



APPEAL APP/W0530/W/23/3315611

LAND TO THE NORTH OF CAMBRIDGE NORTH STATION, CAMBRIDGE

CASE MANAGEMENT CONFERENCE 11 April 2023 at 11:00 AM

INSPECTOR'S PRE-CONFERENCE NOTE

Venue and Dates of the Inquiry

The Inquiry is scheduled to open at 10.00am on **Tuesday 6 June 2023** at Novotel Cambridge North, 2, Cambridge Square, CB4 0AE. It has been programmed to sit for 12 days

As the parties are aware the appeal has been recovered by the Secretary of State for his determination since as a proposal for a residential development of over 150 units or on a site of over five hectares, it would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. Therefore I shall be preparing a report and making a recommendation to the Secretary of State rather than determining the appeal.

Advocates and Witnesses

At the present time the Council proposes to call 9 witnesses, although it may be that the number of witnesses is reduced dependant on the extent to which the parties reach agreement in respect of a number of issues. The appellant proposes to call 12 to 13 witnesses, again some witnesses may not be necessary if agreement is reached in relation to various matters, particularly those where the reason for refusal cites insufficient information. Cambridge Past Present and Future (CPPF) intend to call a single witness. There are availability constraints on 5 of the Council's witnesses, but based on the available information, it would seem that this would not unduly impact on the running order for the Inquiry.

Likely Main Issues

The likely main issues to be addressed at the Inquiry are:

- The status of the emerging development plan and the emerging North East Cambridge AAP.
- Whether the proposed development would deliver the high-quality sustainable design, and sense of place sought by the Framework and development plan policies.
- The effect of the proposed development on heritage assets, including the Fen Ditton and Riverside and Stourhead Conservation Areas, and the setting of Anglesey Abbey.
- The effect of the proposal on the character and appearance of the surrounding landscape with particular regard to the height and massing of the proposed development and the setting of the City of Cambridge.

- Whether the proposed development would prejudice the comprehensive development of the Cambridge North allocation SS/4. The parties confirmed that the difference between them in relation to this matter was limited to financial contributions/the equalisation agreement
- Whether the proposed development is compatible with the location of the existing and/or future use of the Transport Infrastructure Area, including the existing Aggregates Railhead.
- Whether the proposed cycle parking and cycleways would encourage active travel.
- Whether the proposed development would provide suitable living conditions for future occupants with reference to the potential number of single aspect north facing apartments.
- Whether the proposed development is acceptable, having regard to the need to ensure that the development would be safe from flooding over its lifetime and would not add to the risk of flooding elsewhere, with particular reference to climate change.
- Whether sufficient information has been submitted in order to assess the effect of the proposed development on bats and bird species.
- Whether the proposed drainage strategy would make satisfactory provision for biodiversity net gain.
- The interaction between the proposed development and the Cambridge Waste Water Treatment Plant DCO. Since the DCO has not yet been submitted for examination, and will follow a different timetable and consent regime it will not be determined in advance of the Inquiry. The parties should therefore explain the planning position in the absence of the scheme and then explain any implications for the scheme should approval be forthcoming.
- The parking/transport strategy. As explained at the CMC, I wish to understand the reasons for the proposed allocation of parking spaces and any implications arising from the number of parking spaces proposed on the existing transport strategy, including the Park and Ride.
- Whether a sustainable water supply exists and can meet the planned phasing of growth of this development in combination with wider planned growth in the Cambridge Water supply zone, and / or, once assessed, the risks of deterioration can be prevented or effectively managed through site-specific mitigation measures.
- The benefits of the proposal, including the contribution of the proposal to employment, the regeneration of North East Cambridge, and the delivery of new homes.
- The overall planning balance.

Timetable for the Submission of Documents

An overarching signed Statement of Common Ground, and topic specific Statements of Common Ground in relation to design, landscape and heritage should be submitted to the Planning Inspectorate no later than **23 April 2023**. The parties also agreed to explore the possibility of agreeing additional SoCG including SoCG for transport and water/flooding issues.

In addition to the SoCG between the Council and the appellant, there should be a SoCG between the appellant and CPPF, and if possible, a SoCG/position statement between the appellant and the Environment Agency.

As explained at the CMC it is essential that this is agreed as soon as possible. If the relevant issues are still being debated with a view to reaching agreement by the date at which the SoCG is due, these matters should be included as not agreed, and an update provided closer to the Inquiry

Proofs of Evidence should be submitted by **9 May 2023**. Hard copies of the proofs should be forwarded to the Case Officer at the same date. Please ensure that the contents of any appendices to the Proofs of Evidence are numbered so that they are readily searchable.

A draft Site Visit itinerary should also be provided by the same date.

Draft conditions, a draft s106, a CIL compliance statement, and rebuttal statements (if required) should be submitted by **23 May 2023**. Time estimates for evidence in chief and cross examination should be submitted by the same date.

I understand that the parties are working with the Environment Agency to narrow the differences between the parties. The appellant is urged to share any views in relation to water supply with the Environment Agency at the time at which proofs of evidence are exchanged. The Environment Agency should submit any further comments by **23 May 2023**. The purpose of this arrangement is to avoid the need to adjourn in order to seek the views of the Environment Agency during the Inquiry.

Running Order/How the evidence will be heard

We will commence each morning at 10:00, unless an earlier time is agreed by the parties. I do not propose to sit beyond 17:00 in general. There will be a lunch break of about one hour and a short break in the morning and afternoon. We will try to adjourn by 14:30/15:00 on Fridays provided we have reached a suitable point in the evidence.

The Inquiry will commence with opening announcements and then hear from any interested parties. As discussed at the CMC we will then hear the evidence in relation to Master Planning/design, followed by heritage and landscape. Evidence in relation to these matters shall be by way of evidence in chief and cross examination. In order to avoid unnecessary repetition, CPPF will follow the Council in terms of evidence in chief and cross examination.

There will then be a number of round table sessions in respect of the remaining topics. The precise order will be determined once the parties have submitted their proofs of evidence and time estimates. The likely topics are water supply and flooding issues, supply/need for employment accommodation, transport issues, biodiversity and possibly living conditions of future residents.

This will be followed by sessions on the S106 and conditions. We shall then hear the planning evidence, and conclude with closing submissions.

The parties agreed that the 12 days allocated should be sufficient. On the basis of the available information, I agree with this assessment, but the number of sitting days will be kept under review.

Conditions and Planning Obligations

A list of draft planning conditions should be submitted with the Statement of Common Ground if possible, but in any event no later than **23 May 2023**. It is helpful to me to have a set of draft conditions (in Word) together with reasons for the suggested conditions. Careful attention should be paid to the wording of the conditions and they

will need to be properly justified having regard to the tests for conditions, in particular the test of necessity. You are reminded in this regard that as set out in the NPPF, planning conditions should be kept to a minimum. Any differences of opinion in respect of the draft conditions, including the suggested wording, should be highlighted in the schedule with a brief explanation given. These will be addressed in a round-table discussion.

A draft S106 Agreement should be submitted no later than **23 May 2023**. An updated and final draft should be agreed at the Inquiry. There should be no further changes to the content of the S106, including the definitions, unless agreed at the Inquiry. A completed obligation should be submitted within 10 days of the close of the Inquiry.

It would be helpful to me to have a note to accompany the S106 setting out what it is intended to do how it is to work. The references to phases need to be clearly explained and accompanied by a suitable plan(s).

Each contribution must be justified by means of a CIL compliance statement, including where/how any financial contributions are to be used. A number of obligations relate to facilities to be delivered on site, including play areas, allotments, and a community orchard. The location of these facilities is not readily apparent from the landscape parameter plan. The location of these facilities should be shown on the plans, or if they are already shown on a plan that I have overlooked, the plan reference should be provided.

Inquiry Library and Core Documents

The Council has agreed to host a website with the core documents and a facility to allow any Inquiry documents to be added during the course of the event. The Library would need to accommodate the original application together with supporting documents and plans, the Statements of Common Ground, the Core Documents, and the proofs of evidence. It would need to be easily navigable and searchable to allow for quick and easy location of documents and would need to be easily updated in the event that any documents are submitted during the Inquiry. I shall need access to the Core Documents by **9 May 2023** when the Proofs of Evidence are submitted. A list of core documents and Inquiry documents, formatted as a table in Word, should be submitted by the close of the Inquiry. The library must be retained until the decision is issued and the period for a legal challenge has passed.

It would be helpful if the parties could agree any additional key/verified views and that these are included within the Core Documents rather than submit individual additional viewpoints.

The appendices to proofs of evidence should be numbered or readily searchable. Any emails submitted during the course of the Inquiry should include the name of the document/issue to which it relates in the heading.

Those who wish to rely on material from the internet must provide printed copies of the material in question, as the content of websites can change.

Costs

Whilst I am not inviting any applications for costs, if they are to be submitted, they should be made in writing before the close of the Inquiry, and the other party provided with time to respond.

Inquiry Timetable

23 April 2023	Submission Statements of Common Ground
9 May 2023	<ul style="list-style-type: none">• Proofs of Evidence and summaries• Hard copies sent to Case Officer• Access to Core Documents for Inspector• Draft Site Visit Itinerary
23 May 2023	<ul style="list-style-type: none">• Updates to Statements of Common Ground• Draft Planning Obligations• CIL Compliance Statement• Draft Conditions• Time Estimates• Rebuttal Statements (if necessary)• Any further comments from the Environment Agency
6 June 2023	Inquiry opens

Lesley Coffey

PLANNING INSPECTOR

12 April 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;
- 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 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 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.
- 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 and relevant qualifications on the cover.
- Both pages and paragraphs are to be numbered.
- Appendices are to be bound separately.

- Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.