

**Appeal Ref: APP/B1930/W/23/3333685**

**Land to the rear of High Street, Colney Heath, St Albans**

**Note of Case Management Conference**

**held on Teams at 10.00 on Monday 5 February 2024**

1. The case management conference (CMC) was led by the Inquiry Inspector, Sheila Holden. The Inquiry is to be held in the Council Chamber at the Civic Centre, St Albans, AL1 3LD, opening at 10.00am on Tuesday 23 April 2024.
2. The purpose of the CMC was to discuss the arrangements for the Inquiry, including how evidence will be tested and provide directions on the preparation of documents and the timescales for their submission. An outline programme was also discussed.
3. It is intended that the Inquiry will sit in-person for the first four days to deal with the principle matters in dispute. Outstanding matters, conditions, obligations and closing submissions will be continued virtually the following week (precise timings to be agreed nearer the time), unless it is considered essential to reconvene in-person.

**Advocates and witnesses**

1. The advocates (and spokespersons at this CMC) were confirmed as Zack Simons of Counsel, for the Appellant, and Andrew Parkinson, of Counsel, for the Council. Colney Heath Parish Council (CHPC) is a Rule 6 Party (R6) and was represented by Councillor John Clemow at the CMC. He advised that Councillor Tony Burns will act as advocate for CHPC.
2. Witnesses for the appellant will be Steve Kosky on planning matters, Joanna Ede on Green Belt and landscape, Annie Gingell on affordable housing, Simon Tucker on transport and Andrew Josephs on heritage. Ben Pycroft will lead on 5-year housing land supply, which will be the subject of a technical note. Witnesses for the Council will be Philip Hughes on planning matters and Green Belt, John Paul Friend on landscape and Nick Collins on heritage. Councillor John Clemow (vice chair of the CHPC) will act as the witness on all matters for the Parish Council.

**Venue**

1. It was confirmed that the Council Chamber has been booked for the week of the 23 April and that it is of a suitable size to accommodate the potential number of attendees. It was suggested that there are likely to be of the order of 25-30 interested persons who would attend. The Council Chamber is served by adequate microphones to ensure that everyone will be able to hear proceedings. The available technology will enable the event to be live streamed. It was also confirmed that it would be possible for members of the public to contribute virtually, subject to this being at an agreed slot within the timetable. The PINS case officer will liaise with his contact at the Council to ensure that the appropriate arrangements are in place.

**Main Issues**

1. Based on the material submitted to date, the Inspector considers the main issues to be:
   1. The effect of the proposal on:
      1. The openness and purposes of the Green Belt;
      2. The landscape character and appearance of the area;
      3. The setting of nearby Grade II listed buildings, namely Apsley Cottage, Crooked Billet Public House and 94 High Street;
   2. Whether the site is a suitable location for a residential development having regard to the Council’s spatial strategy and its accessibility to services and facilities;
   3. Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, including the provision of housing and other public benefits associated with the development, so as to amount to the very special circumstances necessary to justify the proposed development.
2. In setting out the main issues, the Inspector is aware that there are other matters, such as the site’s accessibility by sustainable modes of transport, highway and pedestrian safety, and parking, which have been raised by interested parties and will be discussed at the Inquiry. However, these are not issues of dispute between the main parties.

**Dealing with the evidence**

1. The main parties confirmed that it is common ground that the proposal would represent inappropriate development in the Green Belt. The topics for discussion at the inquiry are therefore:
2. Green Belt – openness and purposes
3. Landscape character and appearance
4. Heritage matters
5. Suitability of site with regard to location and access to services
6. Highway and pedestrian safety, parking
7. Agricultural land quality
8. Housing land supply
9. Affordable housing
10. Infrastructure and services
11. The planning balance
12. The main parties are working on a series of topic-based Statements of Common Ground (SoCGs). These will set out clearly where matters are agreed and identify where there is any dispute, for example giving the range of shortfall in the 5-year housing land supply. Focussed SoCGs will be prepared on the following topics:

* 5-year housing land supply
* Heritage matters
* Landscape character and appearance
* Transport, highways and accessibility
* Agricultural land quality

1. It was agreed that agricultural land quality will be addressed through the written representations. Representations from the public will be taken into account alongside any SoCG.
2. Subject to the timely preparation and completion of the focussed SoCGs, it was agreed that issues relating to heritage, landscape character and highway/transport/accessibility would be appropriately addressed through round table sessions. The Inspector requested the main parties to ensure that the SoCGs on these topics are shared with the CHPC. This will give them an opportunity to comment on them, identify where there are differences of view, and assist them in the preparation of their own evidence.
3. Following on from these round table sessions, matters relating to Green Belt (openness and purposes), other planning matters (including affordable housing), and the planning balance, will be dealt with through the presentation of evidence-in-chief and cross-examination.

**Core Documents**

1. The appellant agreed to take the lead in preparing a list of core documents (CDs), this will be submitted to the Council and the R6 party who can add any additional documents to which they will be referring. The Inspector requests that only documents which will be referred when presenting the case should be included in the list, and preferably relevant extracts where the documents are lengthy. The list should be agreed by the main and R6 parties to ensure consistent referencing throughout the proofs of evidence (PoEs) and should be submitted along with the PoEs in accordance with the agreed timetable.
2. It is anticipated the Council will host the CDs through a dedicated link from its website. The Inspector asked that the CD library is set out in a manner which makes documents easy to access during the Inquiry. She also requested an electronic copy of all the CDs in an appropriate format to enable them to be stored on her laptop. She asked the Council to consider ways that documents could, if necessary, be referred to on a screen so that everyone could view them during the Inquiry. However, it was accepted that without an additional member of staff being available, this may not prove possible.
3. The Inspector confirmed that she is not requiring hard copies of the CDs. She has asked the case officer to ensure that she has hard copies of all the proofs of evidence and will print off hard copies of other documents which she considers to be of particular relevance.
4. It was agreed that access to the CDs for interested parties at the Inquiry would be made available via the provision of additional laptops, in preference to providing hard copies.

**Conditions and Obligations**

1. The Inspector requested that a list of suggested conditions should form part of the final (or specific) SoCG clearly identifying any disputed conditions, arising from the either the need for them or their precise wording. She asks that consideration is given to all suggested conditions, ensuring that are adequately justified having regard to the relevant tests.
2. The main parties confirmed that it is the intention to have a planning obligation agreed in accordance with the timetable. A schedule of likely matters to be included in the agreement is set out in the draft SoCG. The purpose of the obligation is to mitigate the effects of the development and address the matters indicated within the Council’s second reason for refusal. The final draft must be accompanied by a CIL Compliance Statement prepared by the Council. That statement is to set out a fully detailed justification for each obligation sought, its compliance with the CIL Regulations and the test of necessity, demonstrating how it would mitigate a particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent.

**Inquiry Running Order**

1. In the light of all the above, a provisional running order for the Inquiry was discussed at the CMC. The parties are requested to consider and prepare a more detailed programme for the Inspector’s consideration and agreement which can be made publicly available before the Inquiry begins.
2. Following the Inspector’s opening comments on the first day, the main parties will be invited to set the scene by presenting opening statements (first the appellant, followed by the Council and CHPC as the R6 party). Interested parties will then be given an opportunity to present their points. The CHPC confirmed that they will work with their community to ensure that this is done appropriately and in a way that avoids unnecessary repetition. As an initial estimate, it is thought that 6 or so interested people would wish to make representations. Experience from previous inquiries suggests that these could be heard in the morning sessions. This would enable most or all of the first afternoon to be used for starting the round table sessions.
3. The Inspector will lead the round table sessions, based on the written evidence (especially any associated SoCG) and any additional representations/ statements provided in accordance with the agreed timetable. The main parties also agreed to prepare draft agendas on these topics for the Inspector to consider.
4. Due to the availability of witnesses, it was suggested that the round table sessions would start with heritage, followed by transport/highways/ accessibility related matters. It is anticipated that this would enable these, and landscape character and appearance, to be addressed and concluded by the end of the second day.
5. Green Belt and all other planning related matters would then be addressed in the normal running order with presentation of evidence-in-chief followed by cross-examination and re-examination. The Council would present first, followed by the Parish Council and then the Appellant. The Appellant indicated an intention to provide specific evidence in respect of affordable housing. It is anticipated that hearing evidence in this way would occupy the third and fourth days, enabling the sessions on conditions and obligations to be held virtually as round table discussions in week 2. Closing submissions would also be heard virtually, the Inspector requested copies of these before their oral presentation.
6. If it proves impossible to conclude the hearing of main evidence by the end of Friday 26 April, it may be necessary to reconvene in-person the following week. The Inspector therefore requested that the Council should indicate if and when the Council Chamber could be made available for a resumption of the Inquiry. She asks that this information should be made available as soon as possible.
7. When the Inquiry is sitting in-person, it is expected to finish no later than around 17.00 hours and will resume at 09.30 on the following days, unless otherwise agreed. There will normally be 2 sessions in the morning and 2 in the afternoon, with short breaks between each and a 45-60 minute break at lunchtime. If it is possible to conclude a little earlier on either Wednesday or Thursday, it might be possible to conduct the accompanied site visit in the early evening. If not, this may have to be the subject of a return visit to the area at a time to be agreed towards the end of the Inquiry.
8. The Inspector indicated that she would like to undertake an unaccompanied site visit before the inquiry begins, which was fully supported by the parties. To that end she asked the main parties to prepare an itinerary and map showing places where she should be able to see the site from public land (roadside and footpaths). The CHPC requested that the timing of this visit should include observing the situation near the primary school at 15.00-15.30 at the end of the school day.

**Document Submission Dates**

1. Inspector explained that she has asked for the proofs of evidence a week in advance of the normal 4-week deadline due to her own availability. Although this presents some challenges for the parties, they agreed to do everything possible to comply with this request. Guidance on the content and format of proofs is attached at Annex A. The following deadlines for the submission of documents were discussed.

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| **Date** | **Documents** |
| 11 March 2024 | Plan and itinerary for Inspector’s pre-Inquiry unaccompanied site visit  Provide a draft inquiry timetable |
| 19 March 2024 | Submission of final SoCGs on heritage, landscape, transport/highway/accessibility, housing land supply, agricultural land quality, |
| 19 March 2024 | Main proofs of evidence  Core Document list |
| 26 March 2024 | Inquiry notification letter |
| 9 April 2024 | Final draft planning obligation; CIL compliance statement  Finalisation of inquiry timetable |
| 16 April 2024 | Draft agendas for the round table sessions |
| 23 April 2024 | Inquiry opens at 10.00 hours |

**Other actions**

1. The Inspector requests the Council to advise on the following issues as soon as possible:
   1. Ability of interested parties to participate virtually at a pre-arranged time in the programme;
   2. Availability of the Council Chamber during week commencing 29 April.

**Costs**

1. No applications for costs have been made to date and none are anticipated. The parties are reminded that if any application was to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. You are reminded that the Inspector has the ability to initiate an award of costs should the need arise, although she hopes that this will not be necessary.

**Conclusion**

1. The Inspector thanks the parties for their attendance and their positive contributions towards preparing for the effective and efficient running of the Inquiry. The meeting concluded at 11.15.

Sheila Holden

6 February 2024

**Annex: 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);
* where case law is cited in the proof, include the full Court report/transcript reference and cross refer to a copy of the report/transcript which should be included as a core document.

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.
* Pages and paragraphs should be numbered.
* Text font and paragraph spacing should be to accessible standards of legibility.
* Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
* Proofs are to be spiral bound in such a way as to be easily opened and read.
* Appendices are to be bound separately.
* Appendices are to be indexed using projecting tabs, labelled and paginated.