

NOTES OF PRE-INQUIRY MEETING

regarding an APPEAL by the KENSINGTON PT PARTNERSHIP against the failure of FYLDE BOROUGH CONCIL to determine an APPLICATION for OUTLINE PLANNING PERMISSION for the DEVELOPMENT of 1150 DWELLINGS, a SCHOOL SITE and PARKLAND on land SOUTH of QUEENSWAY, ST ANNES
APP/09/M2325/A/09/2103453

MEETING HELD on 15 SEPTEMBER 2009
at ST ANNES ON THE SEA UNITED REFORMED CHURCH,
CLIFTON DRIVE NORTH, ST ANNES

The Inspector, Mr Phil Grainger, opened Pre-Inquiry Meeting (the meeting) and introduced himself. He explained that he had been appointed by the Secretary of State for Communities & Local Government (the SoS) to conduct the Public Inquiry into the appeal and to report to the SoS with a recommendation on whether planning permission should be granted.

The Inspector explained that the purpose of the meeting was not to discuss the merits of the proposed development but to consider administrative and some other arrangements for the actual Inquiry. The intention was that this would help all parties prepare for the Inquiry so that the proceedings are conducted as smoothly and efficiently as possible and best use is made of Inquiry time.

He explained that minutes of the meeting would be circulated to all those who were present and had signed the attendance list and also to all those who had made written representations regarding the appeal. He informed the meeting that failure to be present or to be represented at the meeting would not prejudice anyone's ability to attend and make representations to the actual Inquiry.

Appearances

Those representing the main parties then introduced themselves and indicated the number of witnesses likely to be called at the Inquiry.

The appellants were represented by Mr R Lancaster of Counsel. He advised that he intended to call 4 or perhaps 5 witnesses. These would deal with the following matters:

Highways – including the M55 link road; matters of road safety; the transport assessment; and accessibility

Planning – normal planning matters including housing land availability

Nature Conservation – responding to comments made by Natural England and Lancashire County Council

Landscape – dealing with the appearance of the development and its effect on its surroundings

Affordable housing – although this witness might not be needed if it proved possible to reach agreement with the Council

In addition, the Inspector indicated that he would wish the appellants to respond to the concerns expressed by local residents regarding flooding and explaining how the principles of Sustainable Urban Drainage Systems

(SUDs) were to be applied in this case and particularly how run off was to be maintained at greenfield rates. Mr Lancaster offered to call a further witness to deal with these matters.

The Council were represented by Mr I Pointer, also of Counsel. He advised that he intended to call 3 witnesses at the Inquiry. These would be:

Mr M Evans – Planning

Mr N Stevens (of Lancashire County Council – LCC) dealing with highways

Ms S Manchester (of LCC) – dealing with ecology matters.

The Inspector advised the meeting that the community group known as Queensway Environmental Defenders (QED) had been granted 'Rule 6' status which meant that they were entitled to appear at the Inquiry and call witnesses. However, he explained that this status also carried with it responsibilities and that in general QED would be expected to conform to the same requirements as the Council and the appellants.

The representatives of QED introduced themselves and indicated that they were likely to have witnesses dealing with 7 issues. The probable witnesses would be:

Adrian Fielding – main/general planning issues

Fred Moor – subsidiary planning issues

TBC – biodiversity/ecology

Fred Moor – agricultural land and soil

Mrs Palmira Stafford – effect on character and appearance

Arnold Sumner or John Moxham – effect on commerce

Adrian Fielding – airport issues

The Inspector advised that he had seen 23 representations from local residents relating to the appeal (and was aware that more had been made to the Council when they were considering the application). There had also been representations from Natural England, the Fylde Bird Club, Trillium Property Partnerships, the RSPB, the CPRE and Blackpool Airport.

The Inspector asked whether anyone present at the meeting (and not one of the main / Rule 6 parties) would wish to speak at the Inquiry. Dr T Melling of the RSPB indicated that he might, and that the RSPB might wish to apply for Rule 6 status, but that this depended on the extent of progress on ecology matters. No one else indicated that they wished to speak, but the Inspector advised that he would ask again at the Inquiry.

He requested that anyone, such as Dr Melling, whose evidence was likely to be detailed and complex to conform to the timetable and format for proofs produced by the witnesses for the main parties (see later). Other individuals might simply wish to read out a modest prepared statement and in such cases he would appreciate a copy of that statement to reduce the need for him to take notes. Copies of such statements would then have to be made available for the main parties but copying facilities will be available at the Inquiry and the Council indicated that they would be able to help if necessary.

Changes to documents, etc

The appellants indicated that they intended to incorporate into the Environmental Statement (ES) a revised ecology chapter and transport assessment and that 'raw' drafts of these had now been provided to the Planning Inspectorate and other parties. There appears to be no intention to change anything else unless the response by Natural England to the revised ecology chapter gives rise to a need for further amendments.

Despite some concern from QED about the changing nature of the ecology case/proposals, it is not unusual for matters such as this to evolve in response to concerns raised by statutory and other consultees. However the Inspector asked that any changes be finalised as quickly as possible so that witnesses could prepare properly and efficiently for the Inquiry; in particular he hoped that there would be no need for the ES, or the proposals themselves, to continue to evolve once the Inquiry has opened.

The appellants advised that they expect the current revisions to be advertised in the week following the meeting. The Council considered that this would, in their view, comply with the regulations and that the consultation period could be completed before the Inquiry opens. However, as they were uncertain what was contained in the revisions this might delay the preparation of proofs.

It was agreed that there was no need to revise the ES to reflect the adoption of the new regional guidance (the RSS). This could be dealt with in other ways.

Arrangements for the Inquiry

The Inquiry is scheduled to run for 8 days, starting on Tuesday 24 November and finishing on Friday, 4 December. At present it is not scheduled to sit on the Monday of the second week. However, the Inspector asked those involved in the Inquiry to keep that date free if possible to allow some flexibility if it becomes necessary to rearrange sessions.

Normally sittings are expected to be from 10am to around 5pm with a one hour lunch break at about 1pm. Friday sessions will finish earlier provided the business has been completed.

There appeared to be little demand from those present at the meeting for an evening session at the Inquiry. The Council advised that they would be able to provide a room for such a session but it might not be the one in which the daytime sessions are to be held. Although QED (and one other person) supported such sessions the Inspector advised that he did not feel the demand as currently known to him justified such a course of action. He will however review this matter if a greater demand becomes apparent before or at the Inquiry.

The Inspector advised that he had walked around the area, including a part of the appeal site, using public rights of way. However towards the end of the Inquiry he would be making an accompanied visit to view matters that had been raised during the proceedings. He made clear that

no representations would be received during the visit. No one present other than QED and the main parties indicated that they wished to take part in the visit. It was agreed that it was likely to take about half a day.

All parties agree that it should be feasible to complete the Inquiry within the 8 days scheduled. However, it is likely to take the full 8 days unless some of the issues, such as transportation, affordable housing, and perhaps ecology are resolved, either completely or to a substantial degree, as a result of ongoing discussions between the main parties.

The possibility of treating ecology as a separate topic was discussed and there was some support for this. However, any such session might need to be early in the Inquiry as the arguments would have a bearing on the overall balance of merits. In addition, there seems a potential for ecology matters to have implications for air safety and there may be a need to link the two.

If the areas of dispute reduce, as seems possible, the Inspector is inclined not to have a discrete session on this matter. However, if substantial issues remain (and especially if other parties such as Natural England and the RSPB indicate that they wish to give evidence) a session on ecology matters at the start of the session may make sense. If it becomes clear that progress is not being made on ecology matters the Inspector asks the main parties to come prepared for such a session, probably lasting a little over a day starting on the first Tuesday and for them to arrange to have their ecology witnesses available at those times. If Blackpool Airport wish to make representations to the Inquiry they, too, should be present for that session and be prepared to make their contribution following it.

Otherwise the Inspector envisages the timetable progressing along the following lines:

Tuesday – the Inspector’s opening and the parties’ brief opening submissions (including QED). This will be followed by an opportunity for third parties who do not wish to attend the full Inquiry to make their statements. The Council will then set out their case through their witnesses who will be cross-examined by the appellants. This should be complete on Thursday afternoon, to be followed by QED. The intention is for their case to be complete by the end of Friday, so that the appellants can start to present their case on the Tuesday of the second week.

Thursday afternoon of the second week is likely to be taken up by the site visit, leaving Friday to deal with the planning obligation and conditions, followed by closing submissions from the main parties. As the Inspector explained the inclusion of a session on conditions does not mean that he has already decided to recommend that permission be granted. It is simply that the SoS will wish to be informed of the conditions that might be appropriate were he to allow the appeal.

The Council confirmed that an Inquiry library will be provided at the venue where copies of proofs and other documents will be available for inspection by anyone interested.

The Council also advised that they would shortly be appointing someone who would act as a point of contact for those with queries regarding the progress of the Inquiry and related matters. This has now been confirmed to be Anita Leigh who can be contacted on 01253 658430 or anita.leigh@fylde.gov.uk.

Documentation

The Inspector advised that he would need 2 copies of all documents; one that he could use as a working copy with the other being kept clean for submission to the SoS along with his report.

Written copies of the main parties' opening and closing submissions should be provided and copies of closing submissions should also be supplied electronically with the aim of incorporating them into the Inspector's report (though the Inspector may edit them).

The Inspector asked about progress on the Statement of Common Ground (SoCG). This was not yet available having been delayed by, amongst other things, illness affecting the appellants' ecology witness. The Inspector requested that this be finalised as soon as possible so that witnesses could take it into account in preparing for the Inquiry.

The Inspector advised that he did not consider it necessary for the SoCG to await agreement on all possible matters and that if it would be more helpful to him to have a statement that set out where points of disagreement currently remained with an indication of ones where further progress might be made. If this did happen he did not rule out the submission of supplementary statements setting out common ground that had subsequently been agreed on specific topics. He added that it was not necessary for the statement to set out agreement on points where no disagreement was to be expected – for example a very extensive list of planning policies that might be of relevance was not necessarily helpful.

Proofs of witnesses should be submitted by 27 October. At this stage there appeared to be no overriding problem with this. If there are any difficulties the Planning Inspectorate and other parties should be informed immediately.

Two copies of the proofs should be supplied for the Inspector. In addition the main parties (including QED) will need one each and one should be provided for the Inquiry library. These (and other requirements) should be adhered to by witnesses of any party who are giving detailed or complex evidence of a technical or similar nature, not just the witnesses of the main parties.

The proofs should be concise & relevant. The Inspector emphasised that there is no need for extensive quotes from policy documents; brief references will be sufficient and the documents themselves can be provided elsewhere as core documents.

Proofs should be A4 size and the pages should be numbered.

Summary proofs will be required for any proofs that are more than 1500 words long and the summaries themselves should be no more than 1500 words. Only the summary proofs will be read out at the Inquiry and so

they should be sufficient to make clear that witness's argument. However, the Inspector made clear that he would be reading the full proofs and taking them into account; also that any matters in the main proof may be cross-examined on.

Proofs should not contain appendices. These should be bound separately and numbered & tabbed so that they can be found easily.

The Inspector advised that he was not inviting the preparation of supplementary or rebuttal proofs and asked those present not to regard these as the norm. He asked anyone who might be considering producing one to think very carefully whether it was really necessary. However, the Inspector noted that where the alternative would be a lengthy addition to evidence in chief supplementary proofs can sometimes be helpful. If any are produced they should be submitted no less than 2 weeks before the start of the Inquiry. They should of course comply with the requirements for main proofs.

Proofs and all other documents should be numbered so that it can readily be identified.

The Inspector asked the main parties to agree a list of common core documents and a numbering system for them. All other documents should be labelled so that it is clear who has submitted them. The initials of the organisation submitting them may be appropriate, but the main point is that they can be readily identified.

The venue

Since the pre-inquiry meeting the Council has advised that the proposed venue for the Inquiry can no longer be used. The Council will advise the Planning Inspectorate as soon as a new venue has been found.

Preliminary assessment of main issues

The Inspector advised the meeting that although the Council had not made a formal decision on the application they had now indicated that they would have refused permission for the following reasons:

- the effect on wildlife, including the nearby estuaries Special Protection Area
- concern that, having regard to wildlife matters and the extent of greenfield land involved, the proposal was premature and should be considered through the normal plan preparation process
- conflict with green belt policy given the need to build roads within the green belt
- inadequate information regarding the effect on local roads
- inadequate provision for affordable housing
- inadequate information on air safety matters
- the effect on public rights of way on the site and the lack of connections to the surrounding area.

In addition he advised that the SoS had indicated that he particularly wished to be informed regarding the extent to which the proposal accords with (i) development plan policy and (ii) government advice. With regard

to the latter the SoS had referred specifically to the design principles set out in Planning Policy Statement 1 (PPS1); the aims of PPS3, Housing, especially the adequacy of housing land supply and the provision for affordable housing; and the aims of PPG13, Transport, including the promotion of sustainable transport options and reducing the need to travel especially by private car. The SoS also wishes to be informed regarding compliance with local parking standards.

Having regard to the above, together with the representations he had seen from local residents and others the Inspector indicated that at this stage he considered that the Inquiry would need to deal with the following matters in addition to those specified by the SoS:

- wildlife interests and the implications that mitigation measures (and the development itself) might have for air safety
- flooding matters, in particular a response to the concerns of local residents and an explanation of how run off would be controlled and SUDs principles applied
- the adequacy of facilities and services in the area to serve the proposed development and, in the event of any inadequacies, how these would be addressed.

In addition, in order to deal effectively with the various matters that would need to be addressed in his report, the Inspector indicated that he would be looking for information on the following matters:

- the current position regarding the Council's Strategic Housing Land Availability Assessment
- the current position regarding the Council's Local Development Framework and in particular progress on the Core Strategy
- the basis for the level of affordable housing being sought, taking into account the provision being made in the area, and whether any studies of the affordable housing requirements for the borough had been undertaken
- whether targets for the use of brownfield land for housing had been met, together with the likely implications for meeting future targets if the appeal development were allowed
- an indication of the options for housing development being considered in the Core Strategy and how these related to areas of wildlife interest
- further information on the airport and its operations so that the implications of the risk of bird strikes might be put into context and any potential effects of airport related activity on the safety and living conditions of future occupiers of the site might be assessed. In particular, the Inspector seeks information on the number (and type) of aircraft movements, together with information regarding runways and flightpaths.

Finally the Inspector asked that details of the planning obligation being proffered by the appellants be made available at an early stage, no later than the start of the Inquiry. He also requested that the main parties agree a draft set of conditions at an early date.

No other matters were raised by any of the parties present apart from a query from QED regarding the identity of the appellants (ie the

Kensington PT Partnership) which did not appear to be a registered company (and that a similar named company had ceased to exist). Mr Lancaster undertook to clarify this matter.

The meeting closed at 1200.