

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

**Land at Rectory Farm (North), Yatton**

**Inspector's Adjournment Note No 2**

1. I am writing to confirm the arrangements made following the adjournment on Day 6 of the Inquiry and to confirm the current position on various matters that have been, or are being, considered further during the adjournment.
2. The Inquiry will resume at 1000am on Tuesday 7 January 2025 for four days ending on Friday 29 November. It is intended that the remaining witnesses will be heard in the following order:
  - Simon Bunn
  - Ellie Challans
  - Simon Mirams
  - Kathryn Ventham

A revised timetable is attached. If it would assist Counsel in preparing closing submissions, I would be happy to discuss a potential late morning start on Day 10.

*Documents*

3. Thank you for adding ID33 to 36 to the document library. Please could the following documents also be added:
  - ID37 – Shoreline Management Plan
  - ID38 – The Council's note on land ownership and control
  - ID39 – Addendum to Statement of Common Ground (description of development)
  - ID40 – Application for partial award of costs by the appellant
  - ID41 – Appeal decision 3344142 – Mulberry Road, Congressbury
  - ID42 – The Council's CIL Compliance Statement
  - ID43 – The appellant's response to the Council's note on land ownership and control
  - ID44 – Inspector's Adjournment Note No 2 (this note)

***Matters arising from the adjournment documents***

*Land ownership and control*

4. Having considered the appellant's response on these matters, please can the Council confirm whether a case is now being made that the appeal should not be entertained because of a failure in relation to notifications. If that case is being made, please can the Council explain why it is being made at this late stage.

5. In relation to hedgerows and ditches, please can the Council confirm whether a case is now being made that the matters raised have any material bearing on the planning merits of the appeal. Again, if that case is being made, please can the Council explain why it is being made at this late stage.
6. ID38 suggests that it would not be appropriate to rely on a condition to secure the off-site bat mitigation. This appears to contradict the Council's agreement (at the Inquiry) to the principle of a condition based on Condition 18 of the appeal decision at CD I11. Please can the Council clarify its position.
7. The Council shall clarify its position on these points by **6 December 2024**. If there are any matters in dispute, I will seek to deal with them in writing as far as possible. The parties should agree a further addendum to the statement of common ground, crystallising any disagreements and setting out the respective positions.

*Description of development*

8. Thank you for ID39, which responds to a point raised by me. I will treat this as a joint application to amend the description of development as set out. I don't have any further questions and will deal with the formalities at the resumed Inquiry.

*Application for costs*

9. The application is set out in ID40. It would be helpful if the Council could respond in writing in advance of the resumed Inquiry. I will ask the parties if they are content for the application and response to be taken as read.

*Section 106 Agreement*

10. The final draft is at ID36 and the signed version is being prepared. The Council's final CIL Compliance statement is at ID42. I note that the respective positions on the potential affordable housing cascade are reflected in the definitions section of the Schedule. I assume that the parties are content that I have the evidence I would need to conclude on this point, and that any further comments would be a matter for closing submissions.
11. Title Plan AV101173 is not attached to the version in the document library. Please could this be added as soon as possible.
12. A signed version of any obligation that the appellant seeks to rely on shall be submitted electronically to the case officer before the Inquiry resumes.

## ***Matters outstanding from previous adjournment note***

### *Biddle Street SSSI*

13. 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. This note should be provided by **6 December 2024**.

### *BNG and Additionality*

14. EDP will be preparing a note in response to my question on additionality, with a view to this being agreed with the Council. This note should be provided by **6 December 2024**.

### *Planning conditions*

15. 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.
16. The parties agreed that an additional condition relating to the off-site bat mitigation land would be needed. As noted above, it was agreed that 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.
17. 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.
18. It was suggested that an additional condition be added dealing with flood resilience and an evacuation plan.
19. An updated version of the schedule of suggested conditions, with any alternative drafting where there are matters of disagreement, shall be provided by **6 December 2024**.

*David Prentis*

Inspector  
25 November 2024