



**Appeal Ref: APP/D2320/W/22/3295556**

**Land adjacent to HMP Garth and HMP Wymott, Leyland, Lancashire**

**Proposal:** Hybrid planning application seeking outline planning permission (with all matters reserved except for means of access, parking and landscaping) for a new prison (up to 74,531.71 sqm GEA) (Class C2A) within a secure perimeter fence following demolition of existing buildings and structures and together with associated engineering works; outline planning permission for a replacement boiler house (with all matters reserved except for access); and full planning permission for a replacement bowling green and club house (Class F2(c)).

## **Case Management Conference Summary Note for Reopened Inquiry**

1. The case management conference (CMC) between the Inspector and representatives of the appellant, Chorley Borough Council (the Council), and Ulnes Walton Action Group (UWAG) took place on Thursday 22 June 2023. The CMC discussed procedural matters only relating to the reopening of the Inquiry.
2. The Inspector appointed to conduct the Inquiry is Tom Gilbert-Wooldridge. The Inquiry is scheduled to reopen at 1000 on Tuesday 19 September 2023.
3. The Council should ensure that interested parties are made aware of this note. It is recommended that a copy be posted on the Council's website.

## **Scope of the Reopened Inquiry**

4. The Secretary of State (SoS) stated in his letter dated 19 January 2023 at paragraph 18 that further evidence on highways issues could be provided and responded to by the parties. The paragraph then states that this should address the gaps in evidence noted elsewhere in his letter and any further evidence which parties consider is relevant to this matter. In a letter dated 6 April 2023, the SoS confirmed that the remit of the reopened inquiry will be to consider such evidence on highway safety matters identified in his 19 January letter as the parties shall put forward.
5. Statements of common ground (SOCG) dated June 2023 between the appellant and the Council and between the appellant and UWAG set out agreed matters and matters in issue relating to highway safety. Prior to the CMC, the appellant and UWAG disagreed whether four of the matters in issue were within the scope of the reopened Inquiry. These are set out in sections 3.1 to 3.4 of the UWAG SOCG and relate to traffic surveys, trip generation, road safety, and impact on vulnerable road users.
6. At the CMC, clarification was provided by the parties that road safety and impact on vulnerable road users are within the general scope of the reopened Inquiry even if specific points are not disputed such as the lack of need for formalised crossing points of Ulnes Walton Lane. There was no objection to the submission of the latest personal injury accident (PIA) data. The parties also agreed at the CMC that trip generation from ancillary traffic is within the scope of the reopened Inquiry and estimates may be provided as part of the appeal evidence.

7. In terms of traffic surveys, UWAG clarified that they are seeking to check the 2021 survey data (which was validated against 2019 data for Covid reasons) against current survey data. While it is possible that nothing has changed materially over the past year or two, it seems sensible to check the 2021 data to ensure that it is robust. Having regard to the SoS letters, the Inspector is content that this falls within the scope of the reopened Inquiry in terms of further evidence on highway safety. Therefore, and for the avoidance of doubt, all the matters in issue set out in the two SOCG are within the scope of the reopened Inquiry.
8. The parties agreed that there have been no material changes to the development plan or national policy since the original Inquiry, but should any arise, they would need to be considered.

### **Dealing with the Evidence**

9. The parties agreed that the evidence relating to the reopened Inquiry would be best dealt with through the formal presentation evidence in chief and cross-examination. Further addendum statements of common ground (SOCG) are welcomed if the parties reach agreement on specific points. Each party intends to call one witness each on highway matters. UWAG indicated that it would circulate any current survey data as soon as possible and in advance of the deadline for proofs.

### **Inquiry Arrangements**

10. The Council confirmed the availability of the Council Chamber at Chorley Town Hall for the duration of the Inquiry on 19-22 September 2023. The Council also confirmed that it would be able to host the Inquiry virtually if necessary. The parties agreed to reserve Tuesday 26 September 2023 as a day for hearing closing submissions online if necessary.
11. The Council agreed that it would issue notification letters, press notices and site notices containing details of the inquiry arrangements and how to access documents. These should be issued no later than 4 weeks before the Inquiry reopens. Site notices should be displayed in prominent locations around the site. It would be helpful to see evidence of where these have been displayed.
12. The Inspector intends to return to the site to look at the various locations that are relevant in terms of highway evidence. This could be accompanied or unaccompanied depending on the nature of the evidence presented.

### **Management of Documents, including Core Documents**

13. The parties should continue to make additional documents available online including via the Council's website. The Inspector will only require electronic copies of all documents unless specifically requested. The parties should ensure that all documents are uploaded as soon as possible once available.
14. Any Inquiry documents, including openings and closings, should be submitted by email to the Planning Inspectorate's case officer and the other main parties once agreed by the Inspector. Opening and closing statements should be submitted just before those stages of the Inquiry. Documents submitted during the Inquiry will also need to be published online.

## **Conditions**

15. The parties agreed to discuss any amendments to conditions with a view to reaching agreement by 8 September 2023. Any differences in views between the parties on amended conditions, including alternative wording, should be highlighted with a brief explanation.

## **Planning Obligations**

16. The parties also agreed to discuss the possibility of a revised Section 106 (S106) agreement, noting that all parties to the original S106 agreement would need to agree to the revocation or modification of any obligation. An update from the parties, along with any final draft revised S106 agreement (if necessary), should be provided by 8 September 2023.

## **Inquiry Running Order**

17. Following his opening comments on the first day of the re-opened Inquiry, the Inspector will invite short opening statements from the main parties, with the appellant first, followed by the Council and then UWAG. The Inspector will then hear from any interested parties who wish to speak, although there is some flexibility if someone has difficulties that prevent them from attending and speaking on Day 1.
18. After that, the evidence of the parties' witnesses would be heard via evidence in chief and cross-examination. At this stage, the Inspector considers the Council should go first, followed by UWAG and then the appellant, but this order could be altered depending on the evidence presented.
19. If necessary, a round table discussion on any amended conditions and obligations would take place after all the witnesses have been heard. Closing submissions would follow that (UWAG first, followed by the Council and then the appellant) with copies provided in writing. The closing submissions should set out the parties' respective cases as they stand at the end of the reopened Inquiry and be appropriately cross-referenced.

## **Timetable for Submission of Documents**

20. Proofs are to be submitted by 22 August 2023. Details of the preferred format and content of proofs and other material have been circulated previously. Evidence that notification letters, press notice and site notices have been issued/displayed should be provided by the same date.
21. Any updates/agreement on amended conditions and obligations (including a final draft S106 agreement if necessary) should be submitted by 8 September. Any addendum SOCG should be submitted by 8 September along with any supplementary or rebuttal proofs if required.
22. Final timing estimates and a draft programme agreed by the parties should be submitted by 8 September. The Inspector will confirm the likely programme as soon as possible after this date. Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated.

## Costs

23. No application for costs is currently anticipated by any party at this stage. 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. The parties are also reminded that to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the PPG. Unreasonable behaviour may include not complying with the prescribed timetables.

## Summary of Key Dates and Deadlines:

22 August 2023	Deadline for the submission of: <ul style="list-style-type: none"><li>• all additional proofs</li><li>• evidence that notification letters and press/site notices have been issued and displayed</li></ul>
8 September 2023	Deadline for the submission of: <ul style="list-style-type: none"><li>• final timing estimates and the draft programme</li><li>• any addendum statements of common ground (and any necessary rebuttals)</li><li>• updates/agreement on amended planning conditions and obligations</li><li>• final draft Section 106 agreement (if necessary)</li></ul>
19 September 2023	Inquiry opens at 10:00

*Tom Gilbert-Wooldridge*  
INSPECTOR

23 June 2023