
**INSPECTOR'S CASE MANAGEMENT CONFERENCE NOTE
FOR DISTRIBUTION TO THE MAIN PARTIES**

APPEAL REF: APP/W0340/W/22/3312261

Land to the rear of The Hollies Nursing Home, RG7 3LZ

Case Management Conference held at 10.00am on Wednesday 17 July 2024

Inquiry Start Date: Tuesday 17 September 2024

Inspector: Mr Rory Cridland LLB Hons, PG Dip, Solicitor

Appellant: T A Fisher and Sons Limited

Local Planning Authority: West Berkshire District Council ("the Council")

Rule 6(6) parties: AWE plc and the Ministry of Defence (MOD)

Office for Nuclear Regulation (ONR)

Attendees:

Rory Cridland	Inspector
Andrew Tabachnik KC	for the Appellant
Noemi Byrd	for the Council
Tom Rowberry	for AWE and the MOD
Chris Burge (GLD)	for the ONR

Introduction

1. This note sets out the matters discussed at the Case Management Conference (CMC) held on Wednesday 17 July 2024. The Inquiry is due to open on **Tuesday 17 September 2024**.
2. References below to item numbers refer to those set out in my Pre-Conference Note (PCN) dated 12 July 2024.

Item 2: Main issues

3. The PCN set out what I considered to be the main issues. These are the effect of the Proposed Development on:
 - (i) the safety and wellbeing of future residents, and the wider public, with regard to the proximity of the Atomic Weapons Establishment site at Burghfield (AWE B);
 - (ii) the future capability and capacity of AWE B to operate effectively; and

- (iii) the character and appearance of the surrounding area, with particular reference to local tree cover.
4. In addition, the Inquiry will also look at matters relating to planning policy and the overall planning balance, including any benefits of the proposal.
5. All parties were generally content with the first two main issues as well as matters relating to planning policy and the overall planning balance.
6. However, the Appellant and the Council were hopeful that agreement could be reached on the third main issue (character and appearance/trees) and that this matter would not require the presentation of further evidence. It was agreed that an update would be provided setting out their respective positions on this matter no later than **Tuesday 13 August 2024**. In the event that agreement is not reached, it was agreed that a draft agenda for a round table discussion on character and appearance/trees would be submitted no later than **Thursday 29 August 2024**.

Item 3: How the main issues will be dealt with.

7. As indicated in the PCN, the first two main issues will involve the formal presentation of evidence and cross examination as will matters relating to planning policy and the overall planning balance. Matters relating to character and appearance/trees will be dealt with by way of round table discussion (if necessary).
8. It was noted that the evidence of the Appellant will also need to address the other matters raised by interested parties, either as part of the oral evidence or by means of a written statement.

Item 4: Confirmation of parties, advocates and likely witnesses

9. The Appellant confirmed that it intended to call 2 witnesses on the following matters:
 - Emergency planning
 - Planning policy and impacts
10. The Council confirmed that it intended to call 2 witnesses on the following matters:
 - Emergency planning
 - Planning policy and impacts
11. AWE confirmed that it intended to call 3 witnesses on the following matters:
 - Nuclear safety
 - National security
 - Planning matters

12. In addition, AWE also indicated that it may also call a witness on the matter of emergency planning.
13. The ONR indicated it intended to call 3 witnesses to address the following matters:
 - Emergency planning
 - AWE site inspection
 - Land use planning
14. In terms of witness availability, all parties confirmed that they did not anticipate there would be any issues with availability. The Appellant's advocate indicated that one of his witnesses would not be available during week 1 (although it was not expected that this evidence would be heard until week 2 in any event). I asked that this matter was flagged, along with any other issues regarding witness availability, as part of the submission of final timings.
15. The parties were asked to provide indicative timings to enable a detailed programme for the Inquiry to be prepared. These should be submitted no later than **Thursday 29 August 2024**. Following receipt, I will send out a draft Inquiry programme.

Item 5: Statements(s) of Common Ground (SoCG)

16. I was informed that work was already underway on an updated SoCG. The parties were requested that this focus on the areas where there is no agreement. The parties' attention was drawn to the simplified Scott Schedule format, but whichever format is used should clearly identify the specific issues in dispute. This should be submitted no later than **Thursday 29 August 2024**.

Item 6: Inquiry Programme, Format and Venue

17. The Council confirmed that the inquiry venue will be the Council's offices in Newbury. The Council confirmed that they would have someone available to act as a point of contact for interested parties during the event.
18. It was noted that the room will need suitable Wi-Fi and it would be useful if the room could be secured overnight. I also requested that a suitable retiring room and, if possible, a parking space was made available for the duration of the Inquiry.
19. In general, I will aim to finish each day at around 17.00. With the exception of the first day, an earlier start time of 9:30 was agreed for subsequent days.
20. In terms of running order, following my opening comments on the first day of the Inquiry, I will invite opening statements from each of the main parties, which should be no longer than 5-10 minutes: appellant first, followed by the Council and then the rule 6 parties.
21. I will then hear from any interested parties present who wish to speak.

22. It was agreed that a topic-based format would be followed with the Inquiry hearing all evidence on a specific topic before moving on. However, due to the overlap with main issues (i) and (ii) it was agreed that all evidence relating to these issues would be heard together. In the event that agreement is not reached on the third main issue (character and appearance/trees), this matter will be subject to a round table discussion.
23. I will then hear evidence on planning policy and the overall planning balance.
24. As noted above, the Appellant's evidence will also need to address any other matters raised by interested parties.
25. I will then lead the usual round table session on conditions and provisions of the planning obligation.
26. Closing submissions should be no longer than 30 minutes and I would be grateful if these could be made available in writing. They should simply set out each parties' respective case as it stands at the end of the Inquiry and should be fully cross-referenced.
27. The Inquiry is currently scheduled to sit for up to 6 days. All parties agreed that this would be sufficient but I intend to keep this under review.
28. A draft programme will be issued following receipt of final timings.

Item 7: Site Visit

29. I confirmed that I intend to visit the appeal site and surrounding area at some stage and it was agreed that this would need to be undertaken on an accompanied basis. It was noted that the purpose of any site visit would simply for me to see the site and its surroundings.
30. AWE's advocate queried whether this would need to include the AWE establishment and if so, requested early notification so that suitable arrangements could be made. It was also noted that it would be useful to notify AWE of the timing of any site visit outside, or close to, the AWE establishment for security purposes.
31. Having given the matter further thought, I do not anticipate that it will be necessary to visit the AWE site itself but will likely visit the surrounding area. Further arrangements for this can be made at the Inquiry.
32. I would be grateful if the main parties could work together and let me have a draft site visit itinerary setting out any areas they would like me to visit in addition to the appeal site itself. This should be provided no later than **Thursday 6 September 2024.**

Item 8: Anonymisation of witnesses

33. It was confirmed that AWE would like the identity of one of its witnesses to be withheld in their proofs and oral evidence for security reasons. This was done previously and all of the main parties were content to take a similar approach.
34. I see no reason to depart from the previous arrangements and am content that anonymisation would be appropriate in the circumstances.

Item 9: Recording

35. All parties were content for the Appellant to make an audio recording of the Inquiry. The Council and Rule 6 Parties requested copies were made available to them.

Item 10: Suggested Conditions

36. The parties agreed to provide an updated draft list of conditions. This should be provided no later than **Tuesday 20 August 2024**. On the basis that discussions will most likely continue, I would also ask that a final draft is provided **at the opening of the Inquiry**. Further updates should be submitted as necessary and at the end of each Inquiry Day (if appropriate). It was agreed that any difference in view on the suggested conditions, including suggested wording, should be highlighted in a schedule with a brief explanation given.
37. The parties were reminded of the need to pay careful attention to the wording and justification having regard to the test of necessity in particular. I would also remind the parties that any pre-commencement conditions will need the written agreement of the Appellant to the proposed wording.

Item 11: Planning obligations

38. The Appellant indicated that the Unilateral Undertaking (UU) previously submitted was being relied upon but that it would be reviewed and updated if necessary. A final, unsigned version of any updated UU should be provided no later than **Friday 6 September 2024**.
39. It was further agreed that the Council would provide comments on the acceptability of the UU (whether the original or updated form) together with a CIL compliance statement setting out the policy basis for each obligation and explaining whether (and if so why) they consider the relevant tests are met. These should be provided no later than **Friday 6 September 2024**.
40. The Appellant also indicated that a duly executed certified copy of the UU would be submitted before the close of the Inquiry (if necessary).

Item 12: Core documents

41. I have already received a link to an updated list of core documents from the Appellant. I understand that these will be hosted on the Council's website and arrangements made to make them available throughout the Inquiry.

42. The parties are reminded that the list of core documents should be agreed in advance of the proofs of evidence so that they can be properly referenced.

Item 13: Timetable for submission of documents

43. Please note the following deadlines for the submission of documents:

Tuesday 13 August 2024	<ul style="list-style-type: none"> Update from the Appellant and the Council on their respective positions regarding the third main issue (character and appearance/trees). Updated list of core documents together with digital copies/links to be made available.
Tuesday 20 August 2024	<p>Deadline for submission of:</p> <ul style="list-style-type: none"> Proofs of evidence Updated list of draft conditions
Thursday 29 August 2024	<p>Deadline for submission of:</p> <ul style="list-style-type: none"> Detailed SoCGs/Simplified Scott Schedules Final notice of witnesses to be called and their timings Draft agendas for round table discussion on character and appearance/trees (if necessary)
Friday 6 September 2024	<ul style="list-style-type: none"> Applicant's updated UU (if required) Draft itinerary for site visit Council's position statement on UU CIL compliance/justification statement
Tuesday 17 September 2024	Inquiry opens 10.00am

Item 14: Costs

44. All parties confirmed that they were not anticipating making any applications for costs at this time. However, they were reminded the Planning Practice Guidance makes it clear that any applications should be made in writing before the Inquiry.
45. The parties were also reminded that I have the power to initiate an award in line with the PPG.

Rory Cridland

INSPECTOR

24 July 2024