

APPEAL REF: APP/F2415/W/22/3300227

**SITE ADDRESS: Land adjacent to HMP Gartree, Welland Avenue, Gartree, Market
Harborough, Leicestershire LE16 7RP**

**CASE MANAGEMENT CONFERENCE SUMMARY NOTE FOR THE MEETING OF
9 AUGUST 2022**

1. The Inspector appointed to conduct the Inquiry is Hayley Butcher BSc (Hons) MSc MRTPI. The Inquiry is currently due to open at 10:00hrs on Tuesday 4th October 2022 and 09:30hrs on subsequent days and is anticipated to run for seven days.
2. It would be helpful if this Note could be added to the Council's website and if the Council can confirm to the Case Officer when this has happened.

Advocates

3. The advocates for the main parties are:

Appellant: Robert Walton assisted by Richard Turney

LPA: Howard Leithead

R6 for Gartree Action: Jack Barber

Event

4. As discussed at the conference the Council will be hosting an in-person event likely at Harborough District Council Officers, tbc at their earliest opportunity. This should have sufficient capacity for safe public attendance and virtual capacity for anyone unable to attend in person. Live streaming for members of the public unable to attend would also be desirable.
5. The Council are to ensure they have a point of contact for interested parties during the event.

Likely Main Topics/Issues

6. Following discussion at the conference the main topics/issues in this case are likely to be:
 - **Landscape** - The effect of the development on the character and appearance of the surrounding area;

- **Location** - Whether the appeal site is a suitable location for the development having regard to accessibility and need.
 - **Planning** – any benefits to be weighed into any planning balances.
7. Matters raised by interested parties will also be addressed by the appellant.

Dealing with the Evidence

8. As discussed at the conference a round table session will be held on Landscape at the start of the inquiry. Then formal presentation of evidence on the remaining areas on a party-by-party basis in the traditional manner of an inquiry. Conditions and any legal agreement will be dealt with as round table sessions towards the end of the inquiry.

Statements of Common Ground

9. There is currently an agreed Statements of Common Ground (SoCG) between the Council and the appellant. This will be expanded to include a table of benefits with each party's position summarised against each benefit, and an agreed list of viewpoints.
10. A SoCG is also to be agreed between the appellant and the R6 party, in accordance with the timetable at the end of this note. The appellant is to lead on this.

Conditions

11. An agreed schedule of draft conditions shall be written out in full and also appended to the Council/appellant's SoCG. 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. The policy basis for conditions will also be required. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

Planning Obligation

12. The Inspector is expecting a S106 agreement to be submitted concerning the provision of various planning obligations as set out in the Statement of Common Ground between the appellant and the Council. This should be provided 10 days before the start of the inquiry. If not already received a CIL Compliance Statement providing justification for each obligation sought is also required. 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.

13. With regard to any financial contributions, whilst the pooling restriction has been rescinded, the Inspector will still need to know whether any relevant schemes are the subject of other financial contributions in order to be able to come to a view on whether any contribution sought in relation to this appeal is justified.
14. As you know, Regulation 122 of the CIL regulations has been amended to make provision for local planning authorities to charge monitoring fees in planning obligations. That said, the sum to be paid must fairly and reasonably relate in scale and kind to the development and must not exceed the authority's estimate of the cost of monitoring the development over the lifetime of the planning obligation. The CIL Compliance Statement will therefore need to include detailed information to fully justify any such requested amount, explaining how the figure is derived.

Core Documents

15. The main parties should work together to produce an agreed Core Documents list. This should be grouped into topic related blocks and numerically ordered and must only comprise those documents to which you will be referring. The Council must ensure that the core documents are in an accessible location and format for members of the public. To this end, the Council confirmed at the conference that they would make the Core Documents available on their website. The appellant also agreed to provide a copy of the Core Documents to the Inspector by Wetransfer at the time of exchange of proofs.

Inquiry Running Order/Programme

16. In terms of running order please see the attached draft timetable. Any comments on this first draft are welcome. It accounts for the availability of Mr Leithead on week 2.
17. Following the Inspector's opening comments on the first day of the Inquiry they will then invite opening statements from the main parties. Next they will hear from any interested parties who wish to speak, although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one.
18. Landscape will then be dealt with by round table discussion and then all other matters relating to the likely main topics/issues will then be dealt with by each party presenting their evidence formally.
19. On conclusion of that, the Inspector will lead further discussions on conditions and planning obligations. This will be followed by closing submissions setting out each parties' respective cases as they stand at the end of the Inquiry.

20. Written copies of opening statements and closing submissions are to be emailed to the Case Officer before they are heard and are to be appropriately cross-referenced where evidence is relied on for the avoidance of doubt.
21. As requested in the conference the advocates are to work collaboratively on their time estimates for each stage of their respective cases and the Inspector would like these to be sent to them in advance. A draft timetable will follow to aid this.

Site Visit

22. The Inspector intends to carry out an unofficial unaccompanied site visit prior to the Inquiry to inform their understanding of the event. The appellant is to let the Inspector know the correct protocol for this. A formal visit during the Inquiry is also likely to be made on an access required but unaccompanied basis. Furthermore, an accompanied site visit to Wellingborough prison is also to be arranged, hopefully, as per the attached draft timetable, for Tuesday 11 October.

Costs

23. At this stage no applications for costs are expected. If an application is to be made the Planning Practice Guidance makes it clear that they should be made in writing to the Inspector before the Inquiry closes.
24. You are reminded that the Inspector has the power to initiate an award of costs in line with Planning Guidance.

Close

25. A timetable for the submission of documents is attached below. The Inspector wishes to thank you for your attendance at the Case Management Conference and looks forward to seeing you in due course at the opening of the Inquiry.

Timetable for the submission of documents:

Date	Document
30 August 2022	SoCG between the appellant and Gartree Action
6 September 2022	All proofs Core Documents list + Core Documents (Wetransfer from the appellant)
20 September 2022 or sooner	Notification letter setting out details of the Inquiry and a list of those notified (Council)
20 September 2022	Rebuttal proofs if necessary and final SoCG between Council and appellant plus appended conditions, agreed viewpoints and benefits.
27 September 2022	Agreed S106 agreement Time estimates