

APPEAL Ref: APP/D0121/W/24/3343144

Land at Rectory Farm (North), Yatton

Inspector's Adjournment Note

1. I am writing to confirm the arrangements made for the adjournment on Day 6 of the Inquiry and to set timescales for some matters that are going to be considered further during the adjournment.
2. The Inquiry will resume at 1000am on Wednesday 27 November, for three days ending on Friday 29 November. It is intended that the remaining witnesses will be heard in the following order:
 - Simon Bunn
 - Environment Agency
 - Simon Mirams
 - Kathryn Ventham

There will be a further sitting day for closing submissions, to be held virtually (hosted by the Council) on 6 December.

3. As this will be quite a tight programme, it will be important to seek to resolve the various outstanding matters referred to below in writing during the adjournment.

Description of development

4. In the opening session, I expressed doubt that reserving land for Class E use is an act of development. I raised this again with Mr Smith on Day 5. It remains unclear to me what a permission expressed in these terms would actually be permitting. The parties agreed to discuss the matter outside the Inquiry. This could best be dealt with in a short addendum to the planning Statement of Common Ground.

Biddle Street SSSI

5. Ms Howard raised an issue about the boundary of the SSSI. This was also the subject of an email from Mr Croucher (ID23). I also raised a question about existing vegetation that is shadowing the watercourse beside the Strawberry Line, in relation to comments from Natural England about seeking to avoid shadowing of the watercourses. The appellant advised that EDP will be providing a note on these matters.

BNG and Additionality

6. EDP will be preparing a note in response to my question on additionality, with a view to this being agreed with the Council.

Section 106 Agreement

7. On Day 1, I was told that the sole matter that was unresolved was the amount of a school transport contribution. That matter remained unresolved on Day 6, at the round table session.
8. It emerged during the course of the Inquiry that the Council may have a concern regarding which company within the Persimmon group would (or should) be a party to the Agreement. The precise nature of this concern, and any consequences flowing from it, were unclear.
9. Notwithstanding the assurances given on Day 1, on the morning of Day 6 the appellant sought to introduce a change to the extent of land bound by the Agreement. It was unclear whether any assessment had been made of any consequences this change would have for ecological mitigation, the drainage strategy or anything else.
10. At the case management conference, I stated that I would be asking the Council to confirm, at the round table session, that the obligations in the Agreement would be effective, in terms of evidence of title and the correct land being bound. In view of the above, that question could not even be asked at the round table session.
11. It is necessary for the Inquiry to have certainty over the content of any planning obligations in time for them to be properly examined. With that in mind, the following timetable will apply:
 - **By Friday 11 October** the appellant will confirm whether any obligation, whether by agreement or undertaking, will apply to the whole of the application site or to some other area (and if so what area)
 - **By Wednesday 30 October** the appellant will submit a final version of any planning obligation it wishes to rely on (whether by agreement or undertaking)
 - **By Wednesday 13 November** the Council will submit an updated CIL compliance statement and will confirm whether or not it considers that any planning obligation would be effective, in terms of evidence of title and the correct land being bound. In the event that any obligation contains alternative provisions, which the Inspector is invited to choose between, both the Council and the appellant will submit written statements in support of their respective positions by the same date
 - Before closing submissions are made on **Friday 6 December** a signed version of any obligation that the appellant seeks to

rely on will be submitted electronically to the case officer. I do not intend to allow time after the close of the Inquiry for documents to be signed as there will, by then, have been ample time for these matters to be concluded.

Planning conditions

12. At the round table session, the Council and the appellant agreed to look again at the access and movement parameter plan, which indicates a specific point of access from the south. This plan is listed in Condition 4.
13. The parties agreed that an additional condition relating to the off-site bat mitigation land would be needed. This would reflect Condition 18 of the Rectory Farm (south) appeal decision (CD I11). This may result in consequential changes to the drafting of suggested conditions 12 and 13.
14. The parties agreed to consider my suggestion that the proposed site level and finished floor levels (relating to dwellings) should be specified in Condition 30.
15. It was suggested that an additional condition be added dealing with flood resilience and an evacuation plan.
16. An updated version of the schedule of suggested conditions, together with any responses to the matters referred to above (other than the S106) will be submitted by **Wednesday 13 November**.

David Prentis

Inspector
3 October 2024