

Agenda
NOTES OF PRE-INQUIRY MEETING
Held on 25 February 2014 at 10.00

At River Cherwell Meeting Room, Cherwell District Council Offices, Bodicote House, White Post Road, Bodicote, BANBURY, OX15 4AA

Appeal ref: APP/C3105/A/13/2209291

Appeal by Gallagher Estates against the failure of Cherwell District Council to give notice within the prescribed period of a decision on an application for planning permission, for:

An urban extension to Banbury for up to 1000 dwellings together with a local centre including retail (A1), financial services (A2), restaurants (A3-A5), up to a combined total floorspace of 1000m², employment space (B1) up to a total floorspace of 5000m² with the with B1(a) office component limited to maximum of 2,500m², associated car parking, a community primary school [including space for community uses (D1) and assembly and leisure uses (D2)], green infrastructure including formal and informal open space, amenity space, retained hedgerows, structural landscaping, supporting infrastructure [including gas, electricity, sewerage, water, telecommunications] sustainable urban drainage systems, new connection to the A361 Bloxham Road, pedestrian cycling connections to the surrounding footpath and cycle network and any necessary demolition and ground remodelling, on land at

Wykham Park Farm, Land East of Bloxham Road, Banbury OX16 9UP

Present

For Cherwell DC:

Graeme Keen	Of Counsel
Laura Bailey	Planning Officer
Stephanie Betts	Appeals Officer
Ben Croot	LDA Design
Phil Smith	BBA
Ross Chambers	Solicitor
Gavin Coupe	Atkins
Howard Cox	Oxfordshire County Council

For the Appellant:

Glen Langham
Francesca Robinson
Nick Freer

Gallagher Estates
David Lock Associates
David Lock Associates

Matters discussed

1. Introduction

- 1.01 The Inspector introduced himself: Mr Paul Jackson B Arch RIBA, appointed by the Secretary of State (SoS) to hold the Inquiry.
- 1.02 The application was called in by the SoS for his own determination on the 20 December 2013. The inquiry will open on the 13 May 2014 at 10.00 AM.
- 1.03 The pre inquiry meeting was arranged in order to deal with procedural matters in preparation for the opening of the inquiry. It was not an opportunity to discuss the merits of the case for or against the proposal.
- 1.04 A note of the meeting will be prepared and sent to all those whose names appear on the attendance list and have indicated that they would like a copy. The note will also be published on the Council's website. The Council confirmed that there would be no dedicated Inquiry website updated during the event.

2. Purpose and scope of the Inquiry

- 2.01 The application is in outline with all matters reserved for future consideration except access.
- 2.02 The purpose of the inquiry is for the Inspector to hear the evidence relevant to the planning application which will enable him to prepare a report to the SoS and make a recommendation as to whether or not planning permission should be granted.
- 2.03 The Inspector is appointed as an impartial person with no interest in the outcome of the inquiry. He will make an independent assessment of the evidence which is presented to him and which will inform his recommendation to the SoS.

3. Appearances

3.01 Those who intend to appear at the inquiry include:

For Cherwell DC:

Graeme Keen (of Counsel)

Phil Smith (Planning)

Prof Robert Tregay (Landscape/heritage)

Gary Rowland (Highways)

For Gallagher Estates:

Ian Dove QC

Nick Freer (Planning)

Matt Grist (Transport)

Julian Cooper (Landscape)

(+2 other possible witnesses)

4. Interested persons

4.01 The Inspector informed the meeting that he would ask at the opening of the Inquiry for the names of any other interested parties who wish to speak.

5. Procedure and programme

5.01 The Inquiry will be held under the Inquiry Procedure Rules. Those unfamiliar with Public Inquiry procedures are invited to study these (available on the Planning Portal).

5.02 The Council will present its evidence first. The appellant company will present its evidence last. There may be other persons who will wish to speak, both for and against the proposal. Their identities will be discovered at the start of the Inquiry and an opportunity provided for them to speak at a convenient time. Usually this will be after most of the evidence has been heard but can be at another convenient time.

5.03 If necessary, the Inspector is content to arrange an evening session at approximately 19.30-22.00 on an agreed date for those who are unable to attend the normal sitting times of the Inquiry to have the opportunity to address the Inspector. Names of those wishing to speak at an evening session should be given to the Inspector when invited to do so at the start of the Inquiry.

5.04 The parties will discuss the order of appearances and advise the Inspector of their preference by the end of March so that a timetable can be produced.

6. Site visits

6.01 The Inspector will visit the application site before the inquiry opens, and from time to time during the inquiry. He will also make an accompanied site visit on the 16 May (when the venue is not available) and possibly again at the close of the inquiry. At this time, he should be accompanied by someone from all the main parties.

6.02 The Inspector emphasised that the site visit is for him to view the physical features of the site and its surroundings. He will not hear any further evidence or arguments for or against the proposal during the site visit.

7. Venue and facilities

7.01 The Inquiry is to be held at Banbury Cricket Club, The Pavilion, Whitepost Road, Bodicote, Banbury, OX15 4BN. This venue has been used before for Inquiries and has all the necessary facilities.

8. Inquiry dates and sitting times

8.01 The Inquiry will sit from Tuesday to Friday each week. There will be a break at around 1PM for an hour for lunch and short breaks mid-morning and mid-afternoon at the convenience of the advocates. The Inquiry will adjourn around 5 PM with an earlier adjournment on Fridays at about 3.30 PM. If necessary, the Inspector will consider an earlier resumption at 9.30 if the timetable is slipping.

8.02 The Inquiry is currently allocated for 8 days (2 weeks) duration, but this will be reviewed once more information is available on the number of witnesses/interested parties to appear.

9. Issues to be addressed

9.01 The SoS has set out in the letter of recovery that the reason for the direction is that the appeal involves a development of over 150 dwellings on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and

create high quality, sustainable, mixed and inclusive communities.

9.02 The Inspector has now seen the statements of case. He considers the main issues that will be of interest to the SoS will be:

- 1) The effect of the proposed development on the character and appearance of the area;
- 2) The effect on highway safety;
- 3) The effect on a non-designated heritage asset, the Salt Way;
- 4) Whether any identified harm would be outweighed by the need for housing in the light of the lack of a 5 year housing supply; and
- 5) Whether the proposed development should provide for contributions towards infrastructure, affordable housing, outdoor & indoor sports facilities, open space/play space, SUDS, transport, public art, education, libraries & museums, strategic waste disposal and health services; and if so whether arrangements for the contributions have been made.

9.03 Negotiations are taking place with a view to agreeing infrastructure contributions by means of a S106 obligation, in which case the last issue may not be in dispute.

9.04 The S106 will need to be completed and sealed before the close of the Inquiry, and the Inspector asked for a copy of the draft obligation as soon as practicable.

9.05 The Inspector indicated that he will be relying on the legal advocates to the Inquiry to look in detail at the S106 to inform him as to its legal provisions and enforceability.

9.06 There were no other issues that anyone considered needed to be added.

10. Nature and format of evidence

10.1 All those wishing to give evidence should produce a Proof of Evidence (POE). POEs are due to be submitted by 11 April 2014. It is normal for proofs to be submitted 4 weeks before the opening of the Inquiry.

- 10.2 Rebuttals are not necessary unless a new point is raised. Any rebuttals need to be received by no later than 2 weeks of the start of the Inquiry.
- 10.3 Proofs in excess of 1500 words should have a written summary.
- 10.4 The Statement of Common Ground (SoCG) is programmed for submission by 4 April 2014. It covers matters which are agreed and identifies the differences between the parties. There could be separate documents for general matters, housing land supply and highways. The SoCG should include an agreed list of draft conditions. The statutory development plan policies and any emerging policies that apply need to be listed together with the weight that it is agreed should be attached to them.
- 10.5 The Inspector requested that the latest housing data including the SHMA figures for Oxfordshire should be used in the SoCG, if available. The Council said these were expected at the end of February, but will check the date. The Inspector said he would prefer the benefit of a SoCG with the most up to date and reliable housing supply and need figures, even if this was received later than programmed.
- 10.6 The Inspector wants to avoid the Inquiry getting bogged down in arguments about deliverability of individual sites and asked that the parties make an effort to include as much information as possible in the SoCG on housing supply. He pointed out that this matter had been aired recently at several appeals and information should be readily available.
- 10.7 The Inspector asked that POEs and appendices are bound and paginated with tabs, preferably in a manner which does not fall apart in transport and which remain open during use to allow simultaneous examination of a number of documents. All pages in proofs and appendices must be numbered.
- 10.8 Copies of Core Documents and proofs of evidence should be available for the public on each day of the inquiry. A plan should be made available, based on the Ordnance Survey at a suitable scale, showing the location of the development.

Paul Jackson
26 February 2014