

MELBOURN PARISH COUNCIL MINUTES

Minutes of the Extraordinary Parish Council Meeting held on Wednesday 8th June 2016 in the upstairs room of Melbourn Community Hub commencing at 7.15pm.

Present: Cllrs. Tulloch (Chair), I Bloomfield (Vice Chair), M Townsend (Vice-Chair), R Gatward, C Stead, K Crosby, S Hart, S Parton, M Linnette, A Mulcock

In attendance: The Clerk, District Councillors Hales and Barrett, Philip Kratz (Melbourn Parish Councils Lawyer from Birketts). Colin Conner and Clive Maggs from Melbourn Futures Committee and Members of the public.

1. **Apologies for absence:**
Cllr Sherwen due to ill health.
2. **Declarations of Pecuniary and Non-Pecuniary Interests:**
There were none to declare
3. **To consider Melbourn Parish Councils options concerning the appeal against 199 Houses, New Road Melbourn.**

The Council received a written report on matters relating to potential s.106 planning obligations for the appealed scheme at New Road, which included:-

- A letter from Paul Sexton, the planning case officer, dated 26th May. **Appendix A**
- Advice from Philip Kratz, the solicitor appointed to act for the Parish Council in connection with the appeal, dated 3rd June. **Appendix B**
- An email from James Fisher, the South Cambridgeshire District Council officer with responsibility for s.106 matters; **Appendix C**
- A copy of the appeal Inspector's Pre-Inquiry Note. **Appendix D**

The Council noted that the developer was proposing to put forward a unilateral undertaking containing planning obligations to pay £200,000 for outdoor sports space and £100,000 for indoor community space.

The Council also noted the legal requirement to comply with regulations 122 and 123 of the CIL Regulations 2010, and in particular the requirements that planning obligations must be (1) necessary to make the development acceptable in planning terms, (2) directly related to the development, and (3) fairly and reasonably related in scale and kind to the development.

After discussion, it was resolved to inform South Cambridgeshire District Council that:-

- Melbourn Parish Council had no CIL Regulation compliant schemes for outdoor sports space or indoor community space;
- The Council had noted the proposed planning obligations to be "offered" by the developer, and in the event that these came forward the Council would co-operate in any schemes that might be identified.

THIS WAS PROPOSED BY CLLR LINNETTE AND SECONDED BY CLLR CROSBY. ALL WERE IN FAVOUR AND THIS WAS CARRIED.

There being no other business, the Chairman closed the meeting at 7.50pm.

APPENDIX A

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge,
CB23 6EA
www.scambs.gov.uk
03450 450 500



**South
Cambridgeshire
District Council**

Melbourn Parish Council
Melbourn Hub
30 High Street
Melbourn
SG8 6DZ

Our ref: S/0296/15/FL
Your ref:
26/05/2016

New Communities and Planning
Contact: Paul Sexton
Email: Paul.Sexton@scambs.gov.uk
Direct dial: 01954 713255

Dear Sarah

Planning appeal – New Road Melbourn

I am writing with regards the planning appeal for up to 199 dwellings and 75 bed care home at New Road Melbourn.

When this planning application was presented to Planning Committee on 3 June 2015 it was recommended for approval on the basis that the applicant would be required to pay (among other things) contributions to Melbourn Parish Council comprising circa £200,000 for outdoor sports space and circa £100,000 for indoor community space.

The value of these contributions is based on adopted planning policies.

From 6 April 2015 the Council has been unable to secure generic contributions towards unidentified projects therefore these contributions could only have been lawfully secured were the District Council, in discussion with Melbourn Parish Council, able to identify what the money would have been used for.

On Friday 22nd April members of Melbourn Parish Council, including with both Elected Members, met with Sarah Ballantyne-Way (the South Cambridgeshire District Council appeal consultant), James Fisher (section 106 Officer) and Philip Kratz (planning advisor to Melbourn Parish Council).

At that meeting Melbourn Parish Council concluded that it did not wish to put forward any projects and therefore did not wish to attempt to secure these monies.

I understand that the reason for this decision is that Melbourn Parish Council, under the advice of Mr Kratz, feel that putting forward projects will (i) give the perception that the Parish Council is in support of the development and (ii) that the contributions will on some way assist the appellants case.

I would like to take this opportunity to express my views on the matter.

Firstly I see no reason why Melbourn Parish Council may not both continue their strong objection to the development but at the same time safeguard the monies. Melbourn Parish Council is a rule 6 party participating in the planning appeal and where it will be making a strong case for the appeal to be refused.

Secondly it is my view that the appellants case is not made any stronger or weaker on the basis of whether these contributions are or are not secured. Based on my own experience and having sight of recent appeal decisions it is entirely possible for the Planning Inspector to approve the appeal without these contributions. Furthermore I understand that the appellant is considering submitting a unilateral undertaking offering to pay these contributions, and that these may be offered on the basis of improving facilities at Melbourn Leisure Centre.

The Councils statement of case is due to be submitted to the Planning Inspector on 14 June therefore we do need to know as a matter of urgency whether or not Melbourn Parish Council would like to reconsider its position on the matter.

There is no suggestion at this time that South Cambridgeshire District Council is going to attempt to secure contributions towards outdoor sports or indoor community space during the planning appeal (even if they were being offered by the appellant). Therefore should Melbourn Parish Council be unwilling to participate in these discussions there may be no attempt to secure them.

Paul Sexton
Principal Planning Officer

APPENDIX 2

Sarah,

Thank you for your email; I confirm that I am able to attend the Extraordinary Meeting of the Parish Council next Wednesday 8 June 2016 at 7.15pm, to discuss the letter from Paul Sexton.

To put my earlier advice into layman's terms (albeit, the background legal position is quite lengthy!):-

Context

- Section 106 of the Town and Country Planning Act 1990 (as amended) is an enabling power which lets local planning authorities enter into agreements containing “**planning obligations**”, most usually to secure community infrastructure or money in lieu when planning permission is granted. The system was expected to diminish over the coming years as local planning authorities adopt Community Infrastructure Levy (“CIL”), which was intended to provide a new system for funding community infrastructure necessary because of development.
- The use of section 106 is widely misunderstood. It is **not** a form of taxation of development, and there are strict rules on what can be sought – or offered – under section 106 planning obligations. The government guidance is at:
<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/other-developer-contributions/>
- The “rules” are currently found in the CIL Regulations 2010; Regulation 122 provides:-

122. (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;**
- (b) directly related to the development; and**
- (c) fairly and reasonably related in scale and kind to the development**

If a section 106 planning obligation does **not** meet these tests, it will be disregarded by an Inspector at a planning appeal (and spurious “requests” are likely to lead to an award of costs against a LPA).

- Regulation 123 of the CIL Regs, as amended, provides for authorities to set out a list of projects or types of infrastructure that it intends to fund, or may fund, through the levy. Where the list includes a generic type of infrastructure (such as ‘education’ or ‘transport’), section 106 contributions should **not** be sought on any specific projects in that category; in any event, from April 2015 (when Reg 123(3) was brought into force) no more than **five** section 106 contributions (since April 2010) should be sought (to be put together, or “pooled”) for any ‘project’, and the general position in South Cambs is that more than five payments have already been sought for most potential heads of terms.

The Inspector’s Pre-Inquiry Note

- In this context, I also attach the Inspector’s Pre-Inquiry Note, above. At 3 (iv) (**Planning Obligations**), it states:-

The Inspector notes the intention to submit a s.106 Agreement or Unilateral Undertaking relating to developer contributions and other matters. It would be helpful to have at least a draft agreement or undertaking with the proofs of evidence as any planning obligations may overcome or mitigate objections and reduce the need for discussion at the inquiry. The Inspector will need full

justification of the need for such obligations in accordance with CIL Regulation 122.

He will also require clarification as to whether there are other obligations relating to the same provisions in order to assess compliance with CIL Regulation 123(3).

The Inspector asks to be advised of the Council's current position regarding a CIL Charging Schedule and will ask for confirmation of the position at the inquiry and the implications for the s106 planning obligations.

Paul Sexton's letter

- ...which brings us to Paul Sexton's letter (also attached above, for ease of reference). It confirms the April 2015 legal position, but then explains that when the planning application was presented to Planning Committee in **June** 2015 it was recommended for approval on the basis that the applicant would be required to pay (among other things) contributions to Melbourn Parish Council comprising circa £200,000 for outdoor sports space and circa £100,000 for indoor community space – payments which at face value are generic and do not meet the legal requirements set out above!
- I am not aware of any specific "real" specific projects for outdoor sports space or indoor community space – identified, progressed and costed, and to which we could point and then say to the public inquiry that the payments are (1) necessary to make the development acceptable in planning terms, (2) directly related to the development, and (3) fairly and reasonably related in scale and kind to the development.
- I note that Paul says that he understands that the appellant is considering submitting a unilateral undertaking offering to pay these contributions, and that these may be offered on the basis of improving facilities at Melbourn Leisure Centre. However, at face value this appears to be open to criticism that it is an attempt to "buy" a planning permission, contrary to long-standing government guidance.
- As per my email of 30th May, if there was a genuine new "project" to which s.106 contributions could be directed – and the new development could genuinely not be allowed to happen for want of that community infrastructure – then it might be worth pursuing. If there isn't, then it is not!

Please let me know if you need anything more.

Kind regards,

**Philip Kratz | Consultant | Planning and Environmental Team | Birketts LLP | www.birketts.co.uk
Direct: 01223 326612 | Mob: 07855 251189**

Secretary | Lisa Smillie | Direct: 01223 326656 | lisa-smillie@birketts.co.uk

APPENDIX 3

Dear Cllr Tulloch,

Good morning. Apologies for the delay in replying, I have been on leave for a week. I am not sure I have seen a response from my colleagues on the questions that you raise. If that is the case I will try and assist.

Section 106 of the Town and Country Planning Act 1990 allows a Local Planning Authority (LPA) to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms.

The community infrastructure levy regulations 6th April 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development

CIL Regulation 123 has the effect of restricting the use of pooled contributions. If there are agreements in place for more than five S106 contributions after April 2010 for a project or type of infrastructure, then from April 2015, a Local Planning Authority will not be able to collect any more contributions for that purpose.

This is not consigned to a year or financial year, it is simply that after 6 April 2015 we can no longer secure contributions of a generic typology. What it means in practice is that we have to identify the specific projects against which monies would be allocated (i.e. we have had 5 generic open space and indoor community space contributions for Melbourn since April 2010 so now we are allowed 5 specific for 'project x', then another 5 specific for 'project y'....).

To answer your question directly CIL Regulation 123 does not prevent the Council or Parish Council from securing contributions from development through section 106 agreements. Furthermore the Council has successfully defended its position at a number of recent planning appeals determined by Government inspectors.

You will be aware from the planning committee report that Parish Council contributions relate to (i) offsite sport and (ii) indoor community space.

If village projects under these headings were to be put forward at this stage then (in terms of the absolute minimum required) these would need to be presented in a fashion similar to the following:

<i>Category</i>	<i>Children's play space</i>
<i>Type</i>	<i>New children's play area</i>
<i>Location</i>	<i>Great Shelford recreation ground</i>
<i>Nature of works</i>	<i>The ambitious Playscape scheme would address the playground area, the skate ramp and a feature leading to (and including) the copse by the river – effectively considering the whole of the recreation ground.</i> <i>We would like to see new equipment, surfaces, landscaping, planting, seating, plus integration of the Pavilion into the design; all of this in turn should encourage more social integration too.</i>
<i>Ownership</i>	<i>Great Shelford Parish Council with Gt Shelford playscape charity</i>
<i>Cost</i>	<i>£180,000 (circa £10k funding secured to date)</i>

<i>Timetable</i>	<i>To be delivered in stages over a number of years</i>
<i>Contact details</i>	<i>Parish Clerk</i> <i>See website for details http://shelfordplayscape.org/</i>
<i>Other comments</i>	<i>SCDC recreation study 2013 identified Great Shelford as being deficient in children's play space</i> <i>https://www.scambs.gov.uk/sites/default/files/documents/Great%20Shelford%20%26%20Stapleford.pdf</i>

As I understand it any submission for s106 funding would need to be made in the next 48 hours.

For your information it would appear that the appellant is preparing to offer these contributions by way of a Unilateral Undertaking (i.e. a separate legal agreement to the s106), but for the benefit of the Village College.

Kind regards

James

From: Bob Tulloch [<mailto:walnutmedical@gmail.com>]
Sent: 03 June 2016 18:25
To: sbwplanning@gmail.com; Fisher James <James.Fisher@scambs.gov.uk>; Koch John <John.koch@scambs.gov.uk>
Cc: Sexton Paul <Paul.sexton@scambs.gov.uk>
Subject: Melbourn Parish Council & 199 house development in New Road

Dear All,

I am the current Chairman of Melbourn Parish Council. Following the resent resignations of the three Parish Councillors who were dealing with the appeal against the development by Endurance Estates in Melbourn, I am gathering some background information.

I have reviewed the letter (ref S/0296/15/FL) from Paul Sexton and have followed it up with a telephone call with the author. During this very interesting telephone conversation, I was advised to contact you to gain further advice.

The primary question is whether Melbourn Parish Council (MPC) is allowed to put forward any projects concerning this development. MPC has already received five S106/CIL contributions from developments in the village. I have been told that there is a limit in the number of S106/CIL agreements a Parish Council can make in a year and we have reached our quota.

Firstly, is this correct and, secondly, since we have moved into a new financial year, is the quota reset?

If MPC can proceed and propose some projects without prejudice should the appeal go in favour of Endurance estates, there are three main questions:

- What is the format in which these projects should be presented?
- What is the minimum amount of information we can present?
- What is the deadline?

MPC is holding an extraordinary council meeting at 7:15 pm on Wednesday 8 June in the Melbourn Community Hub to discuss this matter. This is a complicated subject and MPC would

welcome the presence of officers from SCDC to help the Parish Council reach an informed decision.

Thank you for your help and please feel free to contact me or the Clerk, Sarah Adam, at any time.

Best regard,

Bob

Public inquiry into the proposed development of land to the east of New Road, Melbourn

INSPECTOR'S PRE-INQUIRY NOTE

1. Introduction

The inquiry has been arranged to consider the appeal made by Endurance Estates Strategic Land Ltd against the decision of South Cambridgeshire District Council to refuse outline planning permission for residential development of up to 199 new dwellings and a care home of up to 75 beds, new vehicular and pedestrian accesses from New Road, public open space and a landscape buffer.

The Council refused the application for 2 reasons, citing a significant adverse visual impact on the countryside and this part of the village and a failure to make suitable provision for infrastructure improvements necessary to make the scheme acceptable in planning terms, with particular regard to local health services and primary school places.

The inquiry will open at 10.00 on Tuesday 12 July 2016 and will sit for up to 4 days.

The inquiry Inspector will be Colin Ball DArch DCons RIBA IHBC. He has been appointed by the Secretary of State for Communities and Local Government to hold the inquiry and determine the appeal.

2. Appearances at the inquiry

The main parties to the inquiry are the local planning authority, South Cambridgeshire District Council (SCDC), and the appellant, Endurance Estates Strategic Land Ltd (EESL). Melbourn Parish Council (MPC) has been granted Rule 6 status.

All the parties are requested to confirm the names of their advocates and witnesses, and the matters they will cover, as soon as possible.

The Inspector is pleased to note that MPC has worked closely with local residents and will present local objections. If other individual objectors wish to speak at the inquiry, the Inspector would appreciate advance notice of their intention. Nonetheless he will ask again at the inquiry if, having heard the evidence, anyone else wishes to speak. He asks all the objectors to liaise and to coordinate their evidence to avoid unnecessary repetition. It is not very helpful – indeed it is a waste of inquiry time – if objectors all say much the same thing.

3. The nature of the proposals

(i) The scale and nature of development

The proposal is an outline application for a development of up to 199 new houses and a 75 bed care home. Access will be considered as part of the proposal, although the matters of layout, scale, appearance and landscaping are reserved for future consideration in a separate reserved matters application. Highway access

would be by a T junction on New Road, with a separate shared pedestrian/cycle access, which would also serve as an emergency vehicle access, further north on New Road.

The Council indicates that, at present, it cannot demonstrate a 5 year supply of housing land. The Inspector asks to be advised of the position at the date of the inquiry, with an indication of the extent of current deficit and the measures being taken to overcome it. That could be by note, preferably as an agreed position statement.

(ii) Environmental Impact

The Secretary of State has screened the proposal in accordance with the EIA Regulations and has come to the view that it is not EIA development so that a formal Environmental Statement is not necessary. The Inspector notes the range of environmental and other information submitted with the application.

(iii) Statement of common ground

The Inspector notes that the main parties have yet to agree a statement of common ground. He encourages early agreement where possible as this should reduce the issues in contention which need to be dealt with in evidence. The statement should outline the range of matters which are not disputed and it would be helpful to summarise the matters which remain in dispute. The statement should be agreed in time to inform the preparation of proofs of evidence.

(iv) Planning Obligations

The Inspector notes the intention to submit a s106 Agreement or Unilateral Undertaking relating to developer contributions and other matters. It would be helpful to have at least a draft agreement or undertaking with the proofs of evidence as any planning obligations may overcome or mitigate objections and reduce the need for discussion at the inquiry. The Inspector will need full justification of the need for such obligations in accordance with CIL Regulation 122.

He will also require clarification as to whether there are other obligations relating to the same provisions in order to assess compliance with CIL Regulation 123(3).

The Inspector asks to be advised of the Council's current position regarding a CIL Charging Schedule and will ask for confirmation of the position at the inquiry and the implications for the s106 planning obligations.

(v) Suggested conditions

It would be helpful if the parties could agree a 'without prejudice' list of suggested conditions to be imposed should the appeal be successful. These should be submitted at the latest with the proofs of evidence as appropriate conditions are an important part of any proposal and can also overcome or mitigate objections, thereby reducing the need for discussion at the inquiry.

4. The main issues for the inquiry

From his reading of the committee report, the reasons for refusal and the statements of case, as things stand the Inspector considers the main issues in this appeal to be:

1. Whether the Council can demonstrate a 5 year supply of housing land and the consequent policy implications;
2. The effect of the proposal on the character and appearance of its surroundings;
3. The impact of the proposal on local infrastructure and whether any adverse impacts can be effectively mitigated; and
4. Whether, taken as a whole, the proposals comply with the local development plan and amount to sustainable development as defined in the National Planning Policy Framework.

The Inspector will consider any other matters raised, but he expects the inquiry to concentrate on these main considerations.

5. The nature of the evidence to be submitted

The Inspector expects to hear evidence from the main parties on all the matters he has identified, preferably structured in the way set out.

He encourages collaboration between expert witnesses on specific topics and, where possible, the submission of agreed position statements. That would be particularly helpful in concentrating the inquiry on the things that matter most.

Each witness should submit a proof of evidence detailing his or her evidence with, if appropriate, supporting appendices. All proofs should be as concise as possible, with no unnecessary repetition of other inquiry documents or the text of local or national policy guidance. All documents should be paginated. A summary is required of any proof of evidence which exceeds 1500 words.

All documents should be submitted in A4 size or folded to A4 size. They should be simply bound, with no wire or plastic spiral binders and no unnecessary plastic cover sheets. The use of large ring binders should be avoided. Supporting documents, diagrams, photographs and other appendices are to be bound separately from the text of the evidence but should be clearly referenced at the relevant points in that text. Appendices should be indexed, paginated and clearly tabbed.

Other persons who wish to speak are invited to provide written statements, submitted in accordance with the inquiry programme. Early disclosure of evidence is vital to the appeal procedure but the Inspector will hear oral evidence at the inquiry from third parties who make a last minute decision to speak.

Any further documents submitted at the inquiry to support points made will be taken into account but they should not raise new issues or anything that comes as a surprise. That could lead to an adjournment and a waste of time and expense.

The evidence of third parties who do not attend the inquiry will be assessed on the basis of their written submissions. These will be taken as read and it will not be

necessary for them to be considered further at the inquiry unless points of principle arise

The planning obligations and conditions will be discussed in discrete inquiry sessions. A certified copy of the executed Agreement or Undertaking should be provided before the inquiry closes. Please note that an incomplete document cannot take effect and the Inspector will decide the appeal on that basis, and not on the assumption that a completed document might be forthcoming at a later date.

6. Submission and distribution of documents

Proofs of evidence, appendices and summaries must be submitted by 4 weeks before the inquiry, that is by 1000 on Tuesday 14 June 2016. Submissions must be made in hard copy and electronically, with cross exchange between the parties. This is necessary so that the Inspector has time to read all the proofs and appendices before the inquiry starts and that all the other parties have the opportunity to do the same. The statement of common ground, a final draft planning obligation and agreed conditions should be submitted with the proofs.

The Inspector discourages supplementary proofs; however, if any party considers that it would save inquiry time by submitting supplementary or rebuttal proofs, they should be sent in 2 weeks before the inquiry, by 1000 on Tuesday 28 June 2016. Such proofs should only make reference to evidence submitted by an opposing party's witness and should not introduce new evidence.

Core documents: the Inspector currently has all the application documents, decision process, policy background and statements of case. If there are to be any other key documents which need to be referred to by all parties to the appeal, they need to be identified and numbered quickly enough for them to be of use to everyone when preparing evidence for the inquiry. The Inspector asks the parties to consider this and to produce an agreed list of core documents, to be circulated through the case officer by 24 May, 2 weeks before the proofs are due.

The Inspector will need 1 set of core documents and a set should also be available at the Council's offices for anyone who does not have ready access to them. There should be no need for individual witnesses to include extracts of core documents within their own appendices.

Distribution of proofs, appendices, statements, summaries and other documents:

All documents, where possible, should be made available electronically, preferably by email or CD. The Inspector encourages the free exchange of evidence electronically, preferably by email between all the parties to the inquiry. Nonetheless the Inspector will require 1 hard copy of all documents. The Council, the appellant and the Parish Council are invited to confirm how many hard copies each of them requires and to cross copy the documents at the appropriate times.

It will be helpful to have spare copies of proofs available at the inquiry so that third parties have sufficient copies to enable them to follow the proceedings. There should also be 1 hard copy of all the evidence to be held with the core documents at the Council's offices, and then at the venue, as part of an inquiry library for others to refer to and if necessary copy.

This is so that all the evidence is able to be seen by everyone some time before the inquiry so that what is read out at the inquiry itself can be limited to the gist of each case. The Inspector will have read it all in advance. Everyone else will have had the opportunity to do the same. Thus, all that needs to be read out at the inquiry is the summary of what each witness is saying, even though the whole of the evidence is open to cross-examination.

The closing submissions should set out each party's position on each of the main issues, with reference to relevant policy, as it stands at the end of the inquiry. The Inspector will rely on these to assess the parties' respective cases.

It would be helpful for the Inspector to have the opening and closing submissions in writing, and for the closing submissions to be provided electronically. He would prefer this to be by email to the case officer but would be happy to accept submissions on CD or memory stick. They should preferably be in Microsoft Word.

7. Document numbering

All the proofs of evidence, appendices and other supporting documents should identify the originating party and be numbered in sequence. Documents should be referenced using prefix acronyms for each party (SCDC, EESL, MPC) followed by a number for each witness (1, 2, 3), with a further identifying letter for each of that witness's documents (A, B, C).

Thus for example:

Core Documents are CD/A, CD/B etc

The Council:	Opening submissions	SCDC/OS
	First witness proof	SCDC/1/A
	First witness appendices	SCDC/1/B.1-10
	Second witness proof	SCDC/2/A
	Second witness summary	SCDC/2/S
Appellant	Third witness proof	EESL/3/A
	Fourth witness rebuttal	EESL/4/C
	Closing submissions	EESL/CS
Parish Council	First witness proof	MPC/1/A
	Second witness appendices	MPC/2/B.1-5

Other third parties submitting evidence should follow this principle.

It would be useful for each party to keep a list of their own documents and submit it to the Inspector at the end of the inquiry.

8. Inquiry venue and accommodation requirements

The inquiry will be held at South Cambridgeshire Hall, 6010 Cambourne Business Park, Cambourne, Cambridge CB3 6EA.

The Inspector notes that, although the inquiry has been extended to 4 days, the venue is only available for 3 days. An alternative venue should be arranged for the final day of the inquiry (unless the parties can agree to finish within 3 days).

The room layout for the inquiry should accord with the Inspectorate's published guidance. There should be a public address system.

There should be secure storage to lock up and leave papers securely overnight for the duration of the inquiry.

A retiring room should be provided for the Inspector and, if possible, meeting rooms should be made available for the main parties.

The inquiry library should be held at the venue for the duration of the inquiry and photocopying facilities should be made available. A display area for application plans should be provided, perhaps associated with the inquiry library.

9. Inquiry procedure

After the Inspector's introduction, there will be short opening statements of no more than 15 minutes or so, first from the appellant, which should include a short presentation of the scheme, and then from the District Council outlining its objections. This is simply to set the scene and to indicate the nature of the evidence to be brought to the inquiry.

The Inspector intends then to hear first all the evidence in favour of the proposal followed by all the evidence against.

So, after the opening statements, the appellant's advocate will go on to call his/her witnesses in turn to present their evidence. Each witness may be cross-examined by the District Council's advocate and the Inspector will allow questions from the Parish Council and from third parties who have indicated they wish to speak, although this is not the time for them to put their cases. Notification in advance of an intention to cross-examine would be helpful. Witnesses may be re-examined by their own advocate in order to clarify answers previously given, and the Inspector may have questions.

After the appellant's witnesses have been heard, the inquiry will hear evidence from the District Council's witnesses. Each witness will be open to cross examination by the Appellant's advocate and to questions from the Inspector.

After that, the Parish Council will give its evidence, which will be open to cross-examination by the appellant's advocate and to questions from the Inspector.

After that, other objectors will give their evidence. Each witness will be open to cross examination by the appellant's advocate and to questions from the Inspector.

The inspector will ask again at that time if there is anyone else who wishes to address the inquiry.

After all the objectors have been heard, there will be a discussion on the s106 planning obligation. The Inspector expects to see evidence to demonstrate how each provision meets the tests of the CIL Regulations and local policy requirements. The inquiry will also consider, without prejudice, the suggested conditions which might be appropriate in the event that the appeals are allowed.

On conclusion of that process arrangements for an accompanied site visit will be made. The Inspector's preference is to make the visit after he has heard all the evidence but before he hears the closing submissions, although that can be flexible to assist in inquiry programming. It would be helpful if the parties, including local objectors, could agree a site visit itinerary to make sure the Inspector sees all the matters referred to in evidence.

The inquiry will then end with closing submissions first from the Parish Council, then from the District Council and finally from the appellant.

The Inspector will then establish whether there are any other matters to be considered; following that he will close the inquiry. Information submitted after the close of the inquiry will not be taken into account.

10. Inquiry dates and sitting times

The inquiry has an agreed bespoke programme and is scheduled to open at 10am on Tuesday 12 July 2016 and sit for up to 4 days.

Normal sitting days will be from 10 am to 5 pm or so, with an hour for lunch from about 1-2 and short breaks mid-morning and afternoon. If progress requires it, earlier starts could be made, say 0930. The inquiry will adjourn no later than 1530 on Friday. As an agreed programme the Inspector is not anticipating any extension or adjournment for additional sitting days.

11. Inquiry timetable

All the stages of the inquiry have to be accommodated within the agreed 4 sitting days. The Inspector suggests as a broad framework at this stage that the appellant should give his evidence on Tuesday am/pm and Wednesday am; the District Council on Wednesday pm and Thursday am; the Parish Council and other objectors on Thursday pm; a session for obligations and conditions on Friday am, followed by a site visit; and closing submissions on Friday pm.

This is necessarily a 'best-guess' outline. The inquiry was originally allotted 3 sitting days and if the parties agree that is sufficient they are invited to put forward an appropriate programme.

All parties are asked to provide more detailed information on witness timing etc as the pre-inquiry period proceeds. These details should be submitted by 14 July to enable the Inspector to build up a more detailed programme, which will be finalised at the inquiry opening.