



**Date :** 4 January 2024

**Inspector :** Darren McCreery BA MA MRTPI

**Appeal ref :** APP/U2235/W/23/3329481

**Site address :** Land north of the A20, Ashford Road, Hollingbourne, Kent,  
ME17 1XE

**Proposal :** Outline application for the erection a building for storage and distribution (Class B8 use) with a floorspace up to 10,788sqm (Gross External Area), ancillary offices, associated car parking, HGV parking, landscaping and infrastructure (All matters reserved except for access).

## **PRE-INQUIRY NOTE (INCLUDING PROGRAMME AND AGENDA)**

1. Ahead of the inquiry opening on 8 January, this note addresses several matters to assist all parties with preparation and making the best use of inquiry time. Other procedural matters are addressed within the [case management conference \(CMC\) note](#).
2. The Council should publish this note on the inquiry webpage.

### **Inquiry programme**

3. The inquiry programme is at **Annex 1**. It is identical to the draft programme proposed in the CMC note, **with the exception of a change to the start time of the face to face sessions on Tuesday-Thursday to 10am**. This is to better align the programme with the Council's event notification letter.
4. In terms of estimated timings, I have not had sight of timings from the Appellant by the agreed deadline. Please notify me as soon as possible if this is an error on my part. If it is not, my assumption will be that both parties will work to the same timings, as follows:
  - Opening - 10 mins
  - Landscape evidence in chief - 75 mins
  - Landscape cross examination - 2.5 hours
  - Planning evidence in chief - 60 mins
  - Planning cross examination - 2.5 hours
  - Closing - 60 mins

## **Economic need roundtable session**

5. The agenda for the roundtable is at **Annex 2** and aims to give structure to the discussion, rather than constrain it. For the avoidance of doubt, the main focus of this session, and therefore my questioning, will be the matters raised in the respective proofs from Mr Saunders [CD7.9] and Mr Kinghan [CD7.12] and related content in the wider evidence as necessary. I would remind all parties that the round table is a structured discussion led by me, rather than a formal evidence giving session with cross examination, etc.
6. I have read the main evidence from both parties on economic need. From my initial review, the following would assist the Inquiry :
  - If the parties were to discuss in advance where detailed points of difference and agreement are between them on the issues of quantitative need and market demand and be prepared to set that out clearly at the roundtable session. A short addendum to the statement of common ground on this issue would further assist the discussion.
7. My working assumption is that the roundtable will occupy a portion of the morning of Wednesday 10 January, at least until the mid morning break but concluding by lunchtime. The parties should prepare on this basis and let me know in advance if they have differing timing expectations.

## **Conditions**

8. Conditions have been agreed between the parties [CD7.6] on a without prejudice to the outcome of the appeal basis. Each condition will still be discussed at the inquiry to explore whether they meet the tests in the Framework.
9. At the event, I will ask the Council to lead on taking me through the conditions. From a first review, questions I have will include:
  - Condition 9. Is the access needed to gain safe entry and exit to the site for construction vehicles? Should the access be constructed and available prior to other works commencing? Is it therefore adequate to word condition 9 as pre-occupation or should it be pre-commencement?
  - Condition 7. Related to Condition 9, is this condition adequate to manage construction traffic turning on to the site and leaving the main road or should the need for any specific measures be considered at the time the CTMP is agreed?
  - Condition 6. Why is this necessary in light of the agricultural use of the site? If there are no specific risks, will generalised risks be adequately managed through other regulatory regimes?

- Condition 10. Is the verification report linked to the delivery of the scheme that is to be agreed under Condition 5? If so, should Condition 10 refer to it for clarity?
- Condition 11. If this repeats anything that is included in the S106 I will ask why that is necessary.
- Condition 12. Is the off site planting area within the control of the Appellant?
- Condition 13. Is this condition necessary and relevant to planning in light of the requirements of the Building Regulations? Is the condition reasonable in terms of technical feasibility/achievability?
- Condition 15. Is this condition reasonable in terms of its scope and precise and enforceable (specifically, is the term 'open storage' sufficiently clear)?

### **S106 agreement**

10. The CMC Note set a deadline of 22 December for submission of the S106 agreement. My understanding is that an agreed draft is to be submitted by Friday 5 January (along with a statement of compliance).

### **Site address**

11. The Statement of Common Ground [CD7.3] agrees the site postcode as ME17 1XE. This differs from the postcode discussed at the CMC. For the avoidance of doubt, I will use ME17 1XE in the final decision unless notified otherwise.

### **National Planning Policy Framework**

12. In light of the December 2023 update to the Framework, both parties have been given the opportunity to comment whether it has any implications for their respective cases. This can be discussed further at the Inquiry as necessary.

13. I am grateful to both parties for agreeing any relevant changes to paragraph numbers arising from the Framework update. For clarity, I have included the document at **Annex 3**. I will work on the basis that all parties will use best endeavours to adopt the numbering in the updated Framework and will do likewise.

**Planning and Environment Bar Association Good Practice Memorandum 2:  
Guidance for barristers on dealing with experts at Planning and Other Similar  
Inquiries (2 November 2023)**

14. The parties (specifically advocates) will be assumed to be familiar with the good practice memorandum<sup>1</sup>, which is also endorsed by the Planning Inspectorate. I will also be mindful of it during the event when considering whether any conduct related interventions are necessary.
15. In relation to Evidence in Chief, I would emphasise the point at paragraph 12(1) that, whilst permissible, reading out of summary proofs is not necessary or generally of use to Planning Inspectors as we can be assumed to have read the material in advance.
16. I would also draw the parties attention to paragraph 13 on witness contact during evidence giving.
17. I look forward to meeting all parties next week.

*D.R. McCreery*

INSPECTOR

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<sup>1</sup> <https://peba.org.uk/resources/>

## Annex 1

Appeal Ref : APP/U2235/W/23/3329481

Site address : Land north of the A20, Ashford Road, Hollingbourne, Kent, ME17 1XE

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### Inquiry programme (subject to change depending on progress)

#### DAY 1: Monday 8 January 2024 – 12:00 start (face to face)

<b>Subject</b>	<b>Item</b>	<b>Speakers/ participants/ witness</b>
Introduction	Inspector	Mr McCreery
Opening submissions	Appellant	Mr Tucker
	Council	Ms Lambert
Statements	Interested parties	Various
Short clarification on: (i) extent of dispute (ii) evidence and documentation	Roundtable format	Various
Landscape	Evidence in chief	Mr Radmall
	Cross examination	Mr Radmall
	Re examination	Mr Radmall

#### DAY 2: Tuesday 9 January 2024 – 10:00 start (face to face)

<b>Subject</b>	<b>Item</b>	<b>Speakers/ participants/ witness</b>
Introduction	Inspector	Mr McCreery
Landscape (continued)	Evidence in chief	Mr Radmall
	Cross examination	Mr Radmall
	Re examination	Mr Radmall
Landscape	Evidence in chief	Mr Cook
	Cross examination	Mr Cook
	Re examination	Mr Cook

**DAY 3: Wednesday 10 January 2024 – 10:00 start (face to face)**

<b>Subject</b>	<b>Item</b>	<b>Speakers/ participants/ witness</b>
Introduction	Inspector	Mr McCreery
Economic need	Roundtable format	Various (including Mr Saunders (Appellant) and Mr Kinghan (Council)).
Planning	Evidence in chief	Mr Timms
	Cross examination	Mr Timms
	Re examination	Mr Timms

**DAY 4: Thursday 11 January 2024 – 10:00 start (face to face)**

<b>Subject</b>	<b>Item</b>	<b>Speakers/ participants/ witness</b>
Introduction	Inspector	Mr McCreery
Planning	Evidence in chief	Mr Ross
	Cross examination	Mr Ross
	Re examination	Mr Ross
Other matters and third party comments	Roundtable format	Various
Conditions	Roundtable format	Various
Obligations	Roundtable format	Various
Costs (if any)	Roundtable format	Various

**Friday 12 January 2024**

<b>Subject</b>	<b>Item</b>	<b>Speakers/ participants/ witness</b>
Site visit (likely to be unaccompanied)		

**DAY 5: Monday 15 January 2024 – 2pm (virtual)**

<b>Subject</b>	<b>Item</b>	<b>Speakers/ participants/ witness</b>
Closing submissions	Council	Ms Lambert
	Appellant	Mr Tucker
Inquiry close	Inspector	Mr McCreery

## **Annex 2**

**Appeal Ref : APP/U2235/W/23/3329481**

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### **Agenda – Economic need roundtable**

- 1. Introduction and preliminary matters**
- 2. Relevant policy**
- 3. Quantitative need**
- 4. Market demand**
- 5. Supply**
  - a. General supply points
  - b. Woodcut Farm
  - c. Syngenta Works
  - d. Heathlands Garden Settlement
  - e. Lidsing Garden Community
  - f. Other sites/ supply issues
- 6. Other matters and concluding remarks**
- 7. Close.**

### Annex 3 - NPPF December 2023 Changes

#### Paragraphs Quoted in Proofs of Evidence

All changes shown in red.

NPPF (Sept '23) Paragraph No.	NPPF (Dec '23) Paragraph No.	Changes to Paragraph
7	7	The purpose of the planning system is to contribute to the achievement of sustainable development, <b>including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner</b> ". At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs <sup>4</sup> . At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.
8	8	
11	11	
12	12	
15	15	The planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for <b>addressing meeting</b> housing needs and <b>addressing</b> other economic, social and environmental priorities; and a platform for local people to shape their surroundings
17	17	
20	20	Strategic policies should set out an overall strategy for the pattern, scale and design quality of places <b>(to ensure outcomes support beauty and placemaking)</b> , and make sufficient provision for: a) housing (including affordable housing), employment, retail, leisure and other commercial development;



		<p>b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);</p> <p>c) community facilities (such as health, education and cultural infrastructure); and</p> <p>d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.</p>
22	22	
35	35	
47	47	
48	48	
49	49	
81	<b>85</b>	<b>Footnote 42 is now footnote 44</b>
82	<b>86</b>	
83	<b>87</b>	
84	<b>88</b>	<p>Planning policies and decisions should enable:</p> <p>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, <b>beautiful new buildings</b>;</p> <p>b) the development and diversification of agricultural and other land-based rural businesses;</p> <p>c) sustainable rural tourism and leisure developments which respect the character of the countryside; and</p> <p>d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p>
85	<b>89</b>	
130(c)	<b>135(c)</b>	
169	<b>175</b>	
174	<b>180</b>	
174(b)	<b>180(b)</b>	
174(e)	<b>180(e)</b>	
174(d)	<b>180(d)</b>	

175	<b>181</b>	<p>Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>62</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p> <p><b>Footnote 62 replaces 58:</b> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. <b>The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.</b></p>
176	<b>182</b>	
177	<b>183</b>	
183	<b>189</b>	
184	<b>190</b>	
218	<b>224</b>	
219	<b>225</b>	