

**APPEAL REF: APP/E0345/W/21/3276463**

**55 VASTERN ROAD READING RG1 8BU**

**CASE MANAGEMENT CONFERENCE TO BE HELD AT**

**10.00 ON THURSDAY 26 AUGUST 2021**

###### INSPECTOR’S PRE-CONFERENCE NOTE (updated)

1. The Case Management Conference (CMC) will be led by myself as the Inquiry Inspector, Andrea Mageean. I am a chartered town planner and Planning Inspector. Attached as separate documents are instructions for joining the event, a conference ‘etiquette’, and the CMC agenda. There will be no discussion as part of the conference as to the merits of your respective cases and I will not hear any evidence.
2. The purpose of the CMC is twofold. Firstly, it will provide an opportunity for everyone to appreciate how the Inquiry will look and feel as a virtual event. Second, this early engagement is an opportunity for me to give a clear indication as to the ongoing management of the case and the presentation of evidence so that the forthcoming Inquiry is conducted in an efficient and effective manner. We also need to discuss the format of the Inquiry and any implications that may have. Following the close of the CMC, I will issue a summary of the outcome of our discussion, together with any necessary Directions.
3. The Inquiry itself is scheduled to open at 10.00am on Tuesday 26 October 2021 as a virtual event. It is provisionally scheduled to sit for around 12 days, though I note the Council’s suggestion that this should be longer. As a virtual event the sitting days will be shorter which may have the effect of increasing the length of the Inquiry. We will not be sitting for more than four days in any one week. To that end, you will need to have to hand details of advocate/witness availability to allow for the possibly of sitting for additional days in w/c 15 November and/or22 November if required to get through the evidence.

**Main Considerations**

1. On the basis of the material currently submitted, the suggested list of main issues is set out below.
2. Matters relating to RfR1 and RfR2 are at issue and could be considered together as: **The effect of the proposed development in design terms with particular reference to the quality and effectiveness of the proposed north-south link through the site and the setting and character of the River Thames and the Thames Path**;
3. Whilst the appellant has suggested that there is the potential for matters relating to RfR 3 to be overcome, at this stage it appears that there remains disagreement. These considerations relate to: **The effect of the proposed development on the natural environment with particular reference to marginal habitats and large canopy trees**;
4. RfR 4 is still at issue: **Whether the development would provide acceptable living conditions for future residents with particular reference to noise**;
5. RfR 5 is still at issue: **The effect of the proposed development on 55 Vastern Road, a non-designated heritage asset**;
6. RfR 6 is still at issue: **Whether it has been demonstrated that the proposal would be part of a comprehensive approach to the development of the Riverside sub-area of the Station/River Major Opportunity Area**;
7. With reference to RfR 7, whilst some elements of concern may be addressed by the proposed legal agreement, there are outstanding matters to resolve, including the mechanism by which affordable housing contributions would be secured: **Whether a legal agreement which would secure appropriate contributions towards the provision of affordable housing, an employment and skills plan, open space, carbon offsetting and ecological mitigation has been provided**; and,
8. Finally, to reflect issues raised by the Rule 6 party and others, consideration should be given to: **Other planning matters, including the benefits to be weighed in the planning balance**.
9. It is essential that all parties communicate effectively with one another in order to seek to narrow the issues for consideration at the Inquiry. The parties are requested to give consideration in advance of the CMC as to whether the identified main issues encapsulate those most pertinent to the outcome of the appeal, reaching agreement through discussion if possible.

**Dealing with the Evidence**

1. The Inquiry will focus on areas where there is disagreement. With that in mind, the forthcoming CMC will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible.
2. I am currently of the view that considerations relating to design, the natural environment, living conditions, heritage and comprehensive development would be best explored through the formal presentation of evidence and cross-examination. In doing so it appears to me that the design and comprehensive development issues could be grouped together.
3. The areas of disagreement in relation to the legal agreement would, at this stage, seem best addressed through a topic specific round-table discussion. However, noting the matters raised around the viability of affordable housing contributions, I have an open mind on how this is best addressed.
4. I would suggest that matters relating to planning policy, and the overall planning balance including the benefits of the proposal, should be dealt with through the formal presentation of evidence and cross-examination.
5. The evidence of the appellant will additionally need to address the other matters raised by the Rule 6 party and other interested parties, including the effect of the proposal on the living conditions of the occupiers of neighbouring properties and traffic congestion. Having received the Statement of Case from the Rule 6 party, it is suggested that the matters raised would best be addressed by means of a round table discussion.
6. Suggested planning conditions and planning obligations could be dealt with by round table discussion on a ‘without prejudice’ basis.
7. Witnesses, the order in which they will be heard, and the presentation of evidence will be discussed at the CMC. It is suggested that the evidence should be heard on a topic-by-topic basis, in the order of the Council, the Rule 6 party and then the Appellant.
8. I also intend to discuss when the interested parties will be heard. If the Council is aware of interested parties who wish to speak it would assist with programming if a note of these could be made available at the CMC.

**Procedural points**

1. An agreed main Statement of Common Ground (SoCG) has yet to be provided (I note this is due by 3 September). The SoCG should focus on the main areas of disagreement between the parties to provide a commonly understood context to inform the subsequent production of proofs of evidence. In addition, I will require topic specific statements of common ground design, natural environment, living conditions and other matters as appropriate.
2. Consideration should be given to how Core Documents will be provided in advance of the CMC; in particular the provision of a dedicated web page for the core documents (and any documents submitted during the Inquiry) will be required. I will be requesting hard copies of Proof of Evidence and some Core Documents.
3. I note that the Council has provided a list of suggested conditions with their Statement of Case. A jointly agreed list of conditions should be provided, along with the reasons for those conditions and their policy basis. The Council will be expected to maintain the list of conditions as the Inquiry progresses to ensure an agreed list (and indeed any disagreements) can be made available for the Inquiry conditions session.
4. At the CMC, the parties should advise on what progress has been made regarding requirements and provisions to mitigate other effects of the development, should the appeal succeed. This should include an update on the likely timescales for submission of a draft S106 Agreement and its completion.
5. The Council should provide a CIL Compliance Schedule to support the case that the planning obligations sought in respect of the appeal site meet the Regulation 122 tests. The Schedule should refer to: each obligation type; give a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations; provide policy support references; and, indicate how any financial contribution has been calculated and what it would be spent on.
6. The attached Annex sets out the preferred format and content of proofs and other material, which is to be observed by all parties to the Inquiry.
7. The Council are asked to ensure that a copy of this Note is made publicly available, along with the other Inquiry documents.

AJ Mageean

INSPECTOR

23 August 2021

**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 data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

Proofs **should not**:

• duplicate information already included in other Inquiry material, such as the officer’s report, decision notice, site description, planning history and 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.

• Front covers to proofs are to be clearly titled, with the name of the witness and relevant qualifications on the cover.

• Pages and paragraphs are to be numbered.

• Appendices are to be bound as separate documents, clearly labelled and paginated.