

APPEAL REF: APP/B1740/W/21/3289313

Former Police Station, Southampton Road, Lymington SO41 9GH

Case Management Conference: 10.00am on Wednesday 16 March 2022

INSPECTOR'S PRE-CONFERENCE NOTE

1. The case management conference (CMC) will be led by Jessica Powis, a chartered town planner and Planning Inspector. Attached as separate documents are instructions for joining the conference and the conference agenda.
2. The purpose of the CMC is to set out clear indications as to the ongoing management of the case, and the presentation of evidence, so that the Inquiry is conducted in an efficient and effective manner. The CMC will involve no discussion of the merits of the respective cases and I will not hear any evidence.
3. The Inquiry will open at 10.00am on Tuesday 26 April 2022 and is currently scheduled to sit for four days.

Main issues

4. The main issues will be discussed at the conference. Based upon the material submitted to date, I consider that the main issues are likely to be:
 - i. whether or not the proposal would contribute appropriately to addressing the diversity of housing needs of local people;
 - ii. the effect of the scale and massing of the proposal on the character and appearance of the area, with particular regard to the setting of the Lymington Conservation Area;
 - iii. the effect of the proposal on protected trees on the site;
 - iv. whether or not the proposal would make adequate provision for on-site parking and turning areas for emergency service vehicles;
 - v. the effect of the proposal on the living conditions of future occupiers, in terms of the provision of outdoor amenity space;
 - vi. the effect of the proposal on European designated sites; and
 - vii. whether or not the proposal would make an appropriate contribution to the provision of off-site affordable housing.
5. The main issues may be refined following receipt of the agreed draft Statement of Common Ground and discussion at the CMC.
6. The Inquiry will also consider wider planning matters including the development plan and any other matters to be weighed in the planning balance (including public benefits).

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

Statement of Common Ground

8. I welcome the commitment of the parties (as detailed in email correspondence dated 3 March 2022) to produce an agreed draft SoCG for submission by **Friday 11 March**. This process should aim to narrow the issues and support parties in developing their proofs of evidence.
9. I am content that the agreed SoCG may be subject to revision in the period leading up to the Inquiry as further common ground is reached. We will discuss the timetable for any updates and finalisation of the SoCG.

Dealing with the evidence

10. 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.
11. Parties are asked to consider which matters, if any, could be dealt with by way of a round table session and which would be best dealt with through the formal presentation of evidence and cross-examination. Discussion on this matter at the CMC will inform the draft Inquiry programme.
12. I will also wish to consider the likely extent of participation in the Inquiry by interested persons. 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.
13. The CMC will also cover document management matters. The attached Annex sets out the preferred format and content of proofs / appendices.

Inquiry format

14. The Inquiry is currently scheduled to sit from Tuesday 26 April to Friday 29 April (inclusive). In light of the matters discussed above, consideration will be given to whether this remains a realistic time allowance within which to hear the evidence.
15. It is the responsibility of the Council to host the event. My expectation is that this Inquiry will run as an 'in-person' event, with 'virtual' or 'blended'¹ elements if necessary.
16. The format and duration of the Inquiry will be discussed with the parties. I will also seek views on the running order of topics and witnesses to inform the Inquiry programme.

¹ In 'blended' events, parties can participate in 'in-person' proceedings via virtual means.

Site visit

17. The CMC will also explore arrangements for the site visit, which is likely to take place during or shortly after the close of the Inquiry.

Conditions and Planning Obligations

18. The draft SoCG (expected by **11 March**) should contain or append an agreed list of draft conditions to be applied in the event that the appeal is allowed. Provision will be made for an update to the agreed draft conditions schedule to be submitted before the start of the Inquiry, if necessary (see below).

19. The CMC will also explore the status of any draft planning obligations. A draft of any obligation should be submitted in sufficient time for it to be considered properly before the Inquiry opens. Time will be allowed after the Inquiry for submission of a signed version, if necessary.

Costs applications

20. The appeal was accompanied by a costs application from the Appellant. If any further costs applications are to be made, it is good practice to do so in writing before the Inquiry, in line with the Planning Practice Guidance.

Next steps

21. The CMC will include a discussion about the timetable for submissions in the lead up to the Inquiry. To aid that discussion, a provisional timetable is set out below:

Tuesday 22 March 2022	Deadline for submission of: <ul style="list-style-type: none">• agreed Core Document list (All)
Tuesday 29 March 2022	Deadline for submission of: <ul style="list-style-type: none">• all proofs of evidence (All)
Tuesday 12 April 2022	Deadline for submission of: <ul style="list-style-type: none">• copies of the Inquiry notification letters and a list of those notified (NFDC)• any necessary rebuttal proofs• time estimates (All)• any update to agreed draft conditions and final draft planning obligations (All)
Tuesday 26 April 2022	Inquiry opens 10.00am (9.30am on subsequent days)

22. Following the CMC, I will produce a summary note of the matters discussed.

J Powis
INSPECTOR
9 March 2022

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; and
- 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 the officer's report, decision notice, site description, planning history and the relevant planning policy; or
- 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 and relevant qualifications 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.
- Plans are to be reduced to a maximum A3 in size and bound together for easy reference.
- Photographs are to be produced in A3 or A4 format.

Arrangements should be made for all proofs, appendices and other Inquiry documents to be available at the Council offices for member of the public and/or on the Council's website.