

Appeal Reference: APP/L3245/W/22/3306381

Outline planning application for a Continuing Care Community (Use class C2) comprising up to 182 units of Extra Care and Close Care accommodation with graduated care provision in the form of lodges and apartments; a 75 bed Nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment / therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure with all matters reserved except access.

Land Off Ellesmere Road, Hencote, Shrewsbury, Shropshire, SY4 3AA.

CASE MANAGEMENT CONFERENCE EVENT HELD AT 10:00 ON 10 NOVEMBER 2022: INSPECTOR'S POST-CASE MANAGEMENT CONFERENCE NOTE

1. The case management conference (CMC) between the Inspector and representatives of the appellant, and Shropshire Council (the Council) took place on Thursday 10 November 2022. The CMC discussed procedural matters only to ensure that the forthcoming Inquiry is conducted in an efficient and effective manner.
2. The Inspector appointed to conduct the Inquiry is Louise Nurser BA Hons, Dip UP, MRTPI. The Inquiry will open on Tuesday 24 January 2023. It will sit from **24 January to 26 January 2023 inclusive, 31 January – 2 February 2023 inclusive and, if necessary, from 7-8 February 2023 inclusive**. Currently, it is not envisaged that it will take any longer.
3. I request that the parties reserve all these days to secure completion of the Inquiry. Each day will start at 10:00. There will be a lunch break with a mid-morning and afternoon break. I do not intend to sit much after 17:00.
4. At the CMC it was confirmed that the Inquiry would be held as a physical event at Shirehall, Shrewsbury, SY2 6ND.
5. Given the considerable public interest in the appeal it is intended that the event be live streamed. Nonetheless, it is important that an appropriately sized venue be provided which meets all accessibility requirements. This should be set up with microphones, and a separate, conveniently located, retiring room for the Inspector.
6. The Council confirmed that, if necessary, a hybrid of a live and virtual event could take place.

7. However, the **presumption is that the event would be in-person**. Any changes to this will be at the Inspector's discretion.
8. The Council should ensure that interested parties are made aware of this note. It is recommended that a copy be posted on the Council's website.
9. I would urge all interested parties to familiarise themselves with the Procedural Guide: Planning Appeals Updated April 2022.

Main issues

10. Based on the material submitted to date by the main parties, and following discussion at the CMC, the main issues are:
 - Whether the appeal site represents an appropriate location for a continuing care community, with particular reference to the Council's adopted and emerging development strategy; and
 - the effect of the proposed development on the appearance of the immediate and wider area; and
 - whether the proposed development would result in severe harm to the road network; and
 - whether any development plan conflict and harm arising is outweighed by other material considerations.

Dealing with the Evidence

11. At all times I would like both main parties to consider how they can ensure that the evidence is presented and challenged in the most effective manner to enable me to make a considered decision.
12. This should include the provision of detailed topic-based Statements of Common Ground, as well as a general overarching Statement of Common Ground. Guidance on statements of common ground is available at: <https://www.gov.uk/government/publications/statement-of-common-ground>.
13. These should be presented in a way which clearly sets out, not only for the main parties, but for all interested parties, the areas of agreement and disagreement.
14. These should be produced quickly, and ideally finalised statements of common ground should be available prior to, and no later than the submission of the Proofs of Evidence on **December 20, 2023**. In any case, both parties should work in an open manner to narrow any points of contention.

15. The Inquiry will proceed on the basis that landscape and highway matters will be heard first, and then the rest of the evidence, ending with planning witnesses. The evidence will be heard topic by topic.
16. For now, I intend to proceed on the basis that all main issues, other than landscape matters which may be appropriate to be considered through a round table discussion led by me, will be heard by means of the formal presentation of evidence in chief by each party's witness(es), and the evidence will be the subject of cross-examination.
17. However, depending on circumstances, this approach may alter.
18. If, it is not convenient for interested parties to attend the relevant session, they will have the opportunity to speak following the opening statements. I have asked that the Council takes a proactive approach to engaging with interested parties.
19. I will provide a draft agenda on **January 10, 2023**. However, this may be subject to change. The Council is to set up a dedicated web page which will include all relevant documentation related to the appeal. Ideally, this should be ready by the time the proofs of evidence have been exchanged.
20. Other matters raised by interested parties should be addressed by the appellant in statements of common ground, proofs of evidence and at the Inquiry itself, as necessary.
21. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and none are encouraged. However, where necessary to save Inquiry time, copies should be provided no later than **10 January 2023**. It is important they do not introduce new issues. An addendum to either statement of common ground may be preferable to rebuttals.

Amended plans

22. I am aware that both parties are content for me to determine the appeal based on amended plans and an altered description.
23. Following discussion at the CMC it was agreed that the appellant would provide a note setting out the status of each plan which forms part of the original application and which plan, or drawing is intended to replace it, together with an account of the consultation which took place. This should include any opportunity which interested parties may have had to make any comments, and whether I have had sight of these.
24. The Council should agree this note prior to its submission. This should be provided by **November 18, 2023** or sooner.

Inquiry arrangements

25. The Council will be responsible for publicising the Inquiry. Please provide copies of the notification letters and site notices by **10 January 2023**.
26. The main parties should work together on timing estimates to inform the draft Inquiry programme. Final timings for openings and closings, evidence in chief and cross-examination should be submitted no later than **10 January 2023**. However, I would strongly suggest that all parties liaise earlier to provide a realistic timetable, and provide details of instructing solicitors, and names and qualifications of witnesses.

Site Visit

27. I will undertake an unaccompanied site visit to the area prior to the Inquiry.
28. I also intend to make an accompanied visit to the appeal site during or after the close of the Inquiry to view the site in the knowledge of the presented evidence. The main parties have agreed to provide a draft itinerary which will be available on the dedicated webpage prior to the opening of the Inquiry.
29. They have also agreed to provide me with the addresses of extra care and close care accommodation schemes in the locality which may be useful for me to view from public land.
30. As interested parties may wish to promote viewpoints during the Inquiry, this itinerary and any annotated plan with viewpoints does not need to be finalised until towards the Inquiry's close.
31. The appellant will provide transport for myself and representatives of both main parties.

Management of core documents and other documents

32. You will need to agree a list of core documents in advance of preparing your proofs so they can be properly referenced. With the agreement of the other party, a document that will be referred to by more than one party can be added to the core documents list.
33. I will require hard copies of the extracts of the core documents to which my attention is to be drawn. However, in the interests of context, complete electronic copies of the core document should be submitted.
34. My understanding is that the appellant will coordinate the core documents list and documents. Please highlight the core documents which are likely to be referred to often. This must be submitted with proofs and placed on the Inquiry website by **20 December 2023**.

35. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by me.

Conditions

36. An agreed schedule of fully worded, suggested planning conditions and the reasons for those conditions, including references to any policy support, should be submitted with the statements of common ground. The Council should lead on this. However, both parties should ensure that they consider that the conditions are appropriately worded. The latest date of submission of conditions is **20 December 2023**.

37. If there is disagreement about any conditions, I require tabulated schedules of conditions for each appeal with an explanation of the reasoning behind any difference between the main parties. The plans conditions must include full lists of relevant drawing numbers. Conditions will need to be properly justified having regard to the tests for conditions, particularly the test of necessity. Conditions should also be provided in order in line with the Planning Practice Guidance.

Planning Obligations

38. Final draft planning obligations should be submitted by **10 January 2023** and should be accompanied by the relevant office copy entries, along with a Community Infrastructure Levy (CIL) Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought. Further guidance is included in the Procedural Guide: Planning Appeals. A short time will be allowed after the Inquiry for the submission of a signed version of the legal agreement.

Costs

39. No application for costs has been indicated at this stage, but if any are to come forward please inform the other party as soon as possible. If applications for costs are to be made, the Planning Practice Guidance makes it clear that they should be made in writing to me before the Inquiry. You should give the other parties timely notice to enable them to compose a response. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, I have the power to initiate an award of costs in line with the Planning Practice Guidance.

Summary of Key Dates and Deadlines

18 November 2022	Appellant to provide note relating to amended plans.
20 December 2022	Deadline for the submission of: <ul style="list-style-type: none">• Proofs• Suggested planning conditions (Council to lead)• Core documents list (appellant to lead)

	<ul style="list-style-type: none"> • Statements of common ground and individual topic based statements of common ground (appellant to lead) • Draft planning obligation.
10 January 2023	<p>Deadline for the submission of:</p> <ul style="list-style-type: none"> • Finalised draft planning obligation and relevant office copy entries • CIL compliance statement • copies of relevant notices and letters of notification (Council) • Final timing estimates • Any necessary rebuttals/addendum to statement of common ground
24 January 2023	Inquiry opens at 10:00

Louise Nurser
INSPECTOR

10 November 2022