

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

APPEAL REFERENCE: APP/L3245/W/23/3332543

Erection of an up to 30 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling

Land west of Berrington, Shrewsbury, Shropshire, SY5 6HA

APPELLANT: Econergy International Ltd

LOCAL PLANNING AUTHORITY: Shropshire Council

RULE 6(6) PARTY: Flour not Power

CASE MANAGEMENT CONFERENCE (CMC) HELD AT 14.00 HOURS ON THURSDAY 4 JANUARY 2024: INSPECTOR'S SUMMARY NOTE

Introduction

1. The case management conference was led by Inspector David M H Rose BA(Hons) MRTPI.

Participants

2. The main participants in the conference were:

For Econergy International Ltd: David Hardy, Partner and Lawyer CMS

For Shropshire Council: Sioned Davies, Barrister

For Flour not Power: Mark Turner, Solicitor, Aaron and Partners Solicitors

Purpose of CMC

3. The Inspector confirmed that the purpose of the CMC was to discuss procedural and administrative arrangements for the Inquiry. There was no discussion on the merits of the appeal.

Main Issues

4. The main issues identified by the Inspector, appended as Annex A, were agreed. The Inspector confirmed that the heritage issue was included to reflect his statutory duty and in light of representations submitted by interested persons.

5. Mr Turner indicated that heritage might be a live issue for Flour not Power – to be determined immediately following the CMC. If that is to be the case, bearing in mind the absence of any indication in the Statement of Case (SoC), this should be communicated to the Appellant as a matter of urgency, identifying the relevant heritage assets of interest¹. This should be confirmed in an addendum to the SoC no later than 11 January 2024.
6. Given the Built Heritage Statement accompanying the application, the Inspector was of the opinion that the matter was likely to be capable of consideration based on written statements rather than formal evidence.

Venue, Format, Witnesses and Draft Timetable

7. The appeal will be heard in person at The Shirehall, Abbey Foregate, Shrewsbury SY2 6ND commencing at 10:00 a.m. on Tuesday 5 March 2024.
8. The Council confirmed availability of retiring rooms for the Inspector and the Appellant’s team and also car parking.
9. The Inquiry is scheduled for 5 sitting days. Other than the first day, when the Inquiry will start at 10:00am, subsequent sitting days may start at 09:30am and will conclude each day at approximately 5:00pm. Lunch will be taken at about 1.00pm and short breaks will be taken mid-morning and mid-afternoon. The Inquiry will not sit later than 3.00pm on the afternoon of Friday 8 March 2024.
10. The aim will be to complete hearing the evidence at the end of week one, with closing submissions in week two. The Inspector will be available to sit on the afternoon of Monday 11 March, if the evidence has not been completed in week one. Closing submissions will be heard, provisionally, on Wednesday 13 March, either in person or virtually on the Teams platform.
11. The parties are urged to liaise with each other as to witness availability based on the Inquiry proceeding on a topic basis with a provisional order of landscape, ecology, the use of agricultural land and the planning balance.
12. The Inspector will liaise with the parties as to the manner in which evidence is to be considered (formal examination or round table) following the submission of Statements of Common Ground (SoCG) and/or proofs of evidence.

¹ Following the CMC Mr Turner confirmed that Flour not Power would present heritage evidence by written statement – The Inspector advised that the relevant heritage assets ‘of concern’ should be identified through an addendum SoC to provide clarity and to avoid potential wasted expense being incurred by the Appellant in commissioning further comprehensive work. Any heritage written statements will be subject to the same deadline as for the submission of proofs of evidence and a preceding Statement of Common Ground would be advantageous.

13. Mr Hardy indicated that the ecology issue might be resolved with the Council, secured by a planning obligation, which remains actively under consideration by the Council.
14. On the opening morning of the Inquiry, after hearing opening statements for the parties, the Inspector will afford interested persons (not appearing on behalf of Flour not Power) the opportunity to speak (or at a later stage in the Inquiry by prior arrangement).
15. The Appellant intends to call up to four witnesses; the Council anticipates up to three witnesses; and Flour not Power three or four witnesses.

Documentation

16. The Council will host the electronic document library on its website with input from the Appellant. The parties are urged to identify core documents as soon as reasonably possible to ensure availability for referencing in proofs of evidence.
17. The main parties should provide one hard copy of each proof of evidence and appendices (and any rebuttal statements) and any illustrative landscape material via the PINs Case Officer for the use of the Inspector.

Statements of Common Ground

18. The Inspector indicated a preference for topic specific SoCGs and noted Flour not Power's intention to enter a SoCG with the Appellant. SoCGs should be available well-before the preparation of proofs of evidence.

Conditions and Obligations

19. The Inspector will require the latest draft conditions before the Inquiry, as set out below, for review and comment (as necessary), without prejudice to subsequent discussion at the Inquiry, to save Inquiry time.
20. If there are conditions that are in dispute between the parties, these should be identified with an explanation as to the respective positions.

Inquiry site visit

21. The Inspector anticipates that he will undertake an accompanied site visit before the Inquiry on the afternoon of 4 March (subject to confirmation) and following an agreed itinerary. A further visit, as necessary, will be arranged either during or immediately after, the Inquiry.

Timetable for the submission of documents

22. A summary of the deadlines follows in the table below:

Summary of deadlines:

Proofs of evidence	6 February 2024
Rebuttals (if necessary)	20 February 2024
Conditions/Obligations	20 February 2024
Draft Inquiry Programme and Itinerary for accompanied site visit	27 February 2024
Accompanied Site Visit	4 March 2024
Inquiry Opening	5 March 2024

Close of Case Management Conference

23. The meeting closed at 14:40 hours.

David MH Rose

Inspector

5 January 2024

ANNEX A
Preliminary Draft Main Issues

- 1) The landscape and visual effects of the proposal, taking account of the proposed mitigation measures.
- 2) The implications of, and the weight to be given to, the loss of best and most versatile agricultural land.
- 3) Whether the proposed off-site mitigation would provide an appropriate safe and undisturbed environment for successful Skylark nesting.
- 4) The effect of the proposal on the setting and significance of heritage assets.
- 5) The nature and extent of the benefits of the proposal and whether these would outweigh any harm arising from the issues above.

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