

**Appeal Reference: APP/D3125/W/23/3331279**

**Land south of Burford Road, Minster Lovell, Oxfordshire**

**Inspector's post case management conference note**

**N.B. This should be read in conjunction with the pre-case management note previously issued.**

1. I am Kevin Ward, the Inspector appointed to conduct the Inquiry and determine the appeal. The case management conference (CMC) was held virtually on Wednesday 20 December 2023.
2. Catesby Strategic Land Limited (the Appellant)) was represented at the CMC by Constanze Bell of Kings Chambers. West Oxfordshire District Council (the Council) was represented by Chris Wood. The Society for the Protection of Minster Lovell has been granted Rule 6 Party status and were represented by Andrew Feilden.

**Main issues**

3. Based on the material submitted to date by the main parties and the discussion at the CMC, I consider that the main issues are:
  - a) Whether the scale and location of the proposed development is appropriate in principle in terms of the policy approach to housing development in Minster Lovell and accessibility to services and facilities;
  - b) The effect of the proposed development on the character and appearance of the area;
  - c) The effect of the proposed development on flood risk and drainage;
  - d) Whether the proposed development would make adequate provision towards local infrastructure requirements, affordable and self-build housing needs and biodiversity net gain;
  - e) Whether the Council can demonstrate a five year supply of housing land; and
  - f) Whether the policies which are most important for determining the application are out of date due to a lack of a five year supply of housing land or any other reason and if so, would any adverse impacts of the proposed development significantly and demonstrably outweigh the benefits.
4. I have included an additional main issue c) given the strong concerns of the Society for the Protection of Minster Lovell and interested parties in relation to flood risk and drainage. I confirmed that main issue b) related to a range of matters, including landscape and visual impact and built and historic heritage. Subject to these points, the main parties agreed that these were the main issues.

5. I confirmed that although not forming part of the Council's reasons for refusal, there are other matters raised by interested parties that will also need addressing by the appellant in respect of the appeal, either through proofs of evidence, the Statement of Common Ground, suggested conditions or a planning obligation. These include concerns regarding water supply and waste water, transport infrastructure, parking and highway safety, impacts on residential amenity, noise and light pollution and impacts of construction. This list is not exhaustive. As to whether any of these matters are dealt with as main issues in the eventual decision will depend on the evidence heard in due course. I confirmed that the identification of main issues does not prevent interested parties from raising other relevant matters of concern at the Inquiry.

### **Format and running order of the Inquiry**

6. The Inquiry will open at 10.00am on Tuesday 13 February 2024 will be held as an in person event. The Council had not yet confirmed the venue although it was likely to be the Council Offices in Witney. Mr Wood confirmed that the room would be suitable and that a retiring room would be provided for myself. Ms Bell requested that a retiring room be made available for the Appellant's team. I considered this to be a reasonable request and asked Mr Wood to try to facilitate retiring rooms for the Appellant and the Society for the Protection of Minster Lovell. He agreed to investigate this.
7. Mr Wood confirmed that arrangements for some participants to speak virtually had been in place for previous Inquiries and that he was confident that this could be achieved in this case. Ms Bell requested the potential use of virtual participation for some of the Appellant's team as part of round table discussions on conditions and planning obligations. I asked Mr Wood to arrange for virtual participation to be provided for.
8. In addition to the Society for the Protection of Minster Lovell, Minster Lovell Parish Council and Knights (on behalf of Mr and Mrs McAleer) have indicated that they will attend the Inquiry and wish to speak as interested parties. Other interested parties may also attend the Inquiry and ask to speak. In principle, I will allow them to do so, subject to the potential for repetition. If they are prepared to answer questions on what they have said I will give them the opportunity to ask questions of the appellant's witnesses. I will have regard to all written representations on the planning application and appeal.
9. The potential running order for the Inquiry was discussed at the CMC, along with the scope for round table sessions and any issues with availability of witnesses. It was agreed that housing land supply could be dealt with as a round table session. The Council and the Appellant would liaise on this issue with a view to submitting information focussing on the differences between them. This would hopefully narrow the discussion and assist in the effective running of the Inquiry.
10. There also seemed potential for landscape and visual impact issues to be dealt with via a round table session. The Council and Appellant agreed to liaise on this and confirm the position as soon as possible. I confirmed that for the time being,

I would proceed on the basis that there would be round table sessions on housing land supply and landscape and visual impact.

11. Ms Bell confirmed that the Appellant intended to have four witnesses presenting evidence on flood risk/drainage, heritage, highways/sustainable transport and planning. In addition specialists would participate in the round table sessions on housing land supply and landscape and visual impact. Evidence on affordable housing would be appended to the proof of evidence dealing with planning.
12. Mr Wood confirmed that the Council would be appointing an advocate but that this had not been done yet. He also confirmed that he would be the Council's sole witness, covering a range of issues although a colleague may also participate in the round table session on landscape and visual impact.
13. Mr Feilden indicated that the Society for the Protection of Minster Lovell were intending to call an expert witness on flooding. They may also call on a local householder. The Society were yet to finalise who would be representing them and speaking on their behalf. I requested that they confirm this, along with details of witnesses as soon as possible.
14. It was agreed that the round table sessions would be scheduled early in the first week, before the Council's witness. Following the discussion I have amended the indicative running order and this is set out below. I stressed that this will be kept under review following the submission of proofs of evidence and as the Inquiry proceeds.

**Indicative running order for Inquiry**

- Inspector's opening announcements
  - Any preliminary matters
  - Opening statements from Appellant, Council and Rule 6 Party (Society for the Protection of Minster Lovell)
  - Interested parties submissions (Minster Lovell Parish Council, Knights on behalf of Mr and Mrs McAleer and any other interested parties)
  - Round table session on housing land supply
  - Round table session on landscape and visual impact
  - Council's witness
  - Society for the Protection of Minster Lovell
  - Appellant's witnesses
  - Discussion of conditions
  - Discussion of planning obligations
  - Accompanied site visit
  - Closing submissions from Council, Rule 6 Party and Appellant
  - Costs applications (if any)
  - Close of Inquiry
15. At this stage it would seem feasible to have opening statements and hear from interested parties on the morning of the opening day and to have the round table session on housing land supply in the afternoon. The round table session on

landscape and visual impact could be held on the morning of Wednesday 14 February 2024. The Council's witness could then begin on Wednesday afternoon. I will produce a more detailed timetable once proofs of evidence have been submitted and indicative timings have been received from the main parties.

16. Opening statements and closing submissions will be delivered orally. Paper copies of both should be provided prior to them being delivered. Electronic copies should also be provided.
17. Eight sitting days have provisionally been set aside. Given the potential to deal with some issues as round table sessions and the fact that the Council is intending to only have one witness, this would seem adequate. It may be that the full eight days are not required. Again I will review this following the receipt of indicative timings, but parties should be prepared for the Inquiry to last up to eight days and ensure availability throughout.
18. The Inquiry will open at 10.00am on Tuesday 13 February 2024 and resume at 9.30am on subsequent days. There will be full days on Tuesday – Thursday and a morning only on Friday. I intend to adjourn by approximately 5.00pm each day, and lunchtime on Friday. The exact timing will depend on progress and whether an appropriate point has been reached in the Inquiry. There will be morning and afternoon breaks and a break for lunch.

### **Documents and deadlines**

19. The Appellant has prepared a draft statement of common ground. I emphasised the need for the Council to engage fully on this as a matter of urgency. A statement of common ground which has been agreed by the Appellant and the Council should be submitted by 9 January 2024 at the latest. This should set out key facts about the appeal proposal, areas of agreement and disagreement, suggested conditions and a clear indication of those agreed. It should also set out the position regarding any planning obligations. I would be particularly looking for issues relating to housing land supply and landscape/visual impact to be agreed as much as possible. It may be appropriate to submit specific statements of common ground on individual topics. I leave this up to the parties.
20. I also emphasised the need for the Council and Oxfordshire County Council to engage fully in relation to the S106 agreement with the Appellant as a matter of urgency. A final draft of the agreement endorsed by all parties to it, should be submitted no later than 30 January 2024. I will expect a duly executed (signed and dated) agreement to be provided by the close of the Inquiry.
21. All proofs of evidence must be submitted by 16 January 2024 at the latest. The Annex to this note sets out detailed requirements for proofs of evidence. Ms Bell requested clarity from Society for the Protection of Minster Lovell as to their specific concerns on drainage and flooding in order that suitable proofs of evidence could be prepared. Mr Feilden agreed to endeavour to do this as soon

as possible. I requested that if this could be done by the end of Friday 22 December 2023 this would be helpful.

22. After some discussion, Ms Bell agreed that the Appellant would set up a website for core documents. A link would be made available from the Council's website. The Core Document library would be kept up to date and Inquiry Documents would be added during the Inquiry. The Appellant and the Council would liaise in terms of co-ordinating the core documents and referencing them.
23. I confirmed that I will require paper copies of all proofs of evidence and appendices. These will be available for me to collect at the venue on the first day prior to the opening of the Inquiry.
24. Mr Wood confirmed that appropriate notification of the arrangements for the Inquiry would be given and that a copy of the notification letter would be sent to PINs by 23 January 2024 at the latest.
25. The main parties should provide indicative timings for witnesses by 30 January 2024 at the latest.

### **Key dates**

- Agreed Statement of Common Ground submitted by **9 January 2024**
- All proofs of evidence and appendices submitted by **16 January 2024**
- Letter notifying people of arrangements for Inquiry issued and copied to PINs by **23 January 2024**
- Planning obligation agreed by all relevant parties submitted by **30 January 2024**
- Indicative timings for witnesses provided by **30 January 2024**
- Inquiry opens **10.00 on 13 February 2024**

Kevin Ward  
INSPECTOR

21 December 2023

## **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;

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 proposal's 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.
- Paper copies of proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
- Pages and paragraphs should be numbered with clear and consistent numbering which is formatted in a manner to ensure paragraphs can be found quickly.
- Appendices are to be bound separately and provided in a separate PDF from the proof of evidence.
- Appendices are to be indexed using projecting tabs, labelled and paginated.