

INSPECTOR'S PRE-CONFERENCE NOTE

Appeal Ref: APP/A1530/W/25/3363144

ABRO Development Site, Flagstaff Road, Colchester, CO2 7SR.

Redevelopment of the site to provide 203 residential units and approximately 160sqm of commercial floor space with associated access, public open space, landscaping, car and cycle parking, and associated infrastructure.

Case management conference to be held at 10:00 on Monday 19 May 2025.

Introduction

1. The case management conference will be led by John Longmuir BA(Hons) DipUD MRTPI as the Inspector appointed by the Secretary of State for the appeal.

Purpose

2. The purpose of the conference (CMC) is to consider the management of the case so that the appeal is dealt with in an efficient and effective manner.
3. There will be no discussion of the merits of the case at the CMC and the headings of this note will be used as the agenda.

Participation in the appeal

4. I am awaiting confirmation whether any Rule 6 Party will be participating.
5. I will give an opportunity for interested parties (including local residents) to speak after the opening statements of the parties on Tuesday 8 July, which is likely to

be mid-morning. I will re-iterate this in my opening remarks at the start of the Inquiry. I will also need to record the names and roles of those speaking.

6. Prior to the start of the Inquiry please can each party forward a note of their advocate and expert witnesses, including their job titles and qualifications to the Inspectorate's case officer.

The main issues

7. The two reasons for refusal refer to the effect of the proposal on the Conservation Area and the absence of a legal agreement. The Appellant's Statement of Case (SoC) explains some of the background to these issues. The Council's SoC is due on 15 May, after this note, so I will give full opportunity for clarification of the main issues at the CMC.
8. Potentially the main issues at this stage are therefore summarised as:
 - the effect of the proposal on the Garrison Conservation Area; and
 - the provision of a legal agreement to secure affordable housing and measures to mitigate various pressures including social infrastructure, health, heritage, ecology, and transport.
9. The planning merits of the proposal, the Development Plan and planning overview will also need to be discussed at the Inquiry but not as main issues.

The procedure for the appeal

10. The appeal is scheduled to be considered at an Inquiry and will be a physical (face to face) event.
11. At the CMC we will discuss whether each main issue should be considered by formal examination/cross examination or round table. The planning merits of the proposal, the Development Plan and planning overview would be best in formal examination/cross examination.
12. If the housing land supply is disputed, this should be the subject of a round table. The position(s) of the parties should be confirmed in the Statement of Common Ground (SOCG).

13. I note the Appellant's comment about progressing the draft legal agreement. If this is close to being agreed, it will cease to be a main issue and should then be the subject of a round table towards the end of the inquiry. If the suggested 'blue pencil' clauses remain, these should be fully explained. I would be expecting the draft to be available 10 days prior to the Inquiry. The Council should also submit a CIL Compliance Statement.

Other matters

14. I note there is mention of a listed building, the Former Royal Artillery Stables, on the site. As I have a duty under section 66 to consider its setting, please can I ask for the relevant details to be set out within the SOCG. Similarly, a note covering the Roman Circus and its setting. The details of the non-designated heritage assets should also be provided.
15. The updated position of the Emerging Plan and any relevant policies should also be provided in the SOCG.

Venue

16. I note the Council's e-mail advising that the appeal will be held in The Town Hall Old Library, 65 West Stockwell Street, Colchester, CO1 1PJ.

Timetable

17. The Inquiry will start at 10:00am on Tuesday 8 July and will continue on Wednesday 9, Thursday 10, Friday 11, Tuesday 15, Wednesday 16, Thursday 17 and Friday 19. I intend to sit until 17:00 or 17:30 at the latest, with mid-morning and mid-afternoon comfort breaks in addition to lunch. I will avoid breaking in mid examination if at all possible and will therefore shorten or lengthen sittings accordingly.
18. I am entirely open minded to starting at 9:30am on the Wednesdays, Thursdays and Fridays, if needed to maximise Inquiry time, but only if no party would be disadvantaged. This can be discussed at the CMC.
19. A timetable for the Inquiry should be produced just prior to its opening, based on estimates of time needed for each witness.

Documentation

20. All documents should be available digitally, hosted on the Local Planning Authority's website, ideally via hyperlinks on a dedicated core document web page.
21. Proofs of evidence should be submitted no later than 17:00 Tuesday 10 June 2025. Appendices, particularly where they contain large documents should be broken down into manageable file sizes.
22. Please can I ask for a paper copy of the proofs and appendices to be sent to the case officer.
23. The parties are encouraged to work on the SOCG(s) to narrow down the areas of dispute. The Statement(s) should highlight what is agreed and what is in contention. It/they should be submitted by Tuesday 3 June 2025 to inform the proofs of evidence.
24. I am not inviting any rebuttal evidence but if so, please keep it concise and submitted no later than 10 days before the Inquiry.
25. Any evidence/documentation submitted during the Inquiry, including opening and closing submissions, will have to be copied to the Inspectorate and uploaded on to the core document file. A 'running list' of the documents and their reference number will need to be maintained and the parties are requested to assist in this process.
26. Copies of the notification letters/ publicity for the Inquiry should be forwarded to the case officer prior to the event.

Planning conditions

27. The Appellant and Council should discuss the suggested conditions. Any disagreement should be highlighted, with the particular reasons made apparent. They should be progressed at the earliest opportunity to save Inquiry time. The suggested conditions can be considered in a round table discussion.

28. The conditions should comply with the tests set out in paragraph 57 of the Framework. If there are any pre-commencement conditions agreed, the Appellant should confirm in writing that they are accepted.

Site visit

29. The site visit should be accompanied, with a representative of the Council, and the Appellant. I will not be expecting any discussion of the case during the site visit, but physical features can be indicated.

30. I am minded to undertake the visit outside Inquiry sitting time and if necessary, it can be after its closure. The timing can be discussed at the CMC.

31. If any party wishes me to view the site from a particular viewpoint, or any other relevant sites, please let me know during the Inquiry.

Costs

32. The parties will be asked for confirmation whether they intend to make an application for costs. All parties are advised to refresh themselves with the Planning Practice Guidance on appeals and costs.

33. All costs applications must be made before the Inquiry is closed.

John Longmuir

INSPECTOR