

**APPEAL BY BRISTOL AIRPORT LIMITED RELATED TO BRISTOL AIRPORT,
NORTH SIDE ROAD ('The s78 appeal')**

AND

**THE BRISTOL AIRPORT LIMITED (LAND AT A38 AND DOWNSIDE ROAD)
COMPULSORY PURCHASE ORDER 2020 ('The CPO').**

**CASE MANAGEMENT CONFERENCE (CMC)/PRE INQUIRY MEETING (PIM)
TO BE HELD AT
1000 HOURS ON MONDAY 8 MARCH 2021**

PRE-CONFERENCE NOTE FROM THE INSPECTOR PANEL

Introduction

1. The case management conference will be led by the appointed Inspector Mr Phillip Ware BSc DipTP MRTPI (Lead), with Mrs Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC and Mr Dominic Young JP BSc (Hons) MA MRTPI MIHE.
2. Attached as separate documents are instructions for joining the conference and a conference etiquette which will be observed and the preferred format and content of proofs and other material.
3. There will be no discussion as to the merits of the respective cases and the Inspectors will not hear any evidence. The purpose of the CMC/PIM is to organise the ongoing management of the cases, any procedural matters and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.

Procedural Matters

4. The application is in outline but with detailed consideration of access, appearance, layout and scale included. The application was refused by the Council on 19 March 2020.
5. The CPO affects around 9,293 m² of land, and has attracted 32 objections from those with an interest in the land and others.

Programme Officer

6. It is understood that Joanna Vincent of Gateleys Legal is being appointed by the Council as the Programme Officer (PO) for the s78 appeal. The position is not clear in relation to the CPO. It is hoped that the position will be confirmed by the Council at the CMC and that Joanna Vincent will be present.

7. Day to day management of appearances and Inquiry sessions will be PO. Her details will be circulated once the Council has confirmed her appointment and clarified the position in relation to the CPO.
8. All parties will be requested to submit to the PO detailed lists of participants and witnesses with email addresses and qualifications in their appropriate abbreviated form.

Virtual Inquiry Technology, Organisation and Hosting

9. The Panel will want to hear opinions on how the Inquiry should be run. At this stage, it is our hope that the Inquiry can be hosted as a largely physical event with arrangements being made for live web-streaming. However provision must be made for a virtual event in case the roadmap for emergence from the pandemic is not maintained.

Main Issues

10. Based on the Council's s78 decision notice, but in the continuing absence of a Statement of Common Ground, the Panel considers that the main issues in connection with the s78 appeal will broadly relate to:
 - a. The acceptability of the scheme with regard to local and national planning policy as well as emerging policy;
 - b. Green Belt issues - Whether inappropriate development, effect on openness, purposes, very special circumstances;
 - c. The effect on the character and appearance of the area;
 - d. Highway matters – is public transport provision adequate to reduce reliance on private car, issues related to off-site car parking;
 - e. The effects of the proposed developments on air quality;
 - f. The effects of the development on noise and disturbance;
 - g. The extent to which the development would assist the move to a low-carbon future;
 - h. The extent to which the proposed development would be consistent with Government policies for building a strong, competitive economy;
11. Parties to the s78 appeal are requested to give consideration in advance of the CMC as to whether the matters identified above encapsulate those issues most pertinent to the outcome of the Inquiry, and reach agreement on the issues through discussion, if possible.
12. In relation to the CPO, the core issue will be whether there is a compelling case in the public interest. The acquiring authority is urged to continue negotiations with those affected, in line with guidance.

Dealing with the Evidence

13. The s78 Inquiry will focus on areas where there is disagreement. With that in mind, the CMC will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible.
14. It is essential that all parties communicate effectively with one another to seek to narrow the issues for consideration at the Inquiry. This should be an on-going conversation.
15. The Inquiry will open as usual with brief opening statements from all main parties. The Inspectors provisionally consider that all of the issues set out above, if agreed, would best be considered by way of topic-based sessions.
16. A completed and agreed Statement of Common Ground (SOCG) between the appellant and the Council is overdue. This should be agreed and sent as a matter of urgency. The views of the Rule 6 parties on matters contained therein will be sought. Guidance is available at:
<https://www.gov.uk/government/publications/statement-of-common-ground>
17. Further topic based SOCGs covering more detailed matters for each of the main issues should be agreed between expert witnesses and submitted with proofs of evidence. The views of the Rule 6 parties on matters contained in the topic based SOCGs will be sought
18. The Inspectors are keen to ensure that these documents maintain focus on specific areas of disagreement in order to aid proceedings. Setting out the key areas of dispute with the respective positions of the main parties in a tabular format is encouraged. Similarly, the use of bullet point lists is helpful.
19. You are requested to give all of the above careful consideration in advance of the discussion at the CMC. Any request for evidence to be heard other than as currently envisaged will need to be fully justified.
20. The attached Annex sets out the preferred format and content of proofs and other material, which should be observed

Timetable

21. The Inquiry itself is scheduled to open at 10:00 on Tuesday 20 July 2021. The location of the Inquiry has yet to be determined. The Inquiry is provisionally set down to sit for 40 days. There will be a discussion at the CMC about the number of sitting days.

Planning Obligations and Conditions

22. Conditions (without prejudice) should be agreed between the appellant and the Council as indicated in the SoCG, including any areas of dispute.
23. Any planning obligations should be submitted in full draft form by the opening of the Inquiry and the deed must be finalised before the close.

Site Visits

24. A comprehensive post Inquiry site visit will be necessary. It would be helpful if arrangements could be made for a pre-inquiry site visit to familiarise the Panel with the proposal and the site. This will be discussed at the CMC.

Costs

25. The Panel understands that there is currently no indication from any party to seek an award of costs.
26. All parties, particularly those not familiar with Planning Inquiry procedures, should familiarise themselves with the costs regime

P. J. G Ware

Lead Inspector

C Searson

Inspector

D. M. Young

Inspector

3 March 2021

Annex A

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 really necessary to make the case and avoid including unnecessary material, or duplicating material in other 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.

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.
- Appendices are to be bound separately.
- Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.

ANNEX B

TEMPLATE FOR CORE DOCUMENTS LIST (adapt headings to suit)

CD1 Application Documents and Plans

1.1

1.2 etc

DD2 Additional/Amended Reports and/or Plans submitted after validation

2.1

2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting

3.2 Decision Notice

CD4 The Development Plan

4.1

4.2

CD5 Emerging Development Plan

5.1

5.2

CD6 Relevant Appeal Decisions*

6.1

6.2

CD7 Relevant Judgements*

7.1

7.2

CD8 Proofs of Evidence

8.1

8.2

CD9 Other

* Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.