



APPEAL REF: APP/J4423/W/21/3267168

**Land at Junction with Carr Road and Hollin Busk Lane,
Sheffield S36 1GH**

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The Council and the Appellant were represented at the conference by the following persons:

Appellant:

- Richard Sagar – Spokesperson
- Roland Bolton
- Robert Moore
- Paul Burton
- Kurt Goodman
- Roger Bourn
- Paul Irwin
- Kirsten Harvey

Council:

- Guy Williams, of Counsel – Spokesperson
- Adam Chapman
- Ruth Masood
- Patricia Evans

Observer:

- Peter Morgan – Friends of Hollin Busk

2. The Inquiry is proceeding as a virtual event using the Microsoft Teams platform, hosted by the Planning Inspectorate (PINS). There is no technological barrier to taking part in a virtual inquiry and there should be no reason why parties cannot participate fully in the process, albeit that it may look and feel different to what some participants are used to, shorter sitting sessions being an example of an adaptation necessary to make the event work in a virtual environment. Support and some online training can be accessed through the following link:

<https://support.office.com/en-us/teams>

3. The Inquiry will open at 10.00 on **Tuesday 22 June**, resuming at 09.30 on subsequent sitting days unless otherwise agreed during the event. The Inquiry will be run on the same lines as a face to face event, adopting the same protocols and etiquette as are normal in the Inquiry room.
4. The Council is encouraged to draw the attention of third parties to this Note, including posting a copy on its website.

Notifications

5. PINS will provide the wording for the site notice, setting out what is required in the notification letter, including the necessity for parties to register in advance with PINS if they wish to 'attend' or participate in the Inquiry. It will also include details on how interested parties can participate (including access by telephone from a land line for those without access to a computer or smart phone).
6. Inquiry notifications should normally be issued a minimum of 2 weeks in advance of opening. However, given the virtual format of the Inquiry and the need to register in advance, **as much notice as possible should be given to allow interested parties time to consider whether they wish to participate.** The Council must send a copy of the notification letter to the Case Officer, together with a list of all those notified, **at the same time that it is sent out to the parties**, but in any event no later than **1 June 2021**.

Advocates

7. Confirmed as follows:

Sheffield City Council: Guy Williams, of Counsel
Appellant: Richard Sagar

Main Issues

8. These were agreed as:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the special interest of nearby heritage assets.
9. The Inquiry will also look at any benefits to be weighed in the planning balance, including housing land supply and any implications of not proceeding with the scheme.
10. There are a number of other issues raised by interested parties that are not cited as reasons for the refusal of planning permission by the Council. Whether any of these matters are dealt with as main issues in the eventual decision will depend on whether, in light of the evidence submitted to and heard at the Inquiry in due course, they are determinative in relation to the outcome of the appeal. Nonetheless the appellant will need to appropriately address these other issues in evidence presented in the Inquiry.

Main Statement of Common Ground

11. No signed statement of common ground has been submitted as required by the Rules. This will need to be submitted by **25 May**. It is noted in this regard that the statements of case set out a huge raft of policies and guidance, ranging significantly further than those referred to in the reasons for refusal. The Inquiry will focus on those policies that are most important and those that are relevant to the matters in dispute. These will

need to be confirmed in the statement of common ground and should help avoid the inclusion of unnecessary/irrelevant material in the core documents.

Dealing with the Evidence

12. It was agreed that the issue relating to character and appearance will be dealt with by separate topic based round table discussions to include representatives of interested parties. In this regard, a schedule, akin to a Scott Schedule, of agreed viewpoints should be provided in advance of the opening of the Inquiry. The schedule should also provide the respective position of both main parties regarding the effect of the proposed development on the character of the surrounding area and key views.
13. The issues relating to heritage matters will also be dealt with by a separate round table discussion to include interested parties. The evidence of the main parties should identify the relevant assets, set out their special interest and/or heritage significance, assess what contribution their setting makes to that interest/significance, identify whether the appeal site lies within any setting and if it does, what effect would the development proposed have on that heritage interest/significance. A separate topic specific statement of common ground is required with regard to heritage matters.
14. The appellant is expected to take the lead on preparing the topic specific statements in liaison with the Council. Whilst identifying areas of agreement, the statements will need to focus on the areas where there is no agreement. The Inspector will lead the round table discussion, but the main parties should work with each other on a draft agenda for each session, which will need to be submitted a couple of weeks before the Inquiry. The Inspector will issue finalised agendas based on those drafts shortly before the Inquiry opens. Those agendas will help keep the discussion focussed on the most relevant matters.
15. At this stage, it is not envisaged that any matters relating to character and appearance or heritage will need to be considered through the formal presentation of evidence in chief. However, in the unlikely event that this should be necessary, flexibility will be incorporated into the Inquiry programme to enable this.
16. Local and national planning policies that seek to manage the location of new development, including housing land supply, any benefits of the scheme and the overall planning balance will be dealt with by the presentation of evidence in chief and cross examination. This would entail separate sessions to deal with housing land supply and planning policy considerations.
17. The evidence of the appellant will also need to address any additional matters raised by interested parties. Matters, amongst other things, relating to highway safety, ecology, drainage and infrastructure provision can be dealt with by written evidence.

Conditions

18. The Council's Officer Report contained a schedule of suggested conditions. These draft conditions require discussion with the appellant.

The Council is to submit an *agreed* list and the reasons for the conditions, including references to any policy support. This is to be submitted at the same time as the proofs (**25 May**).

19. Careful attention will need to be paid to the wording of the suggested conditions and they will need to be properly justified having regard to the tests for conditions and in particular the test for necessity. They should not just be cut and pasted from the Officer's Report without proper assessment as to whether each meets the relevant tests.
20. The main parties are also reminded, as set out in the National Planning Policy Framework, that planning conditions should be kept to a minimum and that conditions that are required to be discharged before development commences should be avoided unless there is clear justification.
21. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

Planning Obligation

22. An early draft of the planning obligation is to be submitted by **11 May**, with a final agreed draft to be submitted by **25 May**.
23. That final draft must be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought, including monitoring, setting out how it complies with the CIL Regulations, in particular the test of necessity in terms of 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. Although the restriction on the pooling of contributions has been lifted, the Statement will still need to set out whether any of the schemes are the subject of other pooled financial contributions, in order to allow the Inspector to be able to come to an informed view on whether any contribution sought in relation to this appeal is justified.
24. A short time will be allowed after the Inquiry for submission of a signed version.

Core Documents/Inquiry Documents

25. You will need to discuss and agree a list of Core Documents in advance of preparing your proofs so they can be properly referenced in the proofs. That list is to be co-ordinated by the appellant and must be submitted with the proofs. A template for that list is attached. The Core Documents should comprise **only** those documents to which you will be referring and do not need to include a copy of the National Planning Policy Framework. Any Appeal Decisions and/or legal authorities on which any of you intend to rely will need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.

26. All documents forming part of this appeal must be available to all taking part in the Inquiry electronically, including the agreed Core Documents. The appellant has agreed to hosting a dedicated website containing the Core Documents and relevant Inquiry information. The website will also be used for the hosting of any documents submitted during the Inquiry.
27. The Council should consider providing links to this Inquiry website from its own webpages so that those parties who may search the Council's Website as the first point of call for the Inquiry information are directed to the relevant site.
28. Notwithstanding the need for a dedicated website, the Inspector requires a hard copy set of the Core Documents, plus proofs and any rebuttals etc, although where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied, as opposed to the whole document. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text. The hard copy of the Core Documents must be submitted with the proofs.
29. It is expected that all necessary documents will be submitted in advance of the Inquiry. Any necessary additional documents can only be handed up to the Inquiry with the Inspector's permission. If accepted, they will need to be sent to the case officer 'hosting' the event (likely to be Holly Dutton) so that they can be forwarded to the Inspector. They will also need to be placed on the website from where they will be available to all parties.
30. In terms of any drawings that are submitted for use in a virtual environment, including those that may be appended to PoE's, SoCG or Core Documents, these should be submitted in a form that can be used via screen sharing during the virtual inquiry and electronic documentation should not be submitted in a format that opens in layers.
31. Historically the hard copies would be sent direct to PINS for subsequent forwarding to the Inspector. Given the current issues with Covid 19 it is not possible for such large documents to be posted direct to PINS. The Inspector would therefore wish the Council to take the lead on collating all of the relevant proofs and core documents and making these available for the Inspector to collect from a suitable Council premises on or shortly after 25 May. In this regard, could the Council please ensure that a relevant person liaises with Holly Dutton, the case officer, to facilitate the arrangements for the collection of the hard copies.

Inquiry Running Order

32. In general, the Inquiry is expected to finish each day no later than around 17.00 hours and, with the exception of the first day, will resume on subsequent days at 09.30 hours.
33. Following the Inspector's opening comments on the first day of the Inquiry, he will invite opening statements from the main parties (appellant first, followed by the Council) which will help everyone to understand the main arguments of respective cases and set the scene. Those opening statements should each be no longer than 10 minutes in

length. I will require written copies of these in advance of the opening submissions.

34. The Inquiry will then hear from any local residents (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. The Inspector will allocate a further opportunity towards the end of the Inquiry for those residents who wish to speak and were unable to do so on day one. The Inspector will ask for the names of interested parties who wish to speak during his opening announcements.
35. The Inquiry will then proceed with the round table discussion on heritage matters. Day two will commence with the round table discussion on character and appearance matters.
36. Next will be the evidence relating to housing land supply which will be dealt with through evidence in chief and cross examination, Council first, then the appellant. In advance of the opening, the Inspector will need a statement of common ground containing the parties' respective positions on the housing requirement and comments of both the main parties on the latest position. In this regard, a schedule, akin to a Scott Schedule, would also be helpful that clearly identifies the main parties' position in respect of any disputed sites.
37. Last in terms of evidence, matters relating to planning policy, any benefits to be weighed in the planning balance, including any implications of not proceeding with the scheme, and the overall planning balance will be dealt with through evidence in chief and cross examination, Council first, then the appellant.
38. On conclusion of that, the Inspector will lead the usual round table discussion on the provisions of the planning obligation and then conditions. That will be followed by closing submissions (Council first then appellant). The submissions should set out your respective cases as they stand at the end of the Inquiry and will need to include all relevant references and cross-references where evidence is relied on, for the avoidance of doubt. Preferably, they should be no longer than around 30-40 minutes in length. A copy will need to be provided electronically to PINS prior to your respective presentations.

Site visit

39. The Inspector will undertake an access required site visit for which a representative of the appellant or landowner will need to facilitate access. The majority of the site visit will be undertaken on an unaccompanied basis. However, that part which relates to views of the heritage assets will need to be undertaken on an accompanied basis.
40. An agreed map and itinerary showing routes and viewpoints will be required in advance of the site visit. All parties, including the Friends of Hollin Busk, are to work together in preparing an itinerary for the Inspector in this regard which should be submitted to PINS by **15 June.**

Timings etc

41. All proofs are to be submitted no later than **25 May**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note and are to be observed.
42. An early draft of the planning obligation is to be submitted no later than **11 May** with a final agreed draft no later than **25 May**, to be accompanied by the CIL Compliance Statement prepared by the Council and the relevant office copy entries.
43. The Council is to make sure a copy of the Inquiry notification letter, and a list of those notified is sent in to PINS no later than **1 June**.
44. The advocates are to work collaboratively on the time estimates for each stage of their respective cases, with final timings for openings and closings, evidence in chief and cross-examination, to be submitted no later than **11 June**. You are reminded in this regard that undertaking the Inquiry as a virtual event necessitates shorter sitting sessions in the interest of health and safety. It was confirmed that the sessions on each sitting day would be no longer than around 1.5 hours maximum, with breaks in between, plus a lunch adjournment. This is likely to mean no more than four sitting sessions per day, albeit with some flexibility.
45. In light of the Inspector's decision on how the evidence will be heard, a possible timetable may look like this:

Day 1: Inspector's opening (@30 minutes)
Appellant opening (@10 mins)
Council opening (@10 mins)

Hear from any interested parties

Round table discussion on heritage.

Day 2: Round table discussion on character and appearance (am)

Site visit (pm)

Day 3: Council Housing Land Supply (HLS) evidence in chief
(am) Cross examination (Xx) of Council's HLS evidence
Re-examination

Appellant's HLS evidence in chief
Xx by Council
Qs by interested parties
Re-examination

Day 3: Council planning witness evidence in chief
(pm) Xx by appellant
Re-examination

Day 4: Appellant planning witness evidence in chief
(am) Xx by Council

Qs by interested parties
Re-examination

Day 4: Planning evidence (continued if necessary)
(pm)

Round table discussion on planning obligation and conditions

Interested parties

Day 5: Council closings (@30 mins)
Appellant closings (@ 30 mins)
Any applications for costs

46. The above represents initial thoughts to sense test Inquiry duration. A more informed draft programme will be issued following receipt of your final timings in due course when the Inspector will have a better feel for the overall duration. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

25 May	Deadline for submission of: <ul style="list-style-type: none"> • all proofs • suggested planning conditions (Council to lead) • core documents list (appellant to lead) • initial draft planning obligation
1 June	Deadline for submission of: <ul style="list-style-type: none"> • a copy of the Council's Inquiry notification letter and list of those notified
25 May	Deadline for submission of: <ul style="list-style-type: none"> • final draft planning obligation and relevant office copy entries • CIL Compliance Statement (Council to lead)
11 June	Deadline for the submission of any necessary rebuttal proofs and final timings Deadline for submission of draft agendas – one for each of the round table sessions
Tuesday 22 June	Inquiry opens 10.00 am

Rebuttal and Supplementary Proofs.

47. 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. The Inspector does not want to encourage rebuttal proofs, other than where they are necessary to save Inquiry time. If rebuttals are really necessary, copies should be provided no later than **11 June**. 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/additional Statement of Common Ground.

Costs

48. At this stage, no application for costs has been foreshadowed. If any application is to be made, that should be done in writing to the Inspector preferably before the opening of the Inquiry. 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 Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.

Participation of interested parties

49. During the case management conference questions were raised regarding the involvement of interested parties in the Inquiry. During opening announcements the Inspector will ask for the names of those persons who wish to speak, both those in objection and any in support of the proposals. Those persons will be invited to speak either on day one or day four dependent on availability and preference.

50. The Inspector will ensure that people do not feel intimidated by the proceedings. He will ask those persons who wish to speak if they are prepared to be asked questions by the advocate for the appellant (in respect of those persons in objection to the proposals) or by the advocate for the Council (in respect of any persons who may be in support). This does have the effect of increasing the weight that can be attached to their evidence.

51. The Inspector has access to all of the written representations made by interested parties in respect of the planning application and the appeal. Therefore, he is well aware of the community concerns and matters/impacts to which they relate. Whilst recognising that anyone has the right to speak, it would be beneficial to the efficient running and time management of the Inquiry if community representatives could organise a number of individuals to speak on key topics with the aspiration of avoiding a repetition of views presented.

52. The Inspector will invite those persons who have identified that they wish to speak to participate in the relevant round table discussions. In addition, those persons will be given an opportunity to ask questions of the relevant witness after cross examination in the formal presentation of evidence sessions. However, this should be for questions that may be of community concern that have not already been asked by the Council's advocate. It is not an opportunity to restate views already made.

Stephen Normington
INSPECTOR

31 March 2021

Appendix

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	

* Each must 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.