

APPEAL REF: APP/U2235/W/24/3351435

SITE ADDRESS: Land at Moat Road, Headcorn, Maidstone TN27 9NT

**CASE MANAGEMENT CONFERENCE SUMMARY NOTE FOR THE MEETING OF
9 DECEMBER 2024**

1. The Inspector appointed to conduct the Inquiry is Hayley Butcher BSc (Hons) MSc PGDip MRTPI. The Inquiry will open at 10:00hrs on Wednesday 26th February 2025. Based on discussions at the conference the Inquiry will sit for six 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.
3. The development proposed has changed from what was originally applied for, specifically the number of dwellings proposed has reduced. For the avoidance of doubt this should be clearly set out in the main Statement of Common Ground (SoCG).

Advocates for the LPA and Appellant

4. The advocates for the main parties are:

Appellant: Giles Cannock KC

LPA: Emmaline Lambert

Event

5. The Council will be hosting an in-person event at:

26th– 28th February:

Trinity House, 20 Church Street, Maidstone, Kent ME14 1LY

12th – 14th March:

Maidstone Town Hall, High Street, Maidstone ME14 1TF

6. Both venues will open at 9am, and the Town Hall will need to be vacated by 5pm. The Council are unable to make provision for virtual attendance for anyone who is not able to attend in person.
7. The Council must ensure they have a point of contact before and during the event and details of this will be added to the inquiry notification letter.

Likely Main Topics

8. Following discussion at the conference the main topic areas in this case are likely to relate to the following:
 - **Character and Appearance**
 - **Heritage**
 - **Highway Safety**
 - **Planning (to include provision of Public Open Space)**
9. The sixth reason for refusal on the Council's Decision Notice, which requires mitigation for impacts on Kent County Council infrastructure, including primary and secondary education, is resolvable by way of legal agreement and the parties are endeavouring to secure this before the start of the Inquiry.
10. Revisions to the National Planning Policy Framework are to be addressed in evidence.
11. The appellant is to provide the Heritage Statement which accompanied the planning application, and the Council are to provide the relevant Conservation Area Appraisal appropriate to the case, both by return.
12. There is a separate Listed Building consent application associated with the site. An appeal has not been made in respect of this, therefore, it does not fall to be determined as part of this Inquiry.

Dealing with the Evidence

13. Following discussions at the CMC the evidence will be dealt with on a Topic basis with the presentation of formal evidence, the main exception being that Heritage will be dealt with by round table discussion. Conditions and any legal agreement will also be dealt with as round table sessions.

Statements of Common Ground

14. Both parties are currently working on a general SoCG. Specific SoCGs on the main Topic areas are also to be agreed.

Conditions

15. An agreed schedule of draft conditions shall be written out in full. Careful attention must be paid to wording and the conditions will need to be properly justified having regard to the tests for conditions, particularly 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

16. The Inspector is expecting a S106 agreement to be submitted. A final draft should be provided before the Inquiry opens and should be accompanied by a fully detailed CIL Compliance Statement providing justification for any obligation sought. This 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.
17. 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 and Proofs

18. The main parties should work together to produce an agreed core documents list with the appellant taking the lead. This should be numerically ordered and organised into topics and must only comprise those documents to which you will be referring. Attached to this Note is Good Practice Guidance regarding Core Documents and Proofs. Could all parties have regard to these.
19. The Council must ensure that the core documents are in an accessible location and format for local residents and members of the public. To this end, the Council confirmed at the conference that they would make the core documents available on the Council's website. The appellant also agreed to provide an electronic copy of the Core Documents to the Inspector at the time of exchange of proofs.
20. The Inspector will also require paper copies of all proofs and appendices, and a full set of plans, to be posted by return after the submission of core documents and proofs, in accordance with the timetable below.

Inquiry Running Order/Programme

21. A draft timetable is attached based on discussions at the conference.
22. 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.

23. 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.

Site Visit

24. The Inspector intends to carry out an unofficial unaccompanied site visit prior to the Inquiry to inform their understanding of the event. A formal visit during the Inquiry will also be made also on an unaccompanied basis, noting that permission from the appellant is required to enter the site. A site visit itinerary is to be agreed between the main parties for the Inspector.

Costs

25. No application for costs has been made at this time. If this changes, as a matter of good practice, this should be made in writing before the Inquiry.
26. You are reminded that the Inspector has the power to initiate an award of costs in line with Planning Guidance.

Close

27. 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
29 January 2025	All proofs (paper copies plus appendices to follow by return to the Inspector) A3 paper copy core drawing pack Core Documents list + Core Documents (to include WeTransfer of the above to the Inspector) Agreed draft conditions CIL Compliance Statement
5 February 2025	Notification letter setting out details of the Inquiry and a list of those notified (Council)
12 February 2025	Rebuttals, <u>only if necessary and by prior agreement with the Inspector</u>
19 February 2025	Final draft S106 agreement and time estimates

**TEMPLATE FOR CORE DOCUMENTS LIST
(adapt headings to suit)**

CD1 Application Documents and Plans

- 1.1
- 1.2 etc

CD2 Additional/Amended Reports and/or Plans submitted after validation

- 2.1
- 2.2

CD3 Committee Report and Decision Notice

- 3.1 Officer's Report and minute of committee meeting
- 3.2 Decision Notice

CD4 The Development Plan

- 4.1
- 4.2

CD5 Emerging Development Plan

- 5.1
- 5.2

CD6 Relevant Appeal Decisions*

- 6.1
- 6.2

CD7 Relevant Judgements*

- 7.1
- 7.2

CD8 Other

- 8.1
- 8.2

* Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.

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 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.
- Proofs are to be spiral bound or 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**.