

APPEAL REF: APP/G2625/V/3225505
ADDRESS: ANGLIA SQUARE, NORWICH

NOTE OF THE PRE-INQUIRY MEETING HELD ON TUESDAY 5 NOVEMBER 2019 AT THE COUNCIL CHAMBER, NORWICH CITY HALL, ST PETER'S STREET, NORWICH NR2 1NH

1) Introduction by Inspector

The Inspector introduced himself as David Prentis, a chartered town planner, appointed by the Secretary of State to hold an Inquiry and make a report and recommendation on this called-in application.

The Inquiry results from the decision of the Secretary of State to call in an application by Weston Homes Plc and Columbia Threadneedle Investments for:

Part full/part outline application for the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street for up to 1250 dwellings, hotel, ground floor retail and commercial floorspace, cinema, multi-storey car parks, place of worship and associated works to the highway and public realm.

The following participants were introduced:

Russell Harris QC, on behalf of the Applicant
Timothy Corner QC, on behalf of Norwich City Council

Rule 6 Parties:

Guy Williams of Counsel on behalf of Historic England
Jon Boon on behalf of the Norwich Society
Henrietta Billings on behalf of Save Britain's Heritage (Counsel to be appointed)
John Clarke for Norwich Cycling Campaign

Interested parties:

Jane Moir and
Paul Scruton for Norwich Over the Water Society
Cllr Denise Carlo on behalf of a group of Green Party Councillors
Dr Andrew Boswell (Dr Boswell is supporting Cllr Carlo's group in relation to affordable housing and climate change and is to be a witness for Norwich Cycling Campaign on air quality).
Hugo Mallik on behalf of a group of Norwich City Council and Norfolk County Council Labour Party Councillors
Ian Gibson, local resident

Joanna Smith on behalf of Clive Lewis MP (Mr Lewis would like to address the Inquiry subject to his availability, otherwise Ms Smith would like to speak on his behalf)

2) Purpose of the meeting

The Inspector explained that this was a case management meeting, not a discussion on the planning merits.

The objectives were to:

- gain a high-level understanding of the matters the Inquiry will need to consider;
- identify the witnesses to be called and the scope of their evidence; and
- consider which aspects of the case would benefit from formal presentation of evidence and cross-examination and which might be covered more effectively in a topic based round table format.

The meeting would then consider procedural and timetabling matters, with a view to making the best use of everyone's time in the lead-in to the Inquiry and at the event.

3) Likely main issues

- a) The extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes;
- b) The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy;
- c) The extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres;
- d) The extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment;
- e) The extent to which the proposed development is consistent with the development plan for the area, including any emerging plan; and
- f) Any other matters the Inspector considers relevant.

Under item (f) the other matters likely to be relevant are:

- The effect of the proposal on air quality; and
- Viability and the prospects for delivery of the scheme as a whole.

The Inspector emphasised that this list is not intended to limit the ability of interested parties to make representations on other matters, provided that those matters are relevant to the planning merits of the appeal.

Following discussion, the Inspector confirmed that item (a) would include consideration of the size, type, tenure and quality of residential units. Item (c) would include consideration of the effect of the scheme with regard to facilities for arts and culture. Item (d) would include all aspects of design, including urban design considerations and the effect of the scheme on the character and appearance of the area.

4) Likely witnesses and scope of evidence

The parties advised that they anticipated calling the following witnesses:

Applicant:

- 1) Peter Vaughan – architectural quality, townscape and heritage
- 2) Dr Chris Miele – review of townscape and heritage
- 3) Chris Watts – town centre viability and vitality (including cultural aspects)
- 4) Melanie Hobson – air quality
- 5) Francis Truss – viability
- 6) Peter Luder – planning policy and the planning balance

Norwich City Council:

- 1) Ben Webster – design and heritage
- 2) Ellen Tilney – economic matters
- 3) Bruce Bently – transport and parking
- 4) David Parkin – planning policy and the planning balance
- 5) Tony Williams (District Valuer) – may be called or may make a written statement on viability

Historic England

- 1) John Neale – heritage
- 2) John Rhodes – viability

Norwich Society

Names of 5 witnesses to be confirmed. Topics covered will be:

- 1) housing supply and quality
- 2) economic matters and town centre viability and vitality
- 3) heritage
- 4) planning policy and the planning balance
- 5) viability and appraisal of options

Save Britain's Heritage

Alec Forshaw – heritage

Norwich Cycling Campaign

- 1) Dr Andrew Boswell – air quality
- 2) Witness to be confirmed – health implications of air quality

5) How the evidence is to be examined

The evidence of the Applicant, the Council and the Rule 6 parties will be examined either through formal presentation of evidence in chief, followed by cross-examination (and re-examination), or by topic specific round table sessions.

Where there is formal presentation of evidence in chief, followed by cross-examination, Rule 6 parties who are opposed to the appeal scheme will be able to cross-examine witnesses for the Applicant and the Council. Interested Parties who are opposed to the appeal scheme may also ask questions of the witnesses for the Applicant and the Council at the Inspector's discretion. This would be after the Rule 6 parties. Such questions should not duplicate questions that have already been asked by others and this is not the time for Interested Parties to make their own cases.

Where there are topic specific round table sessions, the Inspector will take the lead. An agenda will be circulated in advance. Whilst there will not be cross-examination, at an appropriate stage the Inspector will invite the participants to raise any questions they may have of other parties. The Inspector may ask that questions are directed via him.

At the meeting there was agreement that the following main issues would benefit from formal presentation of evidence and cross-examination:

- conserving and enhancing the historic environment;
- the effect of the proposal on air quality (and any related health issues);
- viability and the prospects for delivery of the scheme as a whole; and
- the extent to which the proposed development is consistent with the development plan for the area, including any emerging plan, and the planning balance.

There was agreement that the following main issues could be dealt with effectively through topic based round table sessions:

- the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes;
- the extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy; and
- the extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres.

The witnesses for the Applicant, Council and Rule 6 Parties will have prepared proofs of evidence in accordance with the timetable set out

below. At the meeting there were requests from Interested Parties (who are not Rule 6 Parties) to take part in some round table sessions. In particular:

- Norwich Over the Water Society would like to contribute to the round table session on the vitality of town centres, with regard to cultural matters; and
- Councillor Carlo's group would like Dr Boswell (on their behalf) to contribute to the round table session on housing, with regard to affordable housing.

The Inspector agrees to these requests, provided that Norwich Over the Water Society and/or Dr Boswell are able to provide a full written statement of their evidence on these topics for submission at the same time as the date for proofs of evidence. This is to avoid difficulties of evidence becoming available at a late stage ("no surprises") and to ensure fairness between parties. If, on reflection, either of these parties feels unable to provide a full written statement in this timescale then they will be able to make their comments on these matters in the session(s) for Interested Parties.

The Council will be calling a witness on transport and parking. At the opening of the Inquiry the Inspector will ask which of the Rule 6 parties and/or Interested Parties would like to ask questions of this witness.

The timetable for the Inquiry will include a time (or times) for Interested Parties to make representations on the appeal. These will not be limited to the main issues but can include any planning matters which are relevant to the Inquiry. There is no requirement to produce a written note but, if anyone is reading from a note, then it would be helpful if copies are made available.

6) Statements of Common Ground

A draft Statement of Common Ground (SoCG) has been circulated and Rule 6 parties have provided some comments in response. The Inspector commented that it would be very helpful if there could be further discussions with a view to identifying common ground. In particular, there should be a heritage SoCG identifying relevant policies, list of relevant heritage assets and list of viewpoints. If the descriptions of significance of the individual heritage assets are not agreed then it would be very helpful to have an agreed brief summary of which are not agreed and why. The parties agreed to discuss this matter further.

It would also be helpful to have a topic specific SoCG on viability, identifying those inputs to any viability models that are agreed/not agreed.

7) Environmental Statement

The Inspector explained that the Planning Inspectorate (on behalf of the Secretary of State) was seeking further information in relation to demolition. The Applicant confirmed that the Applicant was proposing to submit further information by 15 November 2019. It was anticipated that this would be a relatively short document (perhaps 2-3 pages). The Applicant would be happy to consult on the document and would speak to the Council about the best way of achieving that.

8) Habitats Regulation Assessment

The Inspector noted that the Council had carried out an Appropriate Assessment but the Secretary of State would now be the competent authority. The Committee Report identifies 4 documents:

- ES Chapter 4;
- ES Appendix 12.1;
- ES App 12.1 (dog licence data); and
- Note of clarification of Nov 2018

Norwich City Council confirmed that it considers that these documents contain the information that the Secretary of State would need to discharge his duties under the Habitats Regulations. Natural England had raised no objection subject to mitigation which would be secured through a S106 Obligation. Norwich City Council did not think that any further input from Natural England would be needed.

9) Planning obligation

The Applicant and Norwich City Council confirmed that discussions on a S106 Agreement were continuing.

10) Pre-inquiry timetable for submission of documents

Proofs of evidence from the applicant, the Council and the Rule 6 parties shall be submitted by **29 November 2019**. A draft of any S106 Agreement, or heads of terms of any such agreement, should be submitted with the proofs.

Any written statements from Norwich Over the Water Society (regarding the round table session on housing) and/or Dr Boswell (on behalf of Councillor Carlo's group with regard to affordable housing) shall be submitted by **29 November 2019**.

The overarching Statement of Common Ground shall be submitted in signed form by **29 November 2019**.

It is anticipated that the Applicant's proofs will include an updated viability assessment. In order for the District Valuer to have an opportunity to consider that assessment, any proof and/or written

statement on behalf of the District Valuer shall be submitted by **18 December 2019**.

There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **14 January 2020**. It is important that any rebuttal proofs do not introduce new issues.

The final draft S106 Agreement and topic specific Statements of Common Ground on heritage and viability should be submitted in signed form by **14 January 2020**.

The advocates are to work collaboratively on the time estimates for each stage of their respective cases, with final timings for openings and closings, evidence in chief and cross-examination to be submitted no later than **14 January 2020**. A draft programme will be issued following receipt of your final timings.

11) Inquiry running order/programme

The following is a broad outline of the anticipated running order. The days are only a general guide – actual timings may differ. As noted above, a draft programme will be issued once witness timings are available.

Week 1	Opening of Inquiry by the Inspector Opening submissions by the Applicant, Norwich City Council and Rule 6 Parties Evidence on heritage in the following order: Applicant (2 witnesses), Council, Historic England, Save Britain's Heritage, Norwich Society)
Week 2	Complete heritage evidence (Tuesday) Evidence on viability in in following order: Historic England, Council (District Valuer – if called), Applicant (Wednesday/Thursday) Round table session on housing (Friday)
Week 3	Round table sessions on economic matters and town centre vitality and viability (Tuesday) The Council's witness on transport and parking Evidence on air quality in the following order: Norwich Cycling Campaign (potentially 2 witnesses), Applicant Session for Interested parties
Week 4	Evidence on the planning balance in the following order: Norwich Society, Council, Applicant Accompanied site visit Closing submissions

12) Core documents (to include numbering of documents)

The Inspector notes that there is a draft list of Core Documents in the draft Statement of Common Ground. It is important for there to be an agreed list of Core Document to avoid documents being duplicated unnecessarily in the evidence.

There will need to be a physical set of Core Documents for use by the Inspector at the Inquiry (the same set will be sent on to the Secretary of State with the report). There will also need to be a set for the public to use during the Inquiry.

It will be helpful if documents are numbered in a consistent way. The Inspector suggests that any documents which are not core documents should have a prefix identifying the party submitting it:

Applicant – WH
Norwich City Council – NCC
Historic England – HE
Norwich Society – NS
Save Britain's Heritage – SBH
Norwich Cycling Campaign – CYC

It would also be helpful if all the documents for one witness start with the same number. For example:

Applicant's first witness would be:
WH1/1 – proof of evidence
WH1/2 – summary
WH1/3 - appendices

13) Conditions

Norwich City Council agreed to submit a set of suggested conditions in a Word format, so that the Inspector can ask questions using the 'comment' function.

14) Any other procedural matters

The venue is to be the Council Chamber.

The Applicant is requested to submit the following as free-standing Word format documents for use in the report:

- Final list of Core Documents
- List of plans that would be approved plans if the Secretary of State is minded to grant planning permission (this list should be agreed by the Council).

The Inspector thanked everyone for their contributions and closed the meeting at 1305.

David Prentis

Inspector
6 November 2019

Annex

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**.