

18. Planning Obligations will be dealt with by a RTS that will be led by the Inspector.

Core Documents and Hard Copies

19. The parties need to discuss and agree a list of core documents in advance of preparing the Proofs of Evidence so they can be properly referenced in the proofs. That list is to be co-ordinated by the appellant. The template for the list of core documents is attached as Annex A to this note. The Council is to make the core documents available on the Council website.

20. The core documents should comprise only those documents to which the parties will be referring. So, if they are not going to be referred to, they do not need to be on the list. Any Appeal Decisions and/or legal authorities which the parties intend to rely on 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 you are seeking to rely, with the relevant paragraphs flagged up.

21. The Inspector will require hard copy versions of the Proofs of Evidence, Summaries and Appendices; A3 sized versions of the plans; and any documents that are required to be viewed in paper form. These are to be submitted to the Temple Quay House address. The Inspector is content for the rest of the Core Documents to be submitted only electronically. Electronic versions of all documents are to be submitted to the Planning Inspectorate Case Officer via 'WeTransfer', 'Drop Box' or by email and clearly referenced.

22. There needs to be paper copies of all core documents at the Inquiry venue, in case of electronic copy difficulties for any party.

23. The Council is also to confirm by 8 November 2024 if it has provided copies of all representations made by statutory consultees. If not, it is also to provide them by that date. *Note: The Council has subsequently confirmed these have been submitted.*

Event Details

24. The Council stated that the venue was yet to be confirmed. Considerations for the location of the venue include ease of access for interested parties and whether it is required to be located locally. The Council is to confirm the venue as soon as it is known.

25. There will also need to be a consideration of microphones, a hearing loop, wi-fi, photocopying, accessibility into and around the building and a point of contact for interested parties. The Inspector would need a retiring room and a parking space.

26. The Council will need to issue a notification letter setting out details of the Inquiry, and a list of those notified, including all of those interested parties and consultees who have made representations to either the planning application or the appeal. The notification shall also be put on its website and in a local newspaper. The appellant will be asked to put up the site notice. This will be sent by the Planning Inspectorate Case Officer. Please record where the site notice is erected. These actions are to be done at least 2 weeks before the Inquiry opens.

Inquiry Running Order/Programme (including Site Visit)

27. The parties agreed that 4 days was sufficient for the Inquiry. The Inquiry will therefore sit on Tuesday 21st, Wednesday 22nd, Thursday 23rd and Friday 24th January 2025. There will also be reserve dates the following week on Tuesday 28th and Wednesday 29th January 2025. The Inspector will issue a draft programme following the receipt of the final timings from the advocates in due course.

28. On the first day, the Inquiry will open at 10am. The Inquiry will open at 9.30am on the days thereafter and it is intended that it will sit no later than 5pm.

29. In terms of the running order, on the first day of the Inquiry and following the Inspector's opening comments, opening statements will be invited from the advocates (copies to be provided in writing). These should be no longer than 10 minutes, with the appellant first, followed by the Council. NoRCA and other interested parties who may wish to speak will then be given the opportunity.

30. The appellant's witnesses on green infrastructure, character and appearance and planning will then be called. The planning obligations and conditions RTSs will then take place.

31. The Inspector will visit the site accompanied. Provisionally and subject to timings, this would take place on the last day of the Inquiry, prior to the closing submissions. The Inspector will not be able to listen to any representations /discussion/arguments on site, but the parties can point out physical features. Health and safety issues related to the golf course use will be managed by the appellant in conjunction with the golf club.

32. An itinerary and a plan will need to be provided if there are specific locations outside of the site which the parties wish for the Inspector to visit. The Inspector would visit these locations unaccompanied.

33. Closing submissions by the appellant would be made. The Council indicated that it would not make closing submissions, subject to what occurs at the Inquiry. Copies of closings shall be available in writing and electronically beforehand. They should take no more than 30 minutes, preferably. They should simply set out the respective cases as they stand at the end of the Inquiry and should be fully cross-referenced.

Timetable for Submission of Documents

34. The appellant requested that the Proofs of Evidence be submitted by 7 January 2025 due to potential changes to national planning policy that the appellant considers will be made early in the new year. On that basis it would be unlikely that rebuttal proofs would be submitted.
35. On the basis of the above and as it would only result in a delay of 2 working days at the most to the submission of the proofs, the Inspector is agreeable to this alteration to the timetable. The proofs must also arrive in paper form at the Temple Quay House address by the same day, 7 January 2025 (so they will need to be finalised earlier in the day, at the latest). There is not scope to alter subsequent deadlines due to the proximity to the Inquiry.
36. Following the discussions which took place at the CMC, the timetable is as follows:

Date for Submission to PINS (no later than)	Document
8 November 2024	- Statutory consultation responses (Council) <i>Note: This has now been addressed.</i> - Written schedule of changes (appellant)
12 November 2024	- Agreed Statement of Common Ground
7 January 2025	- Proofs of Evidence - Core Documents and List - Site visit plan/itinerary (if submitted) - Conditions Schedule - NoRCA Inquiry Statement
10 January 2025	- Final draft of Section 106 Agreement - CIL Compliance Statement - Notification letter and associated list of addresses, press notice - Details of where site notice has been erected
15 January 2025	- Final timings for openings, closings and formal evidence
21 January 2025	Inquiry scheduled to open at 10am

It would be highly preferable if these documents are available before these dates. If so, please do not hesitate to submit to the Case Officer.

Costs

37. The parties confirmed that at this stage, without prejudice, they do not anticipate making a costs application. If any application is to be made, the Planning Practice Guidance (PPG) makes it clear that, as a matter of good practice, they should be made in writing before the Inquiry. The Inspector also reminded the parties that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the PPG. Unreasonable behaviour may include not complying with the agreed timetable.

Any Other Procedural Matters

38. The Inspector questioned the submission of the amended plans and the Design and Access Statement (DAS) with the appeal on substantive and procedural lines. The parties accepted that the changes were of a minor nature and the appellant and the Council did not consider that re-consultation was necessary. The Inspector requested that the appellant provide a written schedule of the changes from the plans and DAS that were before the Council at the time of its decision so that it is clear what the differences are and so the changes can be cross-referenced back to what was before the Council. This is not to necessitate the submission of further plans. The written schedule is also to be provided to the Council and NoRCA when it is submitted (by 8 November 2024), and to be placed on the Council website.
39. The appellant confirmed that the named appellant details differ from the planning application form because the named individual now works for a different part of the business. The company name is however the same.
40. The main parties were updating the final Statement of Common Ground due to the Council's recently changed position. The Inspector agreed an extension to the deadline to 12 November 2024.
41. The appellant queried whether it had received copies of all interested party representations to the appeal notification. NoRCA stated that it had sought to inform residents that their application representations would be taken into account, so there would not be a need to duplicate this through the appeal process. The Inspector confirmed that all will be taken into account. The Case Officer also confirmed that no other interested party representations had been received.
42. No other procedural matters were raised. The case conference closed at 10.05am.

Darren Hendley

6 November 2024

ANNEX A TEMPLATE FOR CORE DOCUMENTS LIST

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.