

**NOTES OF PRE-INQUIRY MEETING
HELD ON TUESDAY, 31 OCTOBER 2017
(BEGINNING AT 11:00)**

AT

**BLACKPOOL FOOTBALL CLUB HOTEL AND CONFERENCE CENTRE,
BLOOMFIELD ROAD, SEASIDERS WAY, BLACKPOOL, FY1 6JJ**

Town and Country Planning Act 1990

Appeal by Cuadrilla Elswick Ltd

Land at Roseacre Hall, Roseacre Wood, Roseacre Road and Inskip Road, Roseacre and Wharles, Preston, Lancashire

Appeal reference: APP/Q2371/W/15/3134385

1. INTRODUCTION

Mr Melvyn Middleton, the Inspector appointed to conduct the resumed Inquiry opened the meeting by pointing out that he had been given the task of hearing additional evidence and preparing a further report for the Secretary of State (SoS). That was in the context of the latter's decision to give the Appellant and other parties an opportunity to provide further evidence on highway safety and to allow parties to make any representations on that before he reaches a final decision on the appeal. He explained that the purpose of the Pre-Inquiry Meeting was to put in place administrative arrangements for the Inquiry which is provisionally due to open at 10:00 hours on Tuesday, 10 April 2018.

The appeal concerns a decision of Lancashire County Council to refuse planning permission for an exploration site on agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood and land that forms part of the Defence High Frequency Communications Service site between Roseacre Road and Inskip Road, both areas of land being off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston, Lancashire. The planning application reference is LCC/2014/0101, the appeal reference APP/Q2371/W/15/3134385.

The Inspector introduced Yvonne Parker, who has been retained as Programme Officer. Her role is to assist the smooth running of the Inquiry. Anyone wanting to discuss anything about the Inquiry and the timetable leading up to and during it should contact Yvonne Parker on **01282 450522** or **0781 333 4305** or programmeofficer@blueyonder.co.uk. The Inspector also referred to the Inquiry web site <http://programmeofficers.co.uk> where copies of all documentation relating to the Inquiry will be displayed.

2. APPEARANCES AND IDENTIFICATION OF PARTICIPANTS:

Cuadrilla Elswick Ltd (CE)

Represented by Ms Nathalie Lieven QC.

She proposes to call one or two witnesses, including Mr David Bird, who will give evidence on highway matters.

Lancashire County Council (LCC)

Represented by Alan Evans of Counsel.

He currently proposes to call one witness, Mr Neil Stevens, who will give evidence on highway matters.

Roseacre Awareness Group (RAG)

Robin Green of Counsel.

He was uncertain about the number and nature of his witnesses.

Treales, Roseacre and Wharles Parish Council (TRaWPC)

Represented by Councillor Gordon Smith.

He was uncertain about the number and nature of his witnesses.

Newton-with Clifton Parish Council (NwCPC)

Represented by Peter Collins.

He was uncertain about the number and nature of his witnesses.

Other Interested Persons and Third Parties

Interested Persons and Third Parties also indicated that they wished to present evidence to the Inquiry. They are listed in Appendix 1 to these minutes. The Inspector confirmed that failure of Interested Persons to indicate their desire to participate at the Pre Inquiry Meeting did not preclude anyone from participating at the event. However, in view of the likely large number of people who may want to speak, he asked that the Programme Officer be notified, as early as possible, to assist in the programming of the presentation of third party evidence at the Inquiry.

The Inspector reminded individuals wanting to speak to the Inquiry from written material, or to submit documents in support of their case, other than in circumstances where they wished to speak from brief notes, that they would be expected to submit written evidence to the Programme Officer by 6 April 2018, to enable it to be distributed to other parties before the commencement of the Inquiry.

3. IDENTIFICATION OF THE MAIN ISSUES

The Inquiry's purpose is to examine the additional highway information to be submitted by the Appellant, on which basis the Inspector will prepare a further report for the SoS. It is not to examine matters upon which the SoS has already reached a conclusion and in that context the Inspector emphasised that he will not be reporting on any submissions made in that respect.

On the basis of the information before him to date, the Inspector said that he considered the main issue to be:

- 1) The implications of any increased traffic generated by the proposed development for highway safety.

4. APPELLANT'S FURTHER INFORMATION

The Appellant explained that it had carried out highway surveys in the area during last summer and was finalising a report thereon. A consequence was that it wished to amend the traffic management measures contained in the original application. The Appellant stated that it intended to consult on the revised highway information and proposals. The adequacy of and responsibility for the consultation is a matter for the Appellant in the first instance.

After much discussion it was agreed that the Appellant would undertake a consultation exercise, which at the very least would deposit the consultation material on the Inquiry website and in hard copy at appropriate Lancashire County Council and Fylde Borough Council offices, and any other appropriate locations within the locality. The availability of the additional material for public scrutiny will be advertised in local newspapers and through site notices at appropriate locations in the locality. Anyone residing within 100 metres of the proposed highway route for vehicles visiting the site, to and from the primary highway network, will be notified in writing as will Parish Councils in the area and the other Rule 6 Party. The information will be on deposit for a period of six weeks, from the week commencing 27 November 2017, during which time anyone can make written representations in response to the consultation material for consideration by the Inspector. In the absence of an ability for PINS to handle the likely volume of responses it was agreed that the Appellant would fund time for the Programme Officer could receive and collate the representations for onward transmission to the Inspector. An address to which all representations should be sent will be advertised along with the additional highway material.

5. INQUIRY TIMETABLE

The Inspector pointed out that the Inquiry is provisionally due to open at 10:00 hours on Tuesday, 10 April 2018 with an estimated 8 sitting days. A discussion was held about the length of time required for the Inquiry. As the number of witnesses to be called by the Main and Rule 6 Parties, as well as the number of other third parties wishing to participate, was a large unknown, this is currently not an easy judgement. The Inquiry length should be maintained at 8 days, but that the matter should be kept under review and a final decision made when the nature and number of participants was more precise. In this context the Inspector asked the Main and Rule 6 Parties to submit provisional time estimates on or before 13 March 2018.

RAG had concerns about the timing of the Inquiry in the context of the current unavailability of the Appellant's additional material. In that context it was unable to inform the Inspector what additional work (if any), beyond preparing and writing an evidential case, it would need to undertake. The Inspector was

of the view that if the Appellant began consultation before the end of November then everyone should have more than ample time to prepare their case by 10 April 2018. He also expressed the opinion that if it was considered necessary for third parties to undertake their own highway surveys then they should have been undertaken last summer. He pointed out that if the Inquiry was to commence on 10 April 2018 then it needed to be confirmed in the near future, otherwise he and the venue may not be available when required. He indicated that he would confirm the provisional dates for the time being and that if parties felt unable to properly prepare in time for these then, having assessed the Appellant's additional evidence, they should make submissions to him by the end of the year as to why the Inquiry should be delayed and until when.

It was pointed out that the venue is not available on Thursday, 12 April or Friday, 20 April and agreed that the former day could be used for the main accompanied site visit. If necessary, a further visit could be organised on Friday, 27 April following the close of the Inquiry, or earlier if the Inquiry does not sit for eight days. The Programme Officer circulated a draft Inquiry Programme for discussion. A revised version, which was provisionally agreed, is attached at Appendix 2. All participants are asked to keep the indicated potential sitting days free.

The Inquiry will not sit on Mondays. It was agreed that apart from the first morning, when the Inquiry will start at 10:00, sitting hours will generally be from 09:30 to between 17:00 and 18:00 hours (subject to the availability of the venue). If the Inquiry sits on Fridays the Inspector will aim not to sit beyond a break point between 13:00 and 14:00 hours.

The Inquiry will break for no less than 30 minutes and no more than one hour for lunch at approximately 13:00, but tailored to suit an appropriate break point in the proceedings. There will also be breaks of at least fifteen minutes in the morning and afternoon sessions at appropriate points, when hot drinks will be available for purchase.

The Appellant was of the opinion that it would be appropriate for it to present its evidence first so that its revised highway information and proposals could be fully explained at the outset. Other participants agreed. The order of appearances will be: CE, Interested Persons in favour of the proposal, LCC, RAG, TRaWPC, NwCPC, and Interested Persons against the proposal. CE will present its opening submission first and its closing submissions last. Provisional time estimates (examination in chief and cross-examination) and the order of witnesses are provisionally required by no later than 13 March 2018 with final confirmation by 6 April 2018. Any non-availability of witnesses on particular days should also be notified to the Programme Officer by 13 March 2018, other than in emergencies.

The Inspector informed the meeting that if any Interested Persons have difficulty attending at a particular time, because of work and other commitments, then subject to the agreement of the other parties he will seek to hear them out of turn. In addition, and depending on the number of other Interested Persons who wish to speak, he will programme their appearances en-bloc as far as is possible once there is an outline programme. He stressed

that he is not averse to holding (an) evening session(s) at an appropriate time if it assists people to attend and avoids them having to take leave from work. However, if such sessions are to be effectively arranged then prior notification to the Programme officer (on or before 6 April 2018) is essential.

In addition, if full weight is to be attached to their evidence then other interested parties must be prepared to answer questions from the opposing party(s).

6. TIMETABLE FOR THE SUBMISSION OF EVIDENCE

- (i) Proofs of evidence (CE, LCC, RAG, TRaWPC, NwCPC) are to be exchanged and submitted to the Programme Officer by 13 March 2018.

The Inspector stressed that statements and proofs should be concise and to the point.

- (ii) There is no provision for rebuttals but, should the need arise; the Programme Officer is to be advised of the circumstances for consideration by the Inspector as soon as possible and any rebuttals submitted by 27 March 2018.

The Inspector stressed that rebuttal proofs should only contain factual information that contradicts that submitted by an opposing party or refers to changed circumstances. They are not a vehicle for advancing counter opinion or elaborating on matters discussed in main proofs. Proofs are to include conclusions and be accompanied by summaries at the time of submission.

- (iii) Any other interested persons wishing to speak will also be incorporated into the programme. If these persons are to submit statements, or to speak from pre-prepared notes longer than two sheets of A4 paper, then it is expected that these will be sent to the Programme Officer for circulation to the main participants before the start of the Inquiry and handed to the Inspector at the start. If extensive technical evidence is to be presented then it should be submitted and exchanged in accordance with the time table in (i) above. Persons speaking from notes or reading statements shorter than two pages should hand in typed copies when presenting their evidence.

7. SECTION 106 OBLIGATION(S) AND CONDITIONS

The Appellant informed the meeting that no further Legal Agreements are anticipated. The Inspector stressed that if any were forthcoming, then they should be accompanied by statements setting out how they meet the requirements of the National Planning Policy Framework and Guidance and Regulation 122 of the Community Infrastructure Regulations 2010. Supporting documents (e.g. policies) should be appended in order to provide the Secretary of State with separate documents for ease of reference in relation to the legal matters.

Reference should also be made to the Planning Inspectorate Good Practice Advice Note 16 on submitting planning obligations.

A signed copy of the obligation must be with the Inspector before the Inquiry is closed.

The Inspector also stressed that a full list of finalised additional conditions that have been discussed and agreed as far as is possible by all of the main parties, with reasons, should be submitted by 6 April 2018 if not before. A draft should also be available along with a revised Statement of Common Ground by 13 March 2018. Reference should be made to the conditions' compliance with the Planning Practice Guidance. The model conditions recommended by the Secretary of State should be used where possible. An electronic copy in word of the conditions finally agreed at the Inquiry should be submitted after its close by LCC.

8. PROCEDURE AND PROGRAMME

As indicated previously, the Inquiry will open at 10:00 on Tuesday, 10 April 2018 at Blackpool Football Club Hotel and Conference Centre, Bloomfield Road, Seaside Way, Blackpool, Lancashire FY1 6JJ

At the opening the Inspector will deal with housekeeping and procedural matters and will then invite brief opening statements of no more than 15 minutes from each of the main parties (CE, LCC, RAG, TRaWPC, NwCPC) in order to set the scene for the Inquiry. He would also like these to be available in writing on the day. He will similarly require copies of the closing submissions in writing together with electronic versions. Their submission in language that is concise and unprovocative would be appreciated. All proofs will be taken as read and to conserve Inquiry time, only brief introductions from witnesses will be allowed unless it assists the Inquiry for there to be a detailed presentation.

9. CORE DOCUMENTS

The Inspector said that he would like the parties to agree a list of core documents for his and other interested parties use as soon as possible. Only one copy of common documents should be provided. These will need to be fully co-ordinated, referenced comprehensively and assembled together. An electronic set will be posted on the Inquiry website and a further paper set should be deposited in an Inquiry Library, located at a convenient location prior to the opening of the Inquiry and then at the Inquiry venue, for third party reference purposes.

A separate paper set should be made available for the Inspector. The Inspector would also be grateful if the CDs could be accompanied by a list of documents - in hard copy and if participants wish electronically.

In terms of other documents, the Inspector would like each party to be responsible for numbering its own documents before they are submitted or handed in at the Inquiry and to keep a running tally of new documents for

electronic submission at the end of the Inquiry. Please number paragraphs and pages separately and if Appendices are lengthy reference them down so that they are easily identifiable and have a consecutive page numbering system following on from the core text.

Further detailed guidance on the presentation of documents and the adoption of a numbering system is provided in Section 10 below.

If using lever arch files to present documents please ensure that they are of good quality and please do not overload them with material.

10. GENERAL GUIDANCE ON SUBMITTING DOCUMENTS:

- (i) Proofs, appendices and supporting documents should be bound separately from each other and clearly identified on the cover and side if appropriate.
- (ii) All documents should be numbered in accordance with the following convention:
 - core documents to have the prefix CD;
 - local planning authority documents to have the prefix LCC;
 - appellant documents to have the prefix CE;
 - Roseacre Awareness Group documents to have the prefix RAG;
 - Treales, Roseacre and Wharles Parish Council documents to have the prefix TRaWPC;
 - Newton-with Clifton Parish Council documents to have the prefix NwCPC;

Taking the Appellant as an example, documents submitted by the first witness would have the pre-fix '1' and each of his/her documents would be numbered sequentially i.e. CE/1/1 (proof of evidence); CE/1/2 (appendix); CE/1/3 etc for each subsequent document associated with that witness. The second witness' proof would be CE/2/1 etc. Any general documents, not attributable to a specific witness, should carry the '0' series of numbers i.e. CE/0/1 etc (e.g. Opening Statement).

Each of the parties should maintain their own document lists, which should be handed in at the close of the Inquiry. A separate list should be kept by each party of the documents handed to the Inspector during the course of the Inquiry that are new to the Inquiry. Documents handed in that are copies of or extracts from evidence or material in the CDs should not be included in the separate list.

The Inspector will use the 'X' series for his documents.

No document, unless specifically requested by the Inspector, will be accepted after the close of the Inquiry.

11. SITE VISITS

The Inspector will make his own arrangements to visit the appeal site and its general locality prior to the opening of the Inquiry. He will make arrangements for an accompanied visit on Thursday, 12 April and if necessary a further accompanied visit after the close of the Inquiry. Additional unaccompanied visits will be made as and when necessary during or after the Inquiry.

12. STATEMENT OF COMMON GROUND

LCC, CE and the three Rule 6 Parties should prepare an updated Statement of Common Ground. This should be submitted to the Programme Officer, for uploading onto the Inquiry Website, by 13 March 2018 at the latest. The document should indicate where the parties agree and disagree on matters of fact and opinion as well as policy interpretation and include a list of the relevant plans and a schedule of draft conditions if one is not available separately beforehand.

13. ANY OTHER BUSINESS

There was no other business.

14. CLOSE OF MEETING

The meeting closed at 12:50 hours.

Mel Middleton
INSPECTOR

Appendix 1	
Dates for Inquiry – 10 April – 27 April 2018	
WEEK ONE	
Tuesday 10 April	Inquiry (1)
Wednesday 11 April	Inquiry (2)
Thursday 12 April	Possible site visit
Friday 13 April	Inquiry (3)
WEEK TWO	
Tuesday 17 April	Inquiry (4)
Wednesday 18 April	Inquiry (5)
Thursday 19 April	Inquiry (6)
WEEK THREE	
Tuesday 24 April	Inquiry (7)
Wednesday 25 April	Inquiry (8)
Friday 27 April	Possible programme slippage / Site visit

Appendix 2
Interested Parties wishing to speak at the Inquiry
Barbara Richardson
Jane Barnes
Nick Danby
Jacqueline Sylvester
Katrina Lawrie
Elaine Smith
Christopher Noad
Nick Caunt
Maureen Mills
Chris Cannon
Karen Ditchfield
Roger Hurton & Barbara Hurton
Keith Hulme
Jean Stringman
Anne Power
Neil Lewis
Keith Martin
John Bailie
Elizabeth Warner & Barry Warner
Tina Rothery