

APPEAL REF: APP/C1435/W/22/3307820

**SITE ADDRESS: Land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, Uckfield
TN22 5HA**

CASE MANAGEMENT CONFERENCE SUMMARY NOTE FOR THE MEETING OF 26 JUNE 2023

1. The Inspector appointed to conduct the Inquiry is Hayley Butcher BSc (Hons) MSc MRTPI. The Inquiry will open at 10:00hrs on Tuesday 12th September 2023 and 09:30hrs on subsequent days. Based on discussions at the conference the Inquiry may run to up to eight days. I attach a draft timetable for comment.
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 for the LPA and Appellant

3. The advocates for the main parties are:

Appellant: Mr Christopher Boyle KC

LPA: Ms Victoria Hutton

R6 (Kassie Smith KC): Miss Mary Cook (tbc)

Scheme

4. A revised access plan has been submitted which differs to that submitted originally with the application. The access is, however, on the same road, in broadly the same location, and is not materially different to that originally submitted, subject to specific design details. Similarly, there have been revisions to the submitted drainage details.
5. The Council have raised concerns, that, as a result of these changes, the development is so changed so as to deprive those who should have been consulted on the changed development, the opportunity of such consultation. Nevertheless, the Council confirmed that there was time to consult any interested parties before the Inquiry. For the avoidance of doubt, therefore, the Council should carry out such a consultation and provide confirmation of this to the Inspector.
6. It follows, therefore, that the Inquiry will consider the revised plans/evidence.
7. The Inspector will exercise discretion in considering any new evidence submitted outside of normal time limits and in accordance with PINS guidance.

Event

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

East Sussex National, Little Horstead, Uckfield, East Sussex TN22 5ES.
9. Provision will be made for virtual attendance for anyone who isn't able to attend in person as well on online streaming for members of the public.
10. The Council are to 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/Issues

11. Following discussion at the conference the main topic areas in this case are likely to relate to the following:
 - **Ancient Woodland**
 - **Drainage/Flood Risk**
 - **Highway safety**
 - **Planning (principle of development and accessibility)**
12. Although not raised in the conference, now the Inspector is in receipt of the appellant's Heritage Statement, please be put on notice that it is likely that there will be a round table session on heritage.
13. Putative reason for refusal 6 is likely to be resolved through the submission of a legal agreement to secure affordable housing provision.
14. Matters raised by interested parties will also be addressed by the appellant.
15. There is no dispute at present that the Council do not currently have a 5-year supply of housing land. A range of housing land supply will be agreed between the parties prior to the Inquiry.

Dealing with the Evidence

16. Following discussion at the conference the inquiry will be conducted by way of formal presentation of evidence in respect of the above main topic area. Heritage, conditions, and any legal agreement will be dealt with as round table sessions.

Statements of Common Ground

17. An agreed general Statement of Common Ground (SoCG) will be provided. A Highways specific Statement of Common Ground has also been received. Further

topic Statements of Common Ground are to follow in respect of Ancient Woodland and Drainage.

Conditions

18. An agreed schedule of draft conditions shall be written out in full and appended to the general 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

19. The Inspector is expecting a S106 agreement to be submitted concerning the provision of affordable housing. A final draft should be provided the day before the Inquiry opens and should be accompanied by a fully detailed CIL Compliance Statement providing justification for each 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.
20. 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.
21. 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

22. The main parties should work together to produce an agreed Core Documents list. This should be 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 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 their website. The appellant also agreed to provide a copy of the Core Documents to the Inspector by Wettransfer at the time of exchange of proofs.

Inquiry Running Order/Programme

23. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, they will then invite opening statements from the main parties.
24. They will then hear from any interested parties who wish to speak, although there may be scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one.
25. Matters relating to the likely main topics and any other general planning matters will then be dealt with through evidence in chief and cross examination and any necessary re-examination.
26. On conclusion of that, the Inspector will lead further discussions on heritage, conditions and any planning obligations. This will be followed by closing submissions setting out each parties' respective cases as they stand at the end of the Inquiry.
27. 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.
28. 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 is attached to aid this.

Site Visit

29. 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 on an accompanied basis.

Costs

30. An application for costs has been made by the Council. However, this is to be reviewed. If any 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.
31. You are reminded that the Inspector has the power to initiate an award of costs in line with Planning Guidance.

Close

32. 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
15 August 2023	All proofs Core Documents list + Core Documents All SoCG inc conditions
22 August 2023	Notification letter setting out details of the Inquiry and a list of those notified (Council)
5 September 2023	Time estimates from advocates Final draft S106 agreement CIL Compliance Statement (Council)