

**APPEAL REF: APP/A1530/W/22/3305697**  
**PROPOSED CONSTRUCTION OF RESIDENTIAL DEVELOPMENT, ACCESS,  
LANDSCAPING, PUBLIC OPEN SPACE, AND ASSOCIATED  
INFRASTRUCTURE AT BROADFIELDS, WIVENHOE**

**CASE MANAGEMENT CONFERENCE SUMMARY AND DIRECTIONS**

**Points for specific action are in bold text**

**Procedure**

1. The Inspector is Brian Sims BSc (Hons) CEng MICE MRTPI, appointed by the Secretary of State to decide the appeal.
2. The Appellants are Taylor Wimpey Ltd (TWL), the local planning authority is Colchester Borough Council (CBC). Wivenhoe Parish Council (WPC) will appear as a third party.
3. The Inquiry will open at 10.00am on Tuesday 13 December 2022 at Wivenhoe Congregational Church, 101 High Street, Wivenhoe and is expected to run for four sitting days.

**Venue**

4. The venue is understood to be capable of accommodating at least 50 people and a conventional Inquiry table layout as well as printing, refreshment and sufficient parking facilities on-site or nearby. There is understood to be sufficient internet and wifi coverage to provide for online access to documents, remote participation if required and potentially live streaming of proceedings. There is a retiring room for the Appellants and the Council have such accommodation nearby, whilst the Inspector is content to use a first floor room for that purpose.
5. **However, the Council and Appellants agree to correspond together to verify, and are asked confirm to the Planning Inspectorate by 15 November 2022, that the venue is suitable in all respects, especially internet speed, and agree alternative arrangements if necessary.**

**Main Issues**

6. There are likely to be two main issues in the appeal:

- a. The principle of the development with respect to relevant planning policy, and
  - b. Landscape Impact.
7. Other matters including affordable housing, open space, park and recreation provision, education provision and ecology are expected to be the subject of agreed planning conditions and planning obligations secured by way of an agreement under s106 of the Act
8. **CBC will clarify as soon as possible whether the matter design is to be raised as an issue.** (Ref Statement of Case paragraph 5.20)

## **Appearances and Evidence**

6. TWL will be represented by Mr P Goatley KC and Ms Sioned Davies of Counsel who expect to call two witnesses:  
    Ms V Ross – Landscape  
    Mr J Firth – Planning
7. The CBC will be represented by Mr Simon Pickles of Counsel who expects to call two witnesses:  
    Ms A Westover – Landscape  
    Ms Hutchinson – Planning
8. WPC will rely upon their written representations already submitted and a written statement on any further points arising after detailed proofs of evidence are available from the main parties and may make an initial opening statement and join with the rest of the Inquiry as appropriate.
9. The Inquiry will open with conventional brief opening statements with **written transcripts** and any necessary legal submissions. Evidence will be heard on a topic basis beginning with Landscape followed by Planning. Planning will proceed by conventional cross-examination. Landscape may proceed by round table discussion, subject to a structured agenda issued in advance by the Inspector, instead of cross-examination, depending upon the nature of detailed evidence put forward in due course. Other matters including conditions and planning obligations will be subject to round table discussion. Unrepresented third parties may be accommodated in a combined round table session if they do not wish contribute on a topic basis. Post-Rosewell principles to minimise the length of proceedings will be applied.
10. Closing statements will follow conventionally, if possible after a reasonable interval to allow for their preparation, TWL as Appellants having the final word.

11. In order to maintain focus on those areas where there is disagreement, **topic-based statements of common ground (SoCGs) will be provided for General matters/planning and Landscape**, identifying the key facts in dispute.
12. **CBC will maintain an online Core Document Library.**
13. **The Inspector** has already received hard copies of the refusal plans and **requests hard copies of proofs of evidence and SoCGs.**

### **Provisional Programme**

14. ***A firm programme and agenda will be established after submission of proofs.***
15. Sittings will normally be from 10am to 5pm but flexibly to suit the evidence and prevailing circumstances.
16. Brief opening statements will be invited from the main parties in the order CBC followed by TWL. **Written transcripts will be required.**
17. The Inquiry will then hear from WPC and other interested persons but the arrangements for this are necessarily flexible.
18. This will be followed by the topic-based Inquiry sessions by round table discussion or cross-examination as agreed.
19. There will be topic-based round table sessions for any remaining issues, planning conditions and planning obligations, if required.
20. Finally, closing submissions will be heard in the order CBC, TWL **with transcripts provided.**
21. It is agreed that the four sitting days set down are likely to be sufficient. As a contingency in case of overrun, closing submissions might be made virtually and **the main parties will consider their availability in the week beginning 19 December.**

### ***Submission of Documents***

22. **Proofs, agreed conditions, latest draft planning obligations, SoCGs are to be submitted no later than four weeks before the start of the Inquiry, ie Tuesday 15 November 2022.**
23. **Final Planning Obligations are to be submitted before the opening of the Inquiry or at least by the close.**

24. **Rebuttal proofs may be submitted but no later than Tuesday 29 November 2022.**
25. **WPC will, as soon as possible, clarify cross-references to their appendices in their statement of case and provide errata if necessary.**

### **Conditions**

26. **A schedule of suggested planning conditions, agreed as far as possible between the main parties, with the reasons for them, including references to any policy support, must be submitted at the same time as the proofs.**
27. The conditions must be properly justified having regard to the tests for conditions. Any pre-commencement conditions will need the written agreement of the Applicants. Any difference in view on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

### **Planning Obligation**

28. **The planning obligation should be submitted in executed form before the Inquiry and in any event a latest draft must be available in conjunction with proofs and, if further updated, at opening.**
29. **The Council should submit a Community Infrastructure Levy (CIL) Compliance Statement with its proofs.** The CIL statement should contain a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, including any policy support and, in relation to any financial contribution, how it has been calculated and on precisely what it would be spent.

### **Costs**

30. There is currently no indication of any claims for costs. **Any such claims would be required in writing in advance of the close of the Inquiry.**

### **Site Visit**

31. **The main parties and WPC will agree a site visit meeting point and itinerary, incorporating agreed viewpoints, to be attended by the Inspector, landscape and planning witnesses if possible and up to two persons from WPC, to commence at 3pm on Monday 12 December 2022.**

## **Other Matters**

32. **All parties are encouraged to continue co-operation and to take up any queries via the Planning Inspectorate Case Officer.**

*B J Sims*

Inspector

31 October 2022