



APPEAL REF: APP/B1930/W/24/3343986

Land Between Caravan Site and Watling Street Park Street St Albans

Case Management Conference Summary Note

1. This note summarises the discussion from the Case Management Conference (CMC) held 16 July 2024.
2. The CMC will reconvene on 18 July 2024 at 10:00 after further consideration of the below points.
3. The Inspector appointed to conduct the inquiry is myself, Hollie Nicholls MSc MRTPI. The inquiry is scheduled to open at 10:00 on Tuesday 10 September 2024. The inquiry will open at 10:00 subsequent days and adjourn by 17:00 each day. It is currently scheduled for 6 days; a matter which is under review, but an early request has been made for the 17 September not to be a sitting day and for the 18 September to be allocated for online closings (via Teams meeting).
4. The venue for the inquiry will be Civic Centre, St Peter's St, St Albans AL1 3JE. The Council has advised that there is sufficient parking, break out rooms, venue capacity and a microphone system to enable the inquiry to run smoothly.
5. District Green Belt Alliance received Rule 6 (R6) party status on 5 June 2024 and submitted its Statement of Case (SoC) on 3 July 2024. The Council has opted not to defend the appeal.
6. A Statement of Common Ground (SoCG) was signed by the parties on 25 June 2024. A further revision will seek to clarify that the extent of the Council's opposition will be limited to aspects within the planning obligation, and, if necessary, changes to the extent of disagreement between the appellant and RP6.
7. The Council's advocate is Mr Luke Wilcox of Counsel, and the appellant's advocate is Mr Symons of Counsel who was represented by Mr Semakula of Counsel. The Rule 6 party advocate is Mr Paul King of Green Belt Alliance.

Main Issues

8. The advocate for the R6P indicated that the main issues encapsulated in the first pre-CMC note did not reflect the matters in dispute between the RP6 and the appellant. I have therefore revisited the Statement and SoCG in light of the CMC discussion and have reframed the issues as follows:
 - the effects of the proposal on the purposes of the Green Belt, in terms of effects on openness, coalescence and encroachment;
 - whether the location of the site accords with the development plan;

- whether the site is sustainably located in respect of its access to services and ability to minimise dependency on private vehicles;
 - the effects of the proposal on the safety and efficiency of the local highway network;
 - the effects of the proposal on the landscape character and visual amenities of the area;
 - whether the proposal would make an adequate provision of affordable housing;
 - the effects of the proposal on biodiversity;
 - the effects of the proposal on Best and Most Versatile agricultural land; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
9. The issue referencing the development plan is specifically intending to focus on the St Stephens Parish Neighbourhood Plan, unless any other policies of the development plan are considered particularly relevant.
10. I note that whilst the SoCG asks whether it is appropriate to reference the Council's reported housing land supply position of 1.7 years when considering the appeal, it is assumed that the figure of 1.7 years is not in dispute between the appellant and R6P. Can clarification please be provided in this regard?
11. On revisiting the point about agricultural land, it does not appear that the R6P disputes that the extent of Best and Most Versatile (BMV) land is around 15% of the total site area, but seeks to promote the Grade 3b quality of the remaining 85% as similarly important. As such, would this issue be better encapsulated as 'the effects of the proposal on agricultural land, including Best and Most versatile agricultural land', rather than only making reference to the BMV component?
12. The R6P Statement makes a reference to air pollution but it does not feature again in the SoCG. Is this a matter the R6P wishes to be taken as a written representation without further evidence to be produced?
13. Please consider whether the above main issues are now considered sufficiently comprehensive and provide clarification on the points, where requested, ahead of the next CMC.

Dealing with the evidence

14. The R6P has indicated its intention to call 5-6 witnesses to deal with the relevant topics, grouped by their relevant areas of specialism as follows, and will be writing to confirm the same in due course:
- Green Belt openness, Green Belt purposes and development plan compliance;
 - Green Belt coalescence, encroachment and landscape character and visual impacts;

- Highway effects
 - Affordable housing
 - Sustainability, agricultural land and biodiversity.
15. The appellant has reserved their right to call additional witnesses beyond the 4 that were originally planned to provide evidence to the inquiry.
 16. At the CMC, the appellant and R6P agreed that the conventional inquiry format would still be the most logical, with all of the R6P's witnesses taking turns to provide evidence in chief, followed by cross examination, and re-examination (where necessary), to provide its case in full, before the appellant's witnesses provide the evidence for the appellant's case in response. Some further refinement of the order of witnesses will be necessary to make best use of inquiry time.
 17. It is anticipated the final running order of the inquiry will be clearer following the next CMC.

Timings

18. As the parties are still content to work towards the 10 September opening deadline, the proofs of evidence are currently due to be exchanged on the 13 August. It may be that an extension until the 16 August is granted if the R6P requests such and subject to this not presenting any difficulties for the appellant.
19. Whilst there is no specific provision for rebuttal evidence, if necessary, the Appellant may wish to provide any rebuttals within 2 weeks of the date of the submission of proofs by the R6P.
20. All proofs of evidence, appendices etc are to be submitted electronically, without need for any hard copies to be submitted. If I require any documents to be printed, I shall request these at the earliest opportunity.

Core Documents

21. The appellant will be collating the core documents and hosting on an online inquiry website. No hard copies will be necessary at the inquiry venue provided that a computer/s is provided to enable interested parties to access the core document library and someone can be made available to assist if necessary.
22. Any documents not strictly forming a core document should be appended to the relevant proofs.

Conditions and Planning Obligation (without prejudice)

23. The parties are aware of the need to work collaboratively on the production of suggested planning conditions and agreement of the planning obligation and keep the R6P abreast of developments in relation to the same.
24. The schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be submitted at the same time as the proofs, in a 'Word' document. 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.
25. The final planning obligations are to be accompanied by a CIL Compliance Statement/s prepared by the Council/s (including County Council where

necessary), comprising a fully detailed justification for each obligation, including any policy support. Two weeks will be allowed after the inquiry has closed for submission of a signed version.

Costs

26. No costs applications have been made to date. If any costs claims are to be made, the PPG makes it clear that they should be made in writing to the Inspector before the close of the inquiry.

Agenda for CMC 18 July 2024

27. The agenda for the CMC resumption on Thursday is to deal with matters in relation to the main issues, numbers of witnesses and inquiry timetabling in light of the same. Any clarification/correspondence that you can provide in writing in the meantime would greatly assist in this regard.

Final comments

28. Interested parties intending to offer representations to the inquiry that do not benefit from Rule 6 status are asked to work collaboratively with one another in advance of the inquiry to ensure that the contributions they make are not repeated and are offered in a manner appropriate to the formality of the event.
29. The Council may wish to draw the attention of interested parties to this note, or at the very least, it is recommended that a copy be posted on the Council's website.

Hollie Nicholls

INSPECTOR
16 July 2024