



**APPEAL REF: APP/M3835/W/21/3281813**

**Land North West of Goring Station, Goring-by-Sea, Worthing  
(Redetermination)**

**CASE MANAGEMENT CONFERENCE SUMMARY NOTE  
(Held at 10:00 on Wednesday 13 December 2023)**

### **Introduction**

1. The case management conference (CMC) was held by the Inquiry Inspector, Yvonne Wright. The Inquiry will open at **10:00 on Tuesday 6 February 2024**.
2. The Appellant, Persimmon Homes Thames Valley, was represented by Mr Paul Cairnes, KC. Worthing Borough Council was represented by Ms Isabella Tafur, Barrister. Both confirmed they will be the advocates for the Inquiry with the addition of Ms Daisy Noble for the Council.
3. All present confirmed that they had seen the pre-conference note and the agenda. The purpose of the case conference was explained.

### **Main issues and how they are to be dealt with**

4. At this stage, and in response to the discussion at the meeting I have slightly amended my initial main issues to the following:
  - a) The effect of the proposed development on landscape including the setting of the South Downs National Park;
  - b) The effect of the proposed development on the Local Green Gap;
  - c) Whether the proposed development would be in a suitable location having regard to local and national planning policies and the need for housing;

- d) Whether the proposed development would provide adequate biodiversity net gain.
5. I have kept the Local Green Gap as a separate main issue for now as that is how it may be set out in my decision. During the Inquiry it was confirmed that this issue would likely need to be considered under both landscape and the suitability of the location (to be heard under planning matters).
6. It was agreed that a topic-based format would be followed at the Inquiry. The following specific points were agreed:
- Housing need and housing supply will be considered as separate topics during the Inquiry.
  - Except for discussions on housing land supply and biodiversity, the main issues will be considered through the presentation of formal evidence and cross-examination.
  - Housing land supply is to be considered in a round table session.
  - It was anticipated by both advocates that biodiversity matters would be resolved prior to the start of the Inquiry. If not, then any outstanding issues are to be considered in a round table session. This will be kept under review.
  - The inquiry will also consider other planning matters and the benefits to be weighed in the planning balance. These will be considered through the formal presentation of evidence and cross examination.
7. It was noted that the evidence of the Appellant will also need to address any additional matters raised by third parties.
8. Mr Cairnes confirmed that he intends to call 4 witnesses. A further witness may be required on ecology. Ms Tafur confirmed that she intends to call 3 witnesses.

## **Statements of common ground (SoCG)**

9. It was agreed that the following topic based SoCG would be produced:
  - Landscape
  - Housing – need for housing and housing land supply
  - Planning matters
10. I stated that whilst including areas of agreement is fine, the SoCG should focus on the areas of disagreement. A clear list of agreed and relevant development plan policies needs to be included in the SoCG. If there is any disagreement this must also be clearly set out.
11. To assist the Council in understanding which housing supply sites the Appellant will be referring to in its evidence, a draft SoCG on housing will be submitted to the Council and sent to PINS by 21 December 2023.

## **Conditions**

12. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, must be submitted by 23 January 2024. The main parties were reminded that these, including any pre-commencement conditions, must be kept to a minimum and be properly justified having regard to the tests. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

## **Planning obligations**

13. The advocates stated that they were looking into whether a deed of variation of the existing planning obligation can be submitted, or a new agreement needs to be drawn up. As a minimum, a final draft must be submitted by 23 January 2024. This is to be accompanied by a CIL compliance statement prepared by the Council.

## **Core documents**

14. The parties were asked to produce a list of core documents to be made available by 9 January 2024. This is to ensure the proofs and any other documents include consistent referencing.
15. The main parties agreed to make the core documents available to view online, week commencing 29 January 2024.

## **Inquiry running order and programme**

16. Currently 8 sitting days are allocated for this Inquiry, with dates being 6-8, 13-15 and 20-21 February 2024. I was informed that the Council's planning witness would not be available on 20 February 2024 so it was agreed that week 3 Inquiry dates would be 21 and 22 February, just in case planning related evidence is still being presented during that week. I was also informed that one of the Appellant's witnesses may not be available on one day during the second week, but there was flexibility as to which day this was. I let the advocates know that I am content to allow a degree of flexibility in the programme to accommodate witness availability.
17. At this stage, the advocates estimate that the presentation of evidence is likely to take 6 days (6-8 and 13-15 February 2024). It was agreed that closing submissions would be held virtually and would likely be on 21 or 22 February 2024. The number of sitting days are to be kept under review.
18. In terms of the Inquiry running order, after openings and any interested party speakers, it was confirmed that I would hear evidence on the main issues as follows:
  - Landscape matters (including setting of the National Park and Local Green Gap) (by EIC and XX)
  - The need for housing (by EIC and XX)
  - Housing land supply (by round table)
  - Biodiversity matters (by round table) (if necessary)
  - Planning matters and the planning balance (EIC and XX)
19. This will be followed by round table sessions on conditions and planning obligations, before dealing with other matters such as costs and the site visit. The Inquiry will finish with closing submissions.

20. Main parties confirmed that final notice of witnesses to be called and timings are to be submitted by 29 January 2024, after which I will issue a programme.

### **Timetable for submission of documents**

21. The following deadlines were agreed for the submission of documents:

<b>Deadline</b>	<b>Evidence to be submitted</b>
<b>21 December 2024</b>	Deadline for submission of: <ul style="list-style-type: none"> <li>• Draft SoCG on housing</li> </ul>
<b>9 January 2024</b>	Deadline for submission of: <ul style="list-style-type: none"> <li>• Agreed and signed SoCG (landscape, housing and planning matters)</li> <li>• List of core documents</li> </ul>
<b>16 January 2024</b>	Deadline for submission of all proofs of evidence
<b>23 January 2024</b>	Deadline for submission of: <ul style="list-style-type: none"> <li>• Final draft planning obligation</li> <li>• CIL compliance statement</li> <li>• An agreed list of suggested planning conditions</li> <li>• Copies of Council notification letters for the appeal and the Inquiry and details of who these were sent to</li> </ul>
<b>29 January 2024</b>	Deadline for submission of final notice of witnesses to be called and timings.
<b>w/c 29 January 2024</b>	Deadline for the submission of core documents to be made available to view online  Inspector to issue programme asap this week
<b>1 February 2024</b>	Deadline for the submission of the draft site visit itinerary
<b>6 February 2024</b>	Inquiry opens at 10:00

### **Costs**

22. Both main parties confirmed that they are not anticipating making any applications for costs at this time.

### **Site visit**

23. I confirmed that I would carry out a site visit at some point during or after the proceedings. I was informed that public access to some parts of the site is available using the public rights of way. If I require access to other areas I will need to be accompanied. I confirmed that I will determine whether this is necessary at the Inquiry. I anticipate conducting the rest of my site visit on an unaccompanied basis.

### **Any other matters**

24. The Council confirmed that the Inquiry is to be held in the Gordon Room at Worthing Town Hall, Chapel Road, Worthing BN11 9SA.
25. No other matters were highlighted.

*Yvonne Wright*

Inspector

14 December 2023