CONFERECE NOTE

Outline planning application with the details of appearance, landscaping, layout and scale reserved for later determination, with the exception of Phase 1 for which details of all matters in relation to the 23 dwellings within that Phase are provided. Development to comprise: up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a Country park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

Purpose of the CMC

1. This inquiry was due to open on 21 April 2020, but was postponed due to restrictions relating to the Covid-19 pandemic. Mrs Zoe Raygen was the Inspector who undertook the case conference. She will also now be holding the inquiry.

2. The Appellants, Quantum Land (Brundall Ltd), were represented at the CMC by Ms Anjoli Foster; Broadland District Council by Ms Emma Dring. The parties confirmed that they had seen the Inspector’s previously circulated pre-conference note and agenda.

3. The Inspector explained that the current restrictions on gatherings, social distancing and travel mean that the inquiry will be unable to go forward as a face-to-face event and this situation is unlikely to change in the foreseeable future. The inquiry is therefore being progressed as a virtual event instead. She referred to the Government’s Written Ministerial Statement, which was published on 13 May. This stressed the importance of continuing the work of the Planning Inspectorate to the country’s economic recovery. The Government’s clear expectation is that everyone involved in the planning process will engage in digital events proactively.

4. Working in a virtual environment is likely to be a new and potentially challenging experience for many people. The CMC provided an opportunity for the Inspector to discuss how the event would work and to clarify other procedural matters. There was no discussion of evidence at the conference or consideration of the merits of the appeal.
How the inquiry could be undertaken as a virtual event

5. The virtual inquiry will be held using Microsoft Teams, which enables people to participate from remote locations by clicking on a link in an email invitation or dialling in via a given phone number. It will enable the widest possible participation whilst the rules on social distancing, travel restrictions and limitations on gatherings are in force. The inquiry will be subject to the same provisions of the Rules and Regulations as conventional face-to-face inquiries.

6. Those present at the CMC indicated that they were aware of Microsoft Teams. Before the inquiry it would be helpful if the main participants could familiarise themselves with its main features. To further assist the Inspector will be arranging a Test Event for the main parties (including witnesses) in the week before the inquiry. This will allow them to try out the access arrangements using the technology and hopefully iron out any issues that might arise. It was agreed that this would be on **24 September at 1430**.

7. The Inspector indicated that PINS has already conducted its first virtual hearing and when the inquiry takes place several other virtual inquiries will have been held.

Engagement of participants

8. The main parties raised no objections to the inquiry proceeding as a virtual event. The Inspector explained that it would include interested people who had made representations at the application or appeal stages. They will be asked to register with the PINS Case Officer in advance of the opening of the inquiry. The letter of notification, the site and press notices will give more details about this in due course. People will be asked to indicate whether they wish to just observe, make a statement about their concerns or make a statement about their concerns and also ask questions on the evidence of the witnesses. In the latter case people will be asked to confirm the particular topics on which they wish to ask questions.

9. The individual joining instructions provided will also include an etiquette to be observed. It is largely unknown at the current time as to the amount of local people who would wish to speak.

10. The different locations of the members of each party’s team is likely to place new demands in terms of the ability to communicate with one another during the event, for example taking instructions. That is something that each party should consider and trial before the event.

Main issues and the hearing of evidence

11. The main issues were agreed as follows:

- The effect of the proposal on the landscape character and appearance of the area, including on identified public viewpoints;
- The effect of the proposal on the setting of the Grade I Listed Church of St Andrew and St Peter;
The effect of the proposal on the identified strategy for growth for the district;
Whether or not the Council is able to demonstrate a five year housing land supply and,
Whether any adverse effects, including conflict with the development plan considered as a whole, would be outweighed by other material considerations.

12. In addition to the main issues the parties will submit written statements regarding the impact of the proposal on the Broadland Special Protection Area and Broadlands Special Area of Conservation and this will be considered on the basis of written submissions.

13. It was agreed that the evidence in relation to the heritage asset, landscape matters and five year housing land supply would be heard by way of a round table discussion. The remainder of the evidence will be heard through formal evidence and cross examination.

14. In addition, the appellant will field a witness at the Inquiry to answer questions from local residents on highway safety.

**Opening date, sitting times and inquiry duration**

15. A virtual inquiry will require shorter sitting sessions with planned breaks. This means that the inquiry day is likely to be shorter in order to ensure the health and safety of all participants. It was agreed that there would be two sessions in the morning and one or two in the afternoon of about an hour and a half each in length.

16. The main parties confirmed that they would be available for the inquiry to open on **29 September**. Taking account of availability, it was agreed that thereafter the inquiry would sit on **30 -2 October** and **5-7 October**. Seven days were agreed should be sufficient to complete the inquiry, providing everyone keeps to their time estimates.

**Management of inquiry documents**

17. The Inspector will have a full set of core documents and evidence documents in hard copy. However, for the virtual inquiry these, and all appeal documents will need to be accessible from a single location for use at the inquiry. Ms Dring indicated that the Council would look to see whether they could be placed on its website. The appellant agreed to help with the collation of all necessary documents.

18. All parties are asked not to hand documents into the inquiry unless absolutely necessary as these are not easy to deal with at a virtual event. If this cannot be avoided, they will need to be submitted electronically to be shared and placed on the Council’s website.

19. Opening and closing submissions will also need to be shared beforehand and the mechanics for doing this needs to be considered by the main parties in
advance of the inquiry. Time will also need to be built into the programme for closing submissions to be prepared.

**Inquiry running order and programme**

20. The inquiry will open at **0930** each morning, including the first day.

21. The Inspector will draw up a draft timetable based on the time estimates given by the main parties. These should be sent to the Case Officer by **15 September**. She will expect them to be complied with and this will require a collaborative approach between advocates and witnesses.

22. Following the opening remarks of the Inspector the main parties will make opening statements if they wish to do so. The appellants will be first, followed by the Council.

23. The Inspector will hear local residents next. If they are unable to speak at this time, she will arrange an alternative convenient point in the programme.

24. The appellant’s highway witness will then take the stand to address questions from interested parties and the Inspector.

25. The round table session will be held on heritage followed by the round table session on landscape and then five year housing land supply (final order dependent on availability of witnesses).

26. The remainder of the inquiry will comprise the formal presentation of evidence with cross-examination. The Council will present its case first, followed by the appellant.

27. A round table session will follow on planning conditions and the Planning Obligations. Participation does not prejudice any party’s case but is a normal component of a planning inquiry.

28. Closing submissions will follow with the Council followed by the appellant.

**Notifications**

29. The Council confirmed that it undertakes notifications by post. The notification letter has been adjusted to take account of the virtual nature of the event and asks interested persons to register with the Case Officer if they wish to observe or participate in the inquiry. The notification letter is attached to this Note and the Council is asked to send it out at least 3 weeks before the inquiry is due to commence.

30. The Council also agreed to place a copy of the notification letter on its website and in the local newspaper.

31. The appellant will ensure that the site notice is put up, which again has been devised to include how interested people can participate in or observe the inquiry. This is also attached to this Note. It was agreed that a copy would
be placed at Memorial Hall. This should also be done 3 weeks before the inquiry.

**Planning obligation and conditions (CIL compliance schedule)**

32. There will be a S106 planning agreement which is currently being prepared by the main parties. A draft version will be available prior to the Inquiry along with a CIL Compliance Schedule.

**Site visit**

33. The Inspector will visit the site in advance of the inquiry and, if necessary, after its close. She envisages that the visit(s) will be unaccompanied. The main parties agreed to provide an itinerary and map of any specific locations that they wish her to visit in advance of the inquiry.

34. The Inspector will advise the appellant of the date of the site visit so that land owners can be advised.

**Timings**

36. Proofs are to be submitted no later than **1 September**. The topic specific statements of common ground are to be submitted by **8 September**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note. Draft agendas for the round table discussions should be submitted by **15 September** and will be issued in final form by the Inspector by **22 September**.

37. The final draft of the S106 agreement should be submitted no later than **15 September** to be accompanied by the CIL Compliance Statement and the relevant office copy entries.

38. 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, and in this instance it is likely that the Council will issue a rebuttal regarding five year housing land supply due to the timing of the addition of this issue, copies should be provided no later than **15 September 2019**. 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.

39. The advocates are to work collaboratively on the time estimates for each stage of their respective cases. Final timings for openings and closings, evidence in chief and XX are to be submitted no later than **15 September**. A draft programme will be issued following receipt of your final timings in due course, when the Inspector will have a better feel for the overall duration. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.
Timetable for the submission of documents

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<tr>
<td>1 September 2020</td>
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<td>suggested planning conditions</td>
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<td>core documents list and a hard copy</td>
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<td>8 September 2020</td>
<td>topic specific statements of common ground on all matters proceeding by round table discussion</td>
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<tr>
<td>15 September 2020</td>
<td>final draft planning obligation and office copy entries</td>
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<td>CIL Compliance Statement (Council)</td>
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<td>22 September 2020</td>
<td>Inspector will issue final agendas for round table discussion</td>
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Costs

41. No application for costs is currently anticipated by any party at this stage. If an application is to be made, the Planning Practice Guidance makes it clear that they should be made in writing to the Inspector before the Inquiry. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, I have the power to initiate an award of costs in line with the Planning Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.

The CMC was closed at 1131 hours

Zoe Raygen
21 August 2020