

**APP/U1430/W/22/3304805 - Land at Fryatts Way, Bexhill****10:00 – Wednesday 12 October 2022**

*Outline planning application for up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.*

## **CASE MANAGEMENT CONFERENCE PRE-CONFERENCE NOTE**

### **Introduction**

1. The case management conference (CMC) will be led by myself, Graham Chamberlain BA(Hons) MSc MRTPI, the appointed Inspector.
2. Attached as a separate document is the conference agenda.
3. The purpose of the CMC is to set out matters relating to the ongoing management of the appeal and the presentation of evidence.
4. The CMC will involve no discussion on the merits of the case and no evidence will be heard.
5. The Inquiry is scheduled to open at 10:00 on 29 November 2022.
6. It will be an in-person event held at the Council Chamber, Town Hall, London Road, Bexhill-on-Sea TN39 3JX.
7. It is currently programmed to sit until early afternoon on the 2 December 2022 with a reserve day on the 13 December 2022 to be used if necessary. The reserve day on the 13 December 2022, if used, can be virtual.
8. I understand that the appeal scheme has been submitted in outline with all matters of detail reserved for future consideration save for the main access into the site. The drawings are therefore illustrative save for 9309-L-01 Rev G (Location Plan) and A115791-27-C P001-01 (Site Access Design).

### **Likely Main Issues**

9. Based on the submissions currently before me, the main issues are currently considered to be as follows:
  1. *Whether the appeal site is an appropriate location for the proposed development, with reference to the spatial strategy in the development plan;*
  2. *Whether the appeal site is an appropriate location for the proposed development, with reference to the accessibility of services and facilities;*
  3. *The effect of the proposed development on the character and appearance of the area;*

4. *The effect of the proposed development on the safety and operational efficiency of the strategic road network, with reference to the A259;*
  5. *The effect on the living conditions of the occupants of 11 and 15 Fryatts Way, with reference to noise and disturbance.*
  6. *The effect of the proposal Pevensy Levels SAC and Ramsar site;*
  7. *Whether the proposed development would make adequate provision for affordable housing, public open space, drainage infrastructure, off site highway works, a modal shift in/improvement to pedestrian connectivity, employment and skills and s106 monitoring.*
  8. *If there is a conflict with the development plan, whether other considerations indicate the proposal should be determined otherwise than in accordance with the development plan.*
10. In paragraph 6.13 of the Council's statement of case, reference is made to additional bat roost surveys. I will be seeking clarification as to whether the effect on biodiversity should also be a main issue.
  11. There appears to be common ground that the proposal would be at odds with the spatial strategy (see Para 2.3.1 of the appellant's SoC). Therefore, it may not be necessary to hear detailed evidence in respect of Main Issue 1 at the Inquiry. However, it may be necessary to hear evidence on other consideration such as housing land supply, the benefits of the proposal and the planning balance, including what weight to afford any conflict with the development plan, under Main Issue 8.
  12. It will be necessary to discuss at the CMC whether the above encapsulate the issues most pertinent to the outcome of the appeal.
  13. The Inquiry will also look at other matters raised by consultees and interested parties. It would be advantageous to address these through a Statement of Common Ground (SOCG).
  14. It is essential that both the Council and appellant effectively communicate with one another to seek to narrow the issues for consideration at the Inquiry. This is most effectively achieved through a SOCG.

### **Format for Delivering Evidence and Running Order**

15. The Inquiry will focus on the areas where there is disagreement. The CMC will explore how best to hear the evidence.
16. At this stage, it is likely that the evidence will be delivered through the formal presentation of cases and cross examination.
17. That said, it may be possible to deal with Mains Issues 6 and 7 via a round table session.
18. Whether the evidence will be presented via a topic-based approach, along with the general running order of the Inquiry, will be discussed at the CMC.
19. I will also wish to discuss whether sufficient time has currently been programmed. I currently have availability on the 14 December if additional time is required.

### **Conditions, Planning Obligations and Costs**

20. During the CMC I will wish to discuss
  - The submission of an agreed list of conditions (without prejudice).

- Practical matters relating to the completion and submission of any planning obligation.
- An early indication if any party intends to apply for an award of costs.

### **Core Documents and Inquiry Documents**

21. During the CMC I will wish to discuss preparation of a core documents list (including presentation and availability online).

### **Timetable for further submissions**

22. The deadline for the submission of proofs of evidence, and rebuttal statements (if exceptionally necessary), will also be discussed at the CMC.
23. Annex 1 includes a note of how the proofs should be presented.
24. I will require hard copies of all proofs and openings. The arrangements for submitting these will be discussed at the CMC.
25. It would also be advantageous if closings are submitted in writing/email.
26. It is not anticipated that there will be any need for additional documents to be handed up during the Inquiry. You should review your cases promptly to ensure that is the case. Any late evidence should be brought to my attention as soon as possible. Only in exceptional circumstances should late evidence be handed up at the Inquiry.

### **Statement of Common Ground**

27. The deadline for the submission of a SOCG will be discussed at the CMC. It should be submitted as a Word document and include the following:
  - A list of the drawings and documents considered by the Council at the application stage.
  - A list of any new drawings and documents submitted with the appeal.
  - A list of any new evidence submitted to the appeal by the Council.
  - A list of suggested planning conditions. Both parties should reflect on whether the suggested conditions would meet the relevant tests<sup>1</sup> as the Inspector will explore this at the Inquiry.
  - A justification statement for any planning obligations, ideally in the format of a table.
  - A planning policy update outlining any changes since the Council issued its decision.
  - A list of the main matters agreed and not agree.
  - The Council's five-year housing land supply position, in so far as it can be agreed.

### **Housekeeping**

28. During the CMC I will wish to discuss:
  - Housing keeping matters including whether material can be left over night in the Council Chamber, audio systems, hearing loops, IT support, photocopying, whether there will be facilities for parties wishing to join/observe virtually, WIFI etc....

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<sup>1</sup> See Paragraphs 55 and 56 of the National Planning Policy Framework

## **Other Matters**

29. As the competent authority, I have consulted Natural England, who are the Statutory Nature Conservation Body. Any response will be shared with the parties.
30. During the CMC I may also wish to discuss:
  - The submission of the letter notifying interested parties of the Inquiry arrangements
  - Clarification as to who will be appearing.
  - Arrangements for the site visit.

*Graham Chamberlain*  
INSPECTOR

10 October 2022

## **Annex 1 - 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 presented in a lever arch file with appendices.
- 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.