



APPEAL REF: APP/C3105/W/23/3326761

OS Parcel 1570 adjoining and west of Chilgrove Drive, and adjoining and north of Camp Road, Heyford Park

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access.

Case Management Conference Summary

Welcome/Introduction

1. The Case Management Conference was led by Helen Hockenhill, the appointed Inspector on Weds 4 October 2023. The Inquiry is scheduled to open at 10am on Tues 5 December 2023.

Advocates and Witnesses

2. The advocates for the parties were confirmed as Mr Grant for the Council and Miss Reid KC for the appellant. Two parties have been granted Rule 6 status, Dorchester Living (DL) and Mid Cherwell Neighbourhood Plan Forum (MCNP). Mr Tucker KC is the advocate for Dorchester Living. MCNP Forum do not propose to be legally represented and Mr Lipson will act as both advocate and witness. Mr Grant and Mr Tucker were unavailable for the CMC but represented by colleagues, Mr Gill and Mr Robson respectively.
3. The Inspector sought clarification of witnesses from all parties. The Council advised the intention to call three witnesses, the appellant five witnesses and DL two. MCNP Forum advised that they would be fielding at least one witness but possibly three. Mr Lipson was asked to confirm the position as soon as he is able.
4. The Council and the appellant raised availability issues with certain witnesses which the Inspector noted. This will be considered in firming up the programme for the event.

Inquiry Venue /Format

5. The Council informed the Inspector and the parties of the difficulties in finding a suitable venue. The current suggestion was the St John Paul II Centre in Bicester. Unfortunately, this venue does not have sufficient side rooms to enable all parties to have a retiring room, which may cause

problems during the event. The Inspector asked the Council to continue searching for somewhere more appropriate. The appellant offered their assistance.

6. The event is intended to be face to face, however it is prudent to secure a venue with the facilities to allow virtual appearances i.e. a hybrid event, particularly with the current rise in Covid cases.
7. It is not intended to livestream the event.

Statements of Common Ground (SoCG)

8. A Planning SoCG has been prepared between the appellant and the Council. There is one outstanding matter relating to the planning policies relevant to the appeal. An addendum may be prepared.
9. Separate subject specific SoCG are proposed in relation to Housing Land Supply, Landscape and Heritage matters. Miss Reid asked for clarification from the Council in relation to heritage and landscape issues. The parties are to liaise as soon as possible.
10. The Inspector suggested it would be helpful if a SoCG was also prepared with each of the Rule 6 parties.

Likely main issues

11. The likely main issues to be addressed at the Inquiry were agreed as follows:
 - Whether the appeal site forms a suitable location for development having regard to national and local planning policies.
 - The effect of the proposal on the landscape and local character, with particular regard to the form and character of Heyford Park.
 - The effect of the proposed development on heritage assets.
 - Whether the development makes appropriate provision for infrastructure and transport mitigation to ensure a sustainable development and make the development acceptable in planning terms.
 - Whether a five-year supply of deliverable housing land can be demonstrated.
 - The overall planning balance.

How the evidence will be heard

12. Issues relating to the location of the development are best dealt with through the formal presentation of evidence. As this issue would be dealt with by the planning witnesses, it was agreed that this be addressed as part of the planning evidence.

13. Issues relating to heritage matters and landscape character would be discussed in round table sessions (RT). The matter of housing supply, in particular disagreements about the deliverability of individual sites would be dealt with through a RT discussion, whilst matters relating to the Council's approach to calculating the requirement and supply position would be dealt with through evidence in chief and cross examination.
14. With regard to the infrastructure and transport mitigation issue, there was debate as to whether this should be dealt with through a RT discussion or by the formal presentation of evidence and cross examination. This is dependent on the extent to which the appellant and DL can agree matters in a SoCG and the nature of any technical evidence to be presented. It was agreed to keep this under review with the parties progressing the SoCG as soon as possible.
15. Matters relating to planning policy and the overall planning balance, including the benefits of the scheme, would be most appropriately dealt with through evidence in chief and cross examination. The appellant's planning witness will also need to address any other matters raised by interested parties.
16. A Planning Obligation and Conditions RT discussion would be held to consider the effectiveness of the wording of the section 106 agreement and the necessity of the draft conditions.
17. The Inspector will lead the RT sessions. The parties are requested to liaise and agree draft agendas to be submitted two weeks before the Inquiry, no later than 21 November 2023. The Inspector will then prepare a final agenda for circulation shortly before the Inquiry opens.
18. The details at the end of this note set out the preferred format and content of proofs and other material, which should be observed.
19. The Inspector asked the parties to prepare a plan of suggested viewpoints for the site visit, to assist in assessing the landscape and heritage issues raised in this appeal.

Inquiry running Order/ programme (as matters stand)

20. The Inquiry will commence at 10am on the first day, and 9.30am on subsequent days. It is not the intention to sit beyond 17.00 hrs in general. There will be a lunch break for an hour, together with mid morning and afternoon breaks. On Fridays the Inquiry will adjourn no later than 3pm.
21. The Inquiry will commence with the Inspectors opening comments. Opening statements from each party will then be heard which should be no longer than 10-15 minutes, the appellant first, followed by the Council,

then the R6 parties. Any interested parties who wish to participate will then be given the opportunity to speak.

22. A logical running order on a topic-by-topic basis, taking account of current witness availability, could be as follows:

Infrastructure and transport mitigation (RT or EiC, XX)
Housing matters (EiC and RT)
Heritage matters (RT)
Landscape matters (RT)
Planning matters and suitability of location having regard to planning policy (EiC, XX)

23. In terms of the formal presentation of evidence, the Council would be heard first, followed by the Rule 6 parties: DL and the MCNP Forum, and then the appellant.

24. The Inspector will then lead the RT session on conditions and the provisions of the planning obligation. This will be followed by Closing Submissions, Council first then DL, MCNP Forum and finally the appellant.

25. Closing Submissions should preferably be no longer than 1 hour in duration and should simply set out the respective cases as they stand at the end of the Inquiry. A written copy should be provided so that delivery can occur at speed. During the event, the Inspector will seek guidance from the respective advocates about the need for time in the programme for the preparation of closing submissions.

26. A site visit will need to be made, and it likely this will be an accompanied visit. The timing of the visit will be considered in formulating the programme.

27. The advocates are to submit time estimates no later than one week before the Inquiry. The Inspector will confirm a final programme for the event as soon as possible thereafter.

Conditions/Planning Obligation

28. A list of agreed conditions is included in the SoCG. It would be helpful to the Inspector to have a set of draft conditions in 'word' format. Should any differences in view on any of the suggested conditions arise, this should be highlighted in a revised SoCG or in a separate schedule. This should include a brief explanation of the issue and provide any potential suggested amendments. Parties are reminded that conditions should be properly justified having regard to the tests for conditions in the NPPF. The appellant will need to provide agreement to the imposition of any pre commencement conditions.

29. With regard to the planning obligation, a final draft version should be submitted 2 weeks before the event, no later than 21 November 2023.
30. The final draft must be accompanied by a Community Infrastructure Levy compliance statement prepared by the Council. The statement should set out a fully detailed justification for each obligation sought, detailing how it complies with the regulations, in particular the test of necessity, and should include reference to any policy support. A signed and certified copy of the completed obligation shall be submitted within 7 days of the close of the Inquiry.

Core Documents /Inquiry Library

31. An agreed core document list and all core documents are to be sent electronically to the case officer at the same time as the proofs. The core document list should be prepared in advance of formulating the proofs so that they can be properly referenced. Parties are to liaise with each other to put the list together.
32. The core documents should comprise only those documents which the parties will be referring. Any appeal decisions and/or legal authorities on which the parties intend to rely will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which reliance is to be made, with the relevant paragraphs flagged. All documents must be available electronically for the benefit of all interested parties.
33. The Council confirmed that they can host the Core Documents list. Ideally this should be available by the 7 November 2023, when proofs are submitted. For clarity, any documents submitted once the Inquiry opens, will be recorded as Inquiry documents on a separate list that the Inspector will oversee. It is expected that these documents will be appropriately referenced and added to the Core Documents on the Councils web page.
34. The Inspector advised that she requires a hard copy of the proofs and any appendices, to be submitted to the Case Officer at Temple Quay House. Copies of proofs should also be made available for wider circulation as necessary at the event.

Timetable

35. The table below sets out the timeframe for the submission of various documents.

7 November 2023	Deadline for submission of: <ul style="list-style-type: none"> • All proofs • Core documents list and core documents • Revised / additional Statements of Common Ground
14 November 2023	Deadline for submission of : Notification letters, informing interested parties of the date, time and venue of the Inquiry (Council)
21 November 2023	Deadline for submission of: <ul style="list-style-type: none"> • Final draft section 106 agreement • CIL compliance statement • Draft agendas for round table discussions • Rebuttal proofs (if req) • Time estimates
28 November 2023	Final programme and RT agendas issued.
5 December 2023	Inquiry opens 10 am

36. 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, copies should be provided no later than 21 November 2023. It is important that any rebuttal proofs do not introduce new issues.

37. Time estimates for each stage of the party's cases should be provided by 21 November 2023 if possible. The Inspector acknowledges that should rebuttal proofs be submitted it may take a little longer for advocates to provide appropriate estimates. Other than in exceptional circumstances, advocates are expected to take no longer than the timings indicated, which will require the cooperation of all parties. The Inspector will issue a final programme and agendas approximately one week before the event.

Costs

38. The parties confirmed that no applications for costs are intended at this stage, though the parties reserve their positions. If any applications are to be made, Planning Practice Guidance makes it clear that, as a matter of good practice, they should be made in writing before the Inquiry.

39. Also, the parties are reminded that to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the

relevant guidance. Unreasonable behaviour may include not complying with the agreed timetable.

Final comments

40. All parties are asked to ensure close and continuing cooperation in the run up to the Inquiry. This will help to minimise and refine areas of dispute and also assist the efficient overall running of the event.

Helen Hockenhull

INSPECTOR

5 October 2023

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.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
- Pages and paragraphs **must be numbered**.

Arrangements should be made for all proofs, appendices and other Inquiry documents to be available online for members of the public.