



The Planning Inspectorate

APPEAL REF: APP/B1930/W/22/3313110

Land to South of Chiswell Green Lane, Chiswell Green, St Albans

Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new school, open space provision and associated landscaping. Internal roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements.

APPEAL REF: APP/B1930/W/22/3312277

Land to North of Chiswell Green Lane, Chiswell Green, St Albans

demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions.

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The Inspector appointed by the Secretary of State to conduct the Inquiry is Michael Boniface MSc MRTPI.
2. The Inquiry will be held in person at the Civic Centre, St Albans.
3. The Council should make preparations for the event to proceed virtually should a physical Inquiry unexpectedly become impossible.
4. The Inquiry will open at 10.00 on Monday 17 April 2023 and is expected to sit for up to 8 days (17-21 and 24-26 April).
5. The Council will seek to facilitate livestreaming of the Inquiry on the internet in order for interested parties to follow the proceedings if they do not wish to actively participate. The availability of this facility should be confirmed by 17 March 2023.
6. The Inquiry may resume slightly earlier after the first day and will generally adjourn each day before 17.00.
7. The Council may wish to draw the attention of interested parties to this Note. At the very least, it is recommended that a copy be posted on the Council's website. A copy will be placed on the planning portal.

Main Issues

8. Having had regard to the submitted information and discussions during the Case Management Conference, the main issues common to both appeals, are:
 - a) The effect on the Green Belt;
 - b) Landscape and visual impacts;
 - c) The effect on best and most versatile agricultural land;
 - d) Highways and transport;
 - e) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

9. In relation to the south site (3313110) only, the following additional main issue applies:

f) The effect on education provision.

10. In addition, concerns have been raised by interested parties. All of these matters will need to be addressed. Whether or not they are treated as main issues in the eventual decision will depend on the evidence as it emerges during the Inquiry.

11. The Council's second reason for refusal in both cases relates to the lack of a S106 agreement to secure necessary infrastructure. It is expected that this will be resolved by the time of the Inquiry.

Dealing with the Evidence

12. The Inspector is minded to deal with all the main issues and the overall planning balance in the conventional sense, through evidence in chief and cross-examination.

13. Other matters raised by interested parties should be addressed in written proofs and at the Inquiry itself as necessary.

Statements of Common Ground

14. An agreed general statement of common ground was not provided with the statements of case but is to be prepared.

15. Topic specific statements of common ground between the Council and the appellants are also required for the main issues.

16. Should the appellants be able to agree matters with Keep Chiswell Green in respect of the topics it intends to present evidence on (highways and education), the statement should be submitted as soon as possible.

Conditions

17. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be provided within the Statement of Common Ground. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

Planning Obligations

18. An early draft of the planning obligations should be submitted along with proofs of evidence, with a final draft to be submitted shortly before the inquiry opens, accompanied by the relevant Title Certificates and a CIL Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought, including for any financial obligations, exactly how they have been calculated and on

precisely what they would be spent. A signed and completed version should be submitted before the close of the inquiry or shortly afterwards with the agreement of the Inspector.

Core Documents/Inquiry Documents

19. An agreed Core Document List is to be sent electronically to the Planning Inspectorate at the same time as the Proofs.
20. An Inquiry website containing all core documents and evidence, which will be updated as necessary and available to all parties throughout the Inquiry, is to be produced by the Council. Core documents will need to be appropriately named and organised so that they are easily accessible to all.
21. A hard copy of the core documents is not required but one hard copy of all proofs of evidence should be sent to the Planning Inspectorate for the attention of the Inspector, along with a full set of the relevant plans/drawings.
22. The submission of documents during the Inquiry should be avoided but any documents that are necessary will be recorded as Inquiry Documents and should be added to the Inquiry website only if accepted by the Inspector.

Inquiry Running Order/Programme

18. Following his opening comments on the first day of the Inquiry, the Inspector will invite opening statements from the main parties.
19. He will then hear from any interested parties who wish to speak.
20. Evidence will then be heard on the main issues, general planning matters and the overall planning balance.
21. The Council will present its case first in its entirety, followed by Keep Chiswell Green and then the appellants, South and then North.
22. The Inspector will lead round table sessions on conditions and obligations.
23. Finally, closing submissions will be invited from the main parties. They should set out the respective cases of each party as they stand at the end of the Inquiry, cross-referencing the evidence as appropriate. A written copy of closings should also be made available.
24. The Inspector will carry out an accompanied site visit, which is likely to take place after the Inquiry has closed. Its purpose is simply for him to see the site and its surroundings. He cannot listen to any representations/evidence during the visit, but parties can point out physical features. A suitable itinerary should be agreed between parties for the visit.

Timings

25. Proofs of evidence are to be submitted no later than **20 March 2023**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note. At the same time, the general

and topic specific SoCG should be provided, along with an early draft of the planning obligations.

26. A final draft of the planning obligations should be provided no later than **10 April 2023**, to be accompanied by the CIL Compliance Statement and Title Certificates.

27. Copies of notification letters informing interested parties of the Inquiry arrangements should be provided to the Inspector by **10 April 2023**.

28. 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 must be provided no later than **10 April 2023**. 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.

29. Expected timings for openings and closings, evidence in chief and cross examination are to be submitted no later than **13 April 2023**, along with a draft Inquiry programme agreed between the parties. Participants are generally expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

Summary timetable for the submission of documents:

20 March 2022	Deadline for submission of: <ul style="list-style-type: none">• General and topic specific SoCG• All Proofs of evidence• Early draft S106
10 April 2023	Deadline for submission of: <ul style="list-style-type: none">• Copy of appeal notification letters to interested parties• S106 final draft and CIL Compliance Statement• Rebuttals (if necessary)
13 April 2023	<ul style="list-style-type: none">• Timings and draft programme
17 April 2023	<ul style="list-style-type: none">• Inquiry opens, 10.00

Costs

30. If an application for costs is to be made, the Planning Practice Guidance makes clear that it should be made in writing to the Inspector before the Inquiry or as soon as possible.

31. You are also reminded that in order 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 Planning Practice Guidance. Unreasonable behaviour may include not complying with the prescribed timetable.

Rule 6 status

32. Keep Chiswell Green (KCG) has been granted Rule 6 status, making it a main party to the appeal. It is advised to familiarise itself with the

published guidance on participating in planning inquiries, specifically the expectations and obligations placed upon main parties.

33. Should it be decided that KCG simply wish to submit written evidence to the Inquiry, the Inspector should be advised as soon as possible.

Amendments

34. Appellant (North) has previously written requesting a minor amendment to reduce the site area following issues identified in a Land Registry search. The parties did not object to the suggested amendment, and I am satisfied that no party would be prejudiced by the amendment. The appeal will be considered on the basis of the amended plan.

35. Appellant (South) has previously written requesting that the words '2FE primary' be removed from the description of development and annotations on the parameters plan. This is to reflect discussions with the Local Education Authority, who would prefer greater flexibility in relation to the type of school that could be provided in order to meet need. No party objected to this amendment, and I am satisfied that no prejudice would occur to any party. The appeal will be considered on this basis.

Michael Boniface

INSPECTOR

10 March 2023