



CASE MANAGEMENT CONFERENCE NOTE

Appeal Ref: APP/W0340/W/25/3360702

Land bounded by Hoad Way and M4 and High Street, Theale, Berkshire.

Full planning application for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping.

Notes from Case Management Conference (CMC) held at 10:00am on Wednesday 23 April 2025.

Introduction

1. The CMC was led by John Longmuir BA(Hons) DipUD MRTPI as the Inspector appointed by the Secretary of State for the appeal.
2. The CMC considered the management of the case so that the appeal is dealt with in an efficient and effective manner. There was no discussion of the merits of the case.
3. At the CMC the Council was represented by Ms Sharon Amour, who advised that Mr Matt Lewin, Counsel, is instructed for the Inquiry. The Appellant was represented by Mr John Litton, Kings Counsel. Others were in observation.

Participation in the Inquiry

4. I will give an opportunity for interested parties (including local residents) to speak during the opening morning. It would be helpful if those intending to speak could inform the Inspectorate's case officer.
5. At this stage no Rule 6 Party is apparent.

The issues and evidence

6. The Council determined the application and the reasons for refusal are summarised as the principle of the proposal and employment land supply, the location of the site in terms of sequential flood risk, the effect of the proposal on the conservation area and the character and appearance of the area.

7. The Council by e-mail indicated that they would not be contending the sequential flood risk issue following the Appellant's revised submission. This is also confirmed in their Statement of Case.

8. Therefore, I consider that the main issues in this appeal at this stage are likely to be:

- the principle of the proposal and employment land supply;
- the effect of the proposal on the conservation area; and
- the effect of the proposal on the character and appearance of the area.

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.

10. The legal agreement and suggested conditions are being progressed and they should be discussed in a round table format towards the end of the Inquiry.

11. Statements of Common Ground or technical notes should encompass the other relevant matters including flood risk, setting of listed buildings, biodiversity, residential amenity and highway safety.

Procedure and Timetable

12. The Inquiry is scheduled as sitting in person (a physical event) commencing on Tuesday 17 June and thereafter Wednesday 18, Thursday 19, Friday 20, Tuesday 24 and Wednesday 25.

13. Whether each particular main issue is the subject of formal examination/cross examination, or a round table will depend upon the scale and range of aspects in dispute between the parties. At the CMC it was agreed that both parties will make their suggestions on the above to the case officer just after the exchange of evidence. In addition, the evidence will be presented in a topic based approach.

14. The Inquiry will commence at 10:00 on the opening day (Tuesday 17 June). Thereafter the sitting days will continue with commencements at 10:00 unless all parties agree otherwise, and it is necessary for efficient programming.

15. I envisage 1 hour for lunch and short mid-morning and mid-afternoon breaks. I will avoid breaking in mid examination if at all possible and will therefore shorten or lengthen sittings to accommodate that. Generally, I intend to sit to around 17:00 but not beyond 17:30.

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lengthen sittings to accommodate that. Generally, I intend to sit to around 17:00 but not beyond 17:30.

17. I am not adverse to the timetable being drafted by the parties collaboratively. In addition, if it is most efficient, closing statements could be presented virtually/remotely but the Council would have to manage such a Teams meeting and be confident that the process can operate.

18. I am open minded when to undertake the site visit but will seek to prioritise Inquiry sitting time.

Venue

19. The Inquiry will sit on Tuesday 17 June in Newbury Town Hall, Market Place, Newbury RG14 5AA. Thereafter it will continue in the Council Chamber at West Berkshire Council Offices, Market Street, Newbury RG14 5LD.

Documentation

20. Statements of Common Ground should narrow down the areas of dispute, highlight what is agreed and what is in contention. Specific topic based Statements would be welcome. It would be helpful if the Statements could be submitted by 13 May 2025 to inform the finalising of proofs of evidence. The Statements could be updated thereafter if circumstances change.

21. All documents should be available digitally, hosted on the Local Planning Authority's website, via hyperlinks on a dedicated core document web page.

22. Proofs of Evidence should be submitted no later than 17:00 Tuesday 20 May 2025. Appendices, particularly where they contain large documents, should be broken down into manageable file sizes.

23. Please can a paper copy of each submission be kindly forwarded to the Inspectorate's case officer.

24. Any rebuttal evidence should be succinct and timely, submitted by 17:00 7 June 2025.

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 all parties are requested to assist in this process.

26. Please can copies of the notification letter/publicity be forwarded to the Inspectorate.

Conditions and legal agreement

27. Both parties are asked to keep working on the suggested conditions and legal agreement to save Inquiry time. It would be helpful if the suggested conditions are finalised and submitted on 7 June. If there are any aspects in dispute, then they can be recorded as such.

28. If there are any pre-commencement conditions agreed, the Appellant should confirm in writing that they are accepted. Consideration will need to be given to the tests set out in paragraph 57 of the Framework.

29. The Council are also asked to compile a CIL Compliance Statement. It would be helpful if this is submitted by 7 June.

Site visit

30. This should be accompanied, with representatives of the Council and Appellant. I will not be expecting any discussion of the case during the site visit, but physical features can be indicated.

31. I am happy to look at the site from any viewpoints or any features that the parties recommend as well as any neighbouring sites. I am open to a viewing schedule being suggested by the parties collectively.

32. I am minded to undertake the visit outside Inquiry sitting time and if necessary, it can be after its closure. The timing can be considered during the drafting of the Inquiry timetable.

Costs

33. All costs applications must be made before the Inquiry is closed. All parties are advised to read the Planning Practice Guidance: Advice on planning appeals and the award [of] costs on the Gov.uk website.

Timescales

Statements of Common Ground 13 May 2025

Proofs of Evidence 20 May 2025

Any rebuttal proofs 7 June 2025

Draft section 106 Agreement 7 June 2025

Suggested conditions 7 June 2025

CIL Compliance Statement 7 June 2025

John Longmuir

INSPECTOR