

SECOND PRE-INQUIRY MEETING (PIM)
13:30; 17 NOVEMBER 2008
STURTRIDGE SUITE, NORTHAMPTON RUGBY FOOTBALL CLUB,
FRANKLIN GARDENS, NORTHAMPTON, NN5 5WU

Main action points noted in greyed boxes

1. Introduction

The Inspector appointed by the Secretary of State (SoS) for Communities and Local Government re-introduced himself and his team (see 1st PIM note). The appointment of a new Programme Officer since the 1st PIM was confirmed as follows:

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A general attendance list was circulated.

2. Purpose of Meeting

- To take forward matters initially raised at the 1st PIM.
- To establish progress for the period between the 2nd PIM and the opening of the inquiry.
- To give the opportunity for any questions relating to the management and content of inquiry.

3. Change of advocate

Northamptonshire County Council (NCC) as highway authority, will now be represented by Stephen Tromans (of Counsel)

4. Matters outstanding from first PIM

- Changes to the Church Fields and Monksmoor proposals had been submitted to the local planning authorities and were to be sent on to the Planning Inspectorate shortly. *The representatives of both sites* considered the changes to be points of detail that would not impact on the inquiry timetable and would have not unduly effect the Environmental Statements (ES) submitted. However, some resulting further additions to the ES (mainly) in respect of highway matters were anticipated. *Daventry District Council (DDC)* had not yet

considered the amendments and may yet decide to request that the SoS does not consider these at the inquiry.

- Following on from the changes described above *the Inspector* explained that any further changes to the proposals would be unwelcome as the inquiry was not part of the negotiation process. Nevertheless, continuing discussion and agreement (or not) between the parties on aspects of the proposals was encouraged.
- DDC had considered the original Monksmoor and Church Fields proposals at Committee on 15 October 2008. A Rule 6 Statement was subsequently submitted by DDC covering these two sites.
- All the main parties [both local planning authorities, representatives of all three sites, plus the Environment Agency (EA), Highways Agency (HA) and NCC] had been confirmed as Rule 6 parties in respect of all 5 appeals on the 3 sites.
- The start date of inquiry had been confirmed for Tuesday 20 January 2009, 10.00 at the Sturtridge Suite, Northampton Rugby Football Club (same venue as 2nd PIM).

- DDC to form view on amendments to the Monksmoor and Church Fields proposals
- *Monksmoor and Church Fields representatives* to update their respective ESs

5. Estimate of time

3 blocks of 3 weeks are provisionally programmed with a break of 1 week (minimum) between each. It was hoped the third block would not be necessary. All dates indicated are weeks commencing (w/c) Tuesday:

- 1) 20 January, 27 January, 3 February
- 2) 17 February, 24 February, 3 March
- 3) 17 March, 24 March, 31 March.

The inquiry will sit 10.00 – 17.00 Tuesday – Thursdays and 09.30-14.00 on Fridays.

Estimates of the inquiry duration suggested over 40 sitting days may be required. It was agreed this may be an over-estimate and progress on drawing up proofs, and dealing with some matters at one or more round table sessions, may well abbreviate the length of the inquiry. Moreover, the *Danetree* representative explained that the representatives of all 3 sites were not intending to submit evidence against each other's proposals or undertake cross examination of each other's witnesses. This was yet to be confirmed but, if this was to be so, it promised a substantial saving of inquiry time. However, *participants* wished to reserve the right to cross examine each other's witnesses in the event of unforeseen issues of concern being presented in the evidence of a representative of another site.

In response to the suggested programme participants confirmed where they had difficulties with dates within the draft programme of inquiry blocks, both in terms of Counsel availability and for other reasons as follows:

West Northamptonshire Development Corporation (WNDC) – w/c 27 January problematic as was 17–20 March for Timothy Corner QC.

Danetree – difficulties from 27 February onwards for Martin Kingston QC and Christopher Young (of Counsel).

NCC – difficulties with 2-4 and 26 February.

All participants were encouraged to write and confirm dates of concern and non-availability in order for their particular circumstances to be taken into account in preparing the inquiry programme.

Participants had themselves suggested that housing, highways issues and possibly others subjects should be considered at 'round table' sessions. *The Inspectors* are of the view this is a constructive suggestion and agreed to include these in the draft programme. It is also likely there would be a round table session for s106 undertakings and planning conditions towards the end of the programme. However, the representative of *Church Fields* later explained that it was hoped that some or all of this could be dealt with through ongoing discussions, leading to individual unilateral undertakings in respect of how appellants' positions differed from those of the relevant LPAs.

Concurrent inquiry sessions were ruled out and a draft programme is included at Section 18 of this note. Continuing discussion on matters between the parties was encouraged in order to minimise time spent at the inquiry and focus on matters in dispute.

The HA representative explained that detailed evidence from modelling work on the issue of highways would only become available towards the end of the inquiry and suggested that consideration of this evidence should be scheduled for w/c 24 February. Therefore a later exchange of proofs of evidence for this topic was agreed between all *participants* and the *Inspectors* on the proviso that position statements would continue to be prepared to meet an earlier date (see draft programme at Section 18) to allow the general principles of the highways issues to be discussed at the proposed round table session for highway matters early in the inquiry. *Participants* reserved the right to cross examine on highways issues during the later inquiry sessions.

The Inspector indicated that, given that it is common ground that there is not a 5-year supply of housing land against RSS expectations, there is little to be gained from a lengthy forensic analysis of the figures. A broad understanding of the housing trajectory and how that fits in with current and projected housing figures should be sufficient. *All Participants* agreed a single day should suffice for the round table session on housing land supply – see Section 7.

- *All participants* to write in to the Planning Inspectorate and confirm their latest availability situation where dates differ from those recorded in this note.

6. Environmental Statements

These are being examined for adequacy including the new and anticipated material as a result of the Regulation 19 requests as well as in relation to highways evidence still under development. It is hoped to be able to confirm the adequacy of all ESs by the time the inquiry opens (depending on when additional material received in respect of highways matters is provided).

7. Points for examination at Inquiry

Following the announcement of the intention of the parties not to submit evidence against each other's proposals *all participants* agreed they would endeavour to avoid repetition wherever possible during the sessions. This applied in respect of repetition from the general round table sessions onto the site specific sessions and also between the site specific sessions and later topic based sessions. However, it was acknowledged that a degree of overlap was likely, in particular with the local authority site specific cases and that in any event a degree of comparison was likely to be employed in the cases made.

The SoS has not issued Statements of Matters in respect of the Church Field and Monksmoor schemes. In the event of these being issued (and this is not certain) they are expected to be very similar, if not identical to those already issued for the Danetree site. *Monksmoor's representative* explained that they had requested, but not yet received a copy of the 'Statement of Matters' letter for Danetree.

- *The Planning Inspectorate* to send a copy of the Statement of Matters for Danetree to Monksmoor's representative.

8. Structure of the inquiry

Any further estimates as to the duration of various sessions would be welcomed to help build the inquiry programme and draft a matching timetable. The *Programme Officer* would prepare and issue a full draft inquiry programme in due course.

Participants provided details of either their likely witnesses and the topics they will cover along with estimates of the sitting days required to accommodate them. This was collected to inform the production of the inquiry programme and time table:

<i>Participant</i>	<i>Subject</i>	<i>Witness</i>
Daventry District Council	Strategic planning policy and housing land supply	Mr Richards
<u>Estimate of 3-4 days given previously</u>	General DC matters (Danetree/Monksmoor)	Mr Ellis
	General DC matters (Church Fields)	Mr Boyt
	Landscape/visual (all 3 sites)	Mr Griffiths
	Heritage and Archaeology (Danetree/Church Fields) and Conservation Areas (Monksmoor)	Miss Booth
	S106 strategies (all 3 sites – may not be needed)	Mr Bowers
West Northamptonshire Development Corporation	Housing land supply	Mr Simpkins
<u>6 days total (incl. allowance for cross-examination) estimated</u>	Landscape	Mr Reid
	Urban Design (general i.e. Masterplanning)	Mr Nanda
	Accessibility	Mr Bird
	General DC matters	Mr Bird
	S106 strategies	Mr Gilder
	Environmental Matters (may not be needed)	Mr Knightsbridge
	Suggest highways via	SCG
Highways Agency	Technical and modelling issues	Mr Howell
<u>2 days total estimated</u>	Transport related policy	Ms Bennett
Northamptonshire County Council	Technical and modelling issues	Mr Bamforth
<u>3 days max. estimated</u>	Transport related policy	Mr Day

<p>Environment Agency</p> <p><u>Consider some matters where witnesses are suggested may yet be negotiated away (esp. flooding). Have not seen basis of cases and therefore did not estimate timescale.</u></p>	<p>Flooding (may not be necessary if agreement is reached)</p> <p>Waste water infrastructure planning (see below)</p> <p>Water Quality</p> <p>Ecological/fisheries issues</p>	<p>Ms Swindale</p> <p>Mr Hickling</p> <p>Mrs Flannigan</p> <p>Mr Beal</p>
<p>Danetree</p> <p><u>Estimate 5 days (incl. allowance for cross-examination)</u></p>	<p>Strategic planning including housing land supply</p> <p>Urban design</p> <p>Landscape</p> <p>Highways</p>	<p>Mr Gatland</p> <p>Mr Lownds</p> <p>Mr Rhead</p> <p>Mr Braken</p> <p>(Principal witnesses only)</p>
<p>Monksmoor</p> <p><u>Estimate 5 days (incl. allowance for cross-examination)</u></p>	<p>Strategic planning including housing land supply</p> <p>Design and landscaping</p> <p>Highways</p>	<p>Mr Meek</p> <p>Mr Black</p> <p>Mr Hurlstone</p> <p>(Principal witnesses only)</p>
<p>Church Field</p> <p><u>Estimate 5 days (incl. allowance for cross-examination)</u></p>	<p>Strategic planning including housing land supply</p> <p>Landscape and visuals</p> <p>Master planning and design</p> <p>Highways</p>	<p>Mr Charles</p> <p>Mr Kale</p> <p>Mr Scott</p> <p>Mr Atkinson</p>
<p>Other parties:</p> <p>CLASP</p>	<p>Depends on whether agreement reached with Monksmoor and Church Fields representatives – has been achieved thus far in respect of Danetree only.</p>	

- *Anglian Water Services* (Mick Galey) agreed to provide a Statement on waste water infrastructure planning to the main inquiry timetable and to attend the relevant inquiry session for this topic. It was proposed by EA

that considering this issue towards the end of the inquiry in a similar manner to the highway matters may be appropriate.

- *Programme Officer* to issue a draft inquiry timetable

9. Submission of proofs

The Inspector reinforced the point made in the 1st PIM, covering the need for participants to provide proofs etc that are both as concise and focussed on the topic in question as possible.

In accordance with the Inquiry Procedure Rules, if the proofs are longer than 1500 words, summaries of the proofs must be submitted at the same time as the proofs themselves. Summaries should be no more than 1500 words or a maximum of 10% of the length of the main proof.

The *Programme Officer* will issue a timetable for the submission of documents. As a minimum, the relevant proofs should be submitted 4 weeks before each session of the inquiry. The Inspector will require 5 copies of the proofs, to allow for unmarked sets for the inquiry library and one set to be forwarded to the Secretary of State.

If matters are to be covered at a round table session, participants should also submit a position statement by the date set in the programme. The position statement should draw upon the points made in the proof of evidence. The statement should be brief (a maximum of 1500 words). The position statements will be used to formulate an agenda and a range of relevant questions to put to the participants at the round table session(s).

It was agreed that proofs relating to main matters for all five appeals should be submitted simultaneously – even if consideration of one or more of the sites was likely to fall into the second block of sitting weeks.

- *The Programme Officer* to issue a timetable for the submission of all documentation.

10. Statement(s) of Common Ground

There is further scope to supplement the good work done so far on the preparation of Statements of Common Ground (SCGs). Although there are likely to be fundamental differences between the parties, the SCG is not simply a statement of what is agreed; it can just as helpfully recognise where there is a common understanding of what is not agreed – and why.

For example DDC has indicated that it cannot come to agreement with the parties on some aspects of the SCGs submitted so far – but why, and whether the differences are fundamental or ones of detail is unclear. It

would be helpful, where general agreement cannot be reached, if it were explained why a party cannot agree with the others.

Further discussions between the parties over matters where agreement is likely is encouraged (to be set out on a subject or topic basis in an SCG). However, as required by the Inquiry Procedure Rules, SCGs are to be submitted 4 weeks before the relevant session of the inquiry commences (i.e. before the start of each of the 3 week blocks of sitting dates).

11. S106 and s278 Heads of Agreement

The parties should also set out the matters (in broad terms) which will need to be included in planning obligations under s106 of the Town and Country Planning Act, and an indication of the sums which may be required to meet the cost of providing off-site works and services.

Similarly, a broad indication of the matters which may be included in an agreement under s278 of the Highways Act, would be expected.

The Heads of Agreement documents (if not the final drafts of such agreements / obligations) should be submitted at the same time as the SCG.

12. Order of appearances

The order of appearances will be fixed nearer the opening of the inquiry – probably just after the Christmas and New Year period and most likely follow the conventional order. The preference of participants for case-by-case evidence after the round table sessions was noted. As a general rule the local planning authorities would give evidence first on each site followed by the appellant's representatives, other parties with a statutory right to be heard and any others wishing to be heard. This would apply whether the inquiry session was site specific or topic based. Furthermore, the *LPA*s and *appellants* should agree the most appropriate order where their interests overlapped or related to the same matters. Likewise, *HA* and the *NCC* would agree the most appropriate order between themselves depending on the content of the session. The order for each session will be confirmed by the *Programme Officer*.

At present opening statements were expected from the following (with the precise order to be confirmed – as per above):

- Daventry District Council
- West Northamptonshire Development Corporation

- The Danetree Consortium*
- Capel House Property Trust Ltd (Monksmoor)*
- Croudace Homes Ltd (Church Fields)*

- Environment Agency
- Highways Agency
- Northamptonshire County Council (as highways authority)

**To cover both their appellant and Rule 6 interests*

13. Core Documents

WNDC confirmed that a draft list of Core Documents (CDs) has been prepared and is under discussion with the other participants. This will be of great assistance in preparing the SCGs and the proofs of evidence. WNDC will shortly be ready to pass the draft to the *Programme Officer* who will be custodian of the list and will issue reference numbers to identify each of the documents in due course. In the meantime any further suggestions as to documents that should be included should be sent through to both WNDC and the Programme Officer.

- WNDC to forward draft CD list to Programme Officer

14. Document numbering

The *Programme Officer* will also set up a scheme for identifying and numbering documents to be submitted during the inquiry, in addition to the CDs. Please adhere to the system which will be devised. This will greatly assist in the ready filing, retrieval and use of the required documents.

The identifying number should be clearly set out at top right-hand corner of the cover page of each document (or legible through any transparent outer cover). Whilst each of the participants will have their own 'house style' for documents – it may be helpful if, within each set of documents, the contribution for each witness is clearly differentiated – perhaps by use of one colour binding per witness, or a coloured edge or panel on the front cover.

As advised in Circular 05/2000, documents should be A4 sized, with appendices bound separately. Summary proofs should be separate documents. Plans or photographs should also be at A4 size, or folded to A4, to assist in filing and handling of documents.

15. Documents in electronic format

The Inspectors wish to encourage the submission and exchange of documents in electronic format. However, the hard copy sets for use at the inquiry such as those noted in Section 9 will still be required. Furthermore, they would be pleased to receive copies of opening statements, closing speeches as well as lists of suggested (and agreed?) conditions electronically – as well as hard copy. These can be very helpful in saving note taking, and ensuring the accuracy of the resulting report.

Electronic documents should be on a compact disc and in *Word* format.

16. Use colloquial site references (in brackets after full site name)

It will be helpful if the colloquial name for each of the sites (as agreed at the previous PIM) were used on the front cover to identify the site (or sites) to which each document refers:

- **'Danetree'** - for the land to the east of Daventry and North of the A45 road.
- **'Monksmoor'** - for the land at Monksmoor Farm, Welton Lane, Daventry.
- **'Church Fields'** - for the land at Long Buckby Road, Daventry.

17. Pre-inquiry ASV

As mentioned at the 1st PIM, *the Inspectors* would like to visit particular locations on and around the sites which will be referred to at the inquiry. This will be conducted in the week immediately before the inquiry opens (w/c 12 January 2009).

Participants should discuss with each other what needs to be included on such a tour and then pass on their suggested itinerary to the Programme Officer before 5 January 2009 in order to allow him time to make the necessary arrangements. WND C agreed to take the lead in preparing the itinerary and helping with the arrangements. WND C should liaise with the Programme Officer in advance of this date.

It is likely that this will need to be an accompanied visit, and the most convenient way of conducting it would be by mini-bus or similar, so as to ensure everyone keeps together. In order to keep the visit manageable, it is proposed that at most, each of the parties is limited to 2 representatives. If local interest groups also wish to attend, these too should keep numbers to a minimum. Entry onto private land will be with the agreement of the landowner(s) and at a person's own risk.

The visit will be solely for the purposes of identifying locations, viewpoints and physical features; there will be no discussion on the merits of any of the cases, nor will there be any giving of evidence.

18. Outline Programme following 2nd PIM

Following the information received at the PIM the timetable is as follows (and will be subject to revision and confirmation):

23 December 2008	Latest date for submission of proofs of evidence for the first inquiry block (<u>including exchange at Rugby Club venue</u>).
23 December 2008	Latest date for submission of Statement(s) of Common Ground for first inquiry block.
23 December 2008	Latest date for submission of Heads of agreement for s106 and s278 agreements for first inquiry block.
9 January 2009	Latest date for submission of position statements on housing and highways matters for round table sessions.

13 January 2009	Suggested date of pre-inquiry accompanied site visit during w/c 12 January.
13 January 2009	Latest date for rebuttal proofs of evidence for first sets of evidence (ie as submitted on 23 December)
20 January 2009	Inquiry opens.
20 January 2009	Latest date for submission of proofs of evidence for second block of the inquiry including those for detailed highways issues (and waste water infrastructure – should this be necessary).
20 January 2009	Latest date for submission of Statement(s) of Common Ground, Heads of Agreement (s106 & s278) relating to second inquiry block (including for detailed highways matters).
20-23 January 2009	Possible dates for housing and highways related issues for round table sessions during opening week.
23 January 2009	Possible first date for site specific evidence.
3 February 2009	All rebuttals to evidence submitted on 20 January due (together with any addendum following Council Committee consideration).
7-16 February 2009	Inquiry adjourned.
17 February 2009	Inquiry resumes – including detailed highways and possibly waste water infrastructure sessions during this block.
17 February 2009	Latest date for submission of proofs of evidence and all other documentation for third block of the inquiry (if necessary).
7-16 March 2009	Inquiry adjourned.
17 March 2009	Inquiry resumes (if necessary).