

**APPEAL REF: APP/P2935/W/20/3244389**

**Hill at Cold Law, Stiddlehill Common, near Ridsdale, Ray Estate,  
Northumberland**

*Publicly accessible landmark  
commissioned to commemorate Queen Elizabeth II and the Commonwealth*

## **Case Management Conference Summary Note**

### **Introduction**

1. The Inspector appointed to conduct the Inquiry is Katie McDonald MSc MRTPI. The Inquiry is scheduled to open virtually at 10:00 on Tuesday 9 March 2021. Except for the first day, the Inquiry will resume at 09:30 on subsequent days, running for 4 days until Friday 12 March 2021. A resumption is likely to take place on Thursday 18 March 2021 for one further sitting day.
2. Keep the Wannies Wild received Rule 6 Party status on 13 November 2020.
3. The Council and Rule 6 Party may wish to draw the attention of interested parties to this Note. At the very least, it is recommended that a copy be posted on the Council's website. A copy will be placed on the planning portal.
4. The description of development includes "*commissioned to commemorate Queen Elizabeth II and the Commonwealth*". This is not an act of development, and I questioned if this element of the description was necessary. **I await confirmation from the appellant in writing.**

### **Main Issue**

5. At this current time, I consider the main issue is the effect of the proposal on the landscape character and appearance of the rural area.

### **Dealing with the Evidence**

6. All evidence will be dealt with through the formal presentation of evidence in chief by each party, which will be the subject of cross-examination.
7. Evidence will be given in a topic-based fashion, starting with the main issue, followed by planning evidence. There are several other matters which the Rule 6 Party wish to give evidence on, including tourism,

community engagement, the nature of the application and its association with the Queen and Commonwealth, wildlife and the witnesses' associations with the area.

8. Currently, I envisage this can all be dealt with through the planning evidence. However, until the Proofs of Evidence are received, I reserve final judgement because it may be helpful to run a separate topic of evidence purely for dealing with some of these other matters. I will provide my thoughts on the best procedure when I receive the Proofs of Evidence.
9. The planning evidence will deal with benefits, tourism, planning policy not addressed in the landscape and character evidence, any other outstanding matters or considerations and the planning balance. Adopted and emerging planning policies will need to be discussed along with their degree of consistency with the National Planning Policy Framework, and I will need an update on the emerging Local Plan. The evidence of the appellant on this matter will also need to address the concerns of any consultees and interested parties.
10. Please can you ensure all habitats surveys are up to date.
11. The details at the end of this note set out the preferred format and content of proofs and other material, which should be observed.

### **Conditions and Planning Obligation (without prejudice)**

12. A draft list of conditions forms part of the Statement of Common Ground, but the Council suggested this may need re-visiting. Therefore, an agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be submitted at the same time as the proofs.
13. I highlighted that thought needs to be given in advance of the Inquiry to the operation of the potential conditions for the warning aircraft light and a lighting scheme.
14. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, particularly the test of necessity. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. Please remove all unnecessary 'tailpieces' from the conditions.
15. A planning obligation has been finalised, but I will also need the relevant office copy entries and a Community Infrastructure Levy Compliance Statement prepared by the Council, comprising a fully detailed justification for the obligation, including any policy support.

## **Core Documents/Inquiry Documents**

16. An agreed Core Document List is to be sent electronically to the Planning Inspectorate at the same time as the proofs. The Core Document List needs to be prepared in advance of formulating your proofs so they can be properly referenced. It needs to include all relevant material that will be referred to in the evidence.
17. The Core Documents will need to be made available online. This could be hosted on the Council's website or on a site provided by the appellant. It was agreed that the Council would investigate this first. Wherever they are made available, please ensure that the website is easy to navigate for interested parties and that the documents appear in order of their naming/number convention.
18. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list managed by myself. However, these documents will need to be uploaded to the Core Documents site so that all interested parties can have access.

## **Inquiry Running Order**

19. Following my opening comments on the first morning of the Inquiry, I will invite opening statements from the main parties, appellant first, then the Council followed by the Rule 6 Party. I will then hear from interested parties who wish to speak, although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking on the first day. Interested parties will be notified of the Inquiry dates at least 2 weeks before the event. This will provide details of how to request to speak and observe the Inquiry.
20. I will then hear evidence on character and appearance, Council first, then the Rule 6 Party, followed by the appellant. Cross examination of both the Council and Rule 6 party will be carried out by the appellant. The appellant's witness will be cross examined by the Council and the Rule 6 party.
21. As it stands, I will then hear evidence on planning. This will follow the same format as above. After this, I will lead a round table session on conditions and the planning obligations, followed by closing submissions from the Rule 6 Party, Council and the appellant. These should be no longer than 1 hour. They should set out each parties' respective cases as they stand at the end of the Inquiry, with a copy emailed to PINS before, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
22. Should there be any applications for costs, I will hear them after closing submissions.
23. I will carry out an unaccompanied site visit in March. Following agreement from all parties, I will also carry out a pre-Inquiry site visit in February.

24. A suitable itinerary and viewpoints should be agreed between parties to ensure I see the site from all relevant points. Please can this be submitted before 5 February.

### Timings

25. Site visit itinerary to be provided by **5 February 2021**.
26. Proofs and the Core Documents are to be submitted no later than **9 February 2021**. The finalised conditions should also be submitted. Copies of notification letters to interested parties of the Inquiry should also be provided.
27. By **23 February 2021**, time estimates for openings and closings, evidence in chief and cross examination should be provided. As the Inquiry will be virtual, it is likely that we will sit for around 1.5-2 hours at a time, followed by longer adjournments to ensure participants do not suffer from screen fatigue. Please bear this in mind when estimating timings. My draft programme will then be issued following receipt of final timings. Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated, which will require the cooperation of advocates and witnesses. The CIL Compliance Statement and the relevant office copy entries will also be required.
28. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **23 February 2021**. It is important that any rebuttal proofs do not introduce new issues.

5 February 2021	Site visit itinerary
9 February 2021	Deadline for submission of: <ul style="list-style-type: none"> <li>• all proofs</li> <li>• core documents list</li> <li>• conditions</li> </ul>
23 February 2021	Deadline for submission of: <ul style="list-style-type: none"> <li>• final timings</li> <li>• relevant office copy entries</li> <li>• CIL Compliance Statement (Council)</li> <li>• any necessary rebuttal proofs</li> </ul>
9 March 2021	Inquiry opens at 10:00.

### Costs

29. Although parties are withholding their position on this, no applications for costs have currently been made. If an application is to be made, the Planning Practice Guidance (PPG) makes it clear that they should be made in writing to the Inspector before the Inquiry. You are also reminded that

in order to support an effective and timely planning system in which all parties are required to behave reasonably, I have the power to initiate an award of costs in line with the PPG. Unreasonable behaviour may include not complying with the prescribed timetables.

*Katie McDonald*

INSPECTOR  
8 January 2021

## **Attendees**

### **For the Local Planning Authority:**

Simon Pickles of Counsel  
Gordon Halliday  
Danielle Hadden

### **For the appellant:**

James Strachan of Queens Counsel  
Mark Russell  
Allen Creedy  
Rajpreet Uppal

### **For Keep the Wannies Wild Rule 6 Party:**

Jean Jones  
Anne Palmer  
Emma Anderson

## **Content and Format of Proofs and Appendices**

### Content

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is necessary to make the case and avoid including unnecessary material, or duplicating material in core documents or another witness's evidence;
- where case law is cited in the proof, include the full Court report/transcript reference and cross refer to a copy of the report/transcript which should be included as a core document;

- where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

Proofs **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
- recite the text of policies referred to elsewhere: the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals' merits need be referred to.

Format of the proofs and appendices:

- Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
- Pages and paragraphs should be numbered.
- Appendices are to be bound separately.
- Appendices are to be indexed using projecting tabs, labelled and paginated.
- Plans are to be reduced to a maximum A3 size and bound together for easy reference.
- Photographs are to be produced in A3 or A4 format.

**Arrangements should be made for all proofs, appendices and other Inquiry documents to be available online for members of the public.**