



Planning Inspectorate

Appeal: APP/C1055/W/24/3356476

Land west of Royal Hill Road, Spondon, Derby

CASE MANAGEMENT CONFERENCE, 6 FEBRUARY 2025

SUMMARY NOTE

1. The Case Management Conference was held to discuss procedural elements of the Inquiry and was attended by the Inspector and representatives of both the Council and the appellant.
2. The Inspector appointed to conduct the Inquiry is Andrew Smith. The Inquiry is to be held at Council Chamber, Council House, Corporation Street, Derby. It shall open at 10am on Tuesday 15 April 2025 and is scheduled to run for 4 days (15-17 April and 29 April 2025).
3. It is requested that a copy of this Note is posted on the Council's website.

Likely Main Issues

4. It was agreed that the main issues could relate to:
 - The effect of the proposal upon the function of the Spondon / Chaddesden Green Wedge; and
 - The extents of the Council's acknowledged housing and affordable housing supply shortfalls.

Dealing with the Evidence

5. It was agreed that the first likely main issue related to the function of the Green Wedge (together with planning balance considerations, including any benefits to be weighed in the planning balance) is to be dealt with through the formal presentation of evidence in chief by each party, to be the subject of cross-examination. The second likely main issue, related to housing and affordable housing supply, is to be dealt with via a round table discussion (if required) informed by a dedicated Statement of Common Ground (SoCG) and your proofs (where relevant).
6. In addition to the coverage of evidence set out in the preceding paragraph, the appellant set out that it shall be providing additional evidence from relevant witnesses for reasons that include to assist in addressing potential interested party comments/questions at the Inquiry. Moreover, a landscape and visual impact proof of evidence shall be produced by an expert witness and consideration shall be given to appending written statements to the proof of evidence of its planning witness to cover matters such as highways.

Revised access arrangement plan

7. A revised access arrangement plan has been submitted at appeal stage. The Council has confirmed that it is content for the appeal to be determined on the basis of this revised plan. In the interests of fairness and transparency,

it was agreed that all interested parties should be formally consulted upon this revised plan. Moreover, a 21-day consultation shall be actioned by the Council well in advance of the Inquiry. The consultation letter shall set out that any observations should be directed to the relevant PINS case officer. It should also be made clear that the revised plan comprises part of the appellant's appeal submission. A copy of the letter, along with a list of its recipients, is requested for the Inspectorate's records once sent.

8. Further, it is anticipated that an additional plan (a landscape buffer plan) shall, in the near future, be submitted for consideration by the appellant once its content has been agreed with the Council. If accepted by the Inspector, this additional plan would be subject to the same 21-day consultation with interested parties that is referred to in the preceding paragraph of this Note.

Core Documents/Inquiry Documents

9. The appellant and Council shall work together to collate a list of Core Documents as a matter of priority in the interests of ensuring that such documents can be properly referenced within proofs of evidence. The list shall be submitted with the proofs. The Council agreed to host the Core Documents digitally on its website, and to update these records promptly during the Inquiry to take account of any documents handed up during the event.
10. A minimum of two copies of any new documents produced at the Inquiry shall be required, one for the other main party and one for the Inspector. In addition, extra copies should preferably be made available to assist interested parties.

Inquiry Running Order/Programme/Site Visit

11. Following his opening comments on the first day of the Inquiry, the Inspector shall invite brief opening statements from the main parties. The appellant first, followed by the Council. Written copies are invited to be handed up at the time.
12. He shall then 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.
13. This shall be followed by a round table discussion with respect to housing and affordable housing supply, if required.
14. Next, the formal evidence with respect to the function of the Green Wedge shall be heard. This shall commence with the Council witness's evidence in chief followed by cross-examination by the appellant as opposing party and then re-examination. The appellant's witness shall then be called on the same basis.
15. On conclusion of the above, it is anticipated that the Inspector shall lead the usual round table discussions on conditions and the provisions of the planning obligation.

16. That shall be followed by the closing submissions of the Council and the appellant, which should each be no longer than 30 minutes. Such submissions should set out the respective cases as they stand at the end of the Inquiry, with a written copy handed up at the time, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
17. The Inspector shall carry out an accompanied site visit, most likely after the round table discussions on conditions and the planning obligation. Whenever it takes place, its purpose is simply for the Inspector to see the site and its surroundings. He cannot listen to any representations/discussion during the visit, but parties can point out physical features.
18. It was agreed that the main parties shall seek to agree a suitable draft itinerary for the visit. This should be submitted at least one week before the opening of the Inquiry. Please note that any such itinerary may need adding to as evidence emerges at the Inquiry.
19. The Council agreed to provide a point of contact for interested parties at the opening of the event, who would be able to take the details of anyone wishing to attend the accompanied site visit and to subsequently communicate to those persons the timing of the visit once confirmed.

Timings

20. It was confirmed that an agreed overarching SoCG is to be submitted by Friday 28 February.
21. Proofs are to be submitted no later than four weeks prior to the opening of the Inquiry. It is requested that hard copies are sent to PINS by each party. The relevant address can be obtained from the case officer. Details of the preferred format and content of proofs are annexed to this note. In addition, it is requested that the appellant provides hard copies of the plans for determination.
22. In accordance with the same deadline that applies to proofs of evidence, an agreed dedicated SoCG related to housing and affordable housing supply is to be submitted alongside an agreed list of draft conditions and the reasons for them.
23. An update on the progression of the planning obligation is to be provided at the point of exchange of evidence, with an agreed final draft (and accompanying CIL compliance table to be produced by the Council) to be submitted at least two weeks before the Inquiry opens. A short period of time shall be allowed after the Inquiry, if justified and necessary, for the submission of a signed version of the planning obligation.
24. 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 two weeks prior to the opening of the Inquiry. It is important that any rebuttal proofs do not introduce new issues.
25. The advocates are to provide final timings for openings and closings, evidence in chief, and cross examination two weeks prior to the opening of the Inquiry. The Inspector shall then circulate a draft Inquiry timetable at

least one week before the opening of the Inquiry. Other than in exceptional circumstances, parties are expected to take no longer than the timings indicated, which shall require the cooperation of both advocates and witnesses.

26. The Inquiry is currently scheduled to sit for up to four days. In view of the information arising from the CMC, it could be the case that the fourth day is not required. Even so, the Inspector is content to proceed on the basis that four days remain reserved and utilised as appropriate.
27. Should it be the case that only closing submissions remain to be heard come the fourth day of the Inquiry, the Inspector is open to attendees (including advocates) participating virtually should they see fit. For the avoidance of doubt, the Inspector would retain a physical presence in the Inquiry room should such circumstances arise. He intends to start each day at 10am and to finish around 5pm, although start and finish times could vary dependent upon how the Inquiry progresses.

Timetable for the submission of documents

28 February 2025	Deadline for submission of: <ul style="list-style-type: none">• agreed overarching SoCG
18 March 2025	Deadline for submission of: <ul style="list-style-type: none">• all proofs• agreed dedicated SoCG (housing and affordable housing supply)• final suggested planning conditions• planning obligation progression update• core documents list
1 April 2025	Deadline for submission of: <ul style="list-style-type: none">• any necessary rebuttal proofs• final agreed draft planning obligation• CIL Compliance Statement• timings to inform draft Inquiry timetable
8 April 2025	Deadline for submission of: <ul style="list-style-type: none">• Site visit itinerary Draft Inquiry timetable issued by Inspector
Tuesday 15 April 2025	Inquiry opens 10 am

Costs

28. No application for costs is currently anticipated by either main party at this stage. 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. The parties 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 Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.

Andrew Smith 6 February 2025

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 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 paginated and bound separately.