

## Featherston, Caroline

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**From:** Max Smith <Max.Smith@n-somerset.gov.uk>  
**Sent:** 06 December 2024 16:59  
**To:** Skinner, Helen  
**Cc:** Natalie Richards; DMAppeals; Featherston, Caroline; Legg, John; Ventham, Kathryn  
**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability

Dear Helen,

Following a review of the helpful note received from Kathryn Ventham on 20/11/2024, which clarifies the situation regarding land ownership and control, the Council will not be pursuing the matters set out in paragraphs 4, 5 and 6 of the adjournment note.

Kind regards

Max

Max Smith  
Principal Planning Officer  
Strategic Development Team  
Place Directorate  
North Somerset Council.

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**From:** Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>

**Sent:** Monday, November 25, 2024 7:05 PM

**To:** 'Ventham, Kathryn' <kathryn.ventham@stantec.com>; Michael Reep <Michael.Reep@n-somerset.gov.uk>; 'Challans, Ellie' <ellie.challans@environment-agency.gov.uk>

**Cc:** Natalie Richards <Natalie.Richards@n-somerset.gov.uk>; DMAppeals <DMAppeals@n-somerset.gov.uk>; Max Smith <Max.Smith@n-somerset.gov.uk>; 'Featherston, Caroline' <caroline.featherston@stantec.com>; Legg, John <John.Legg@planninginspectorate.gov.uk>

**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability

Dear all,

Please see attached the Inspector's adjournment note 2, and revised timetable.

Kind regards

Helen



Planning  
Inspectorate

**Helen Skinner**

**Inquiries & Major Casework Team Leader**

The Planning Inspectorate

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**From:** Skinner, Helen

**Sent:** Friday, November 22, 2024 8:06 AM

**To:** 'Ventham, Kathryn' <kathryn.ventham@stantec.com>; 'Michael Reep' <Michael.Reep@n-somerset.gov.uk>; Challans, Ellie <ellie.challans@environment-agency.gov.uk>

**Cc:** Natalie Richards <Natalie.Richards@n-somerset.gov.uk>; DMAppeals <DMAppeals@n-somerset.gov.uk>; Max Smith <Max.Smith@n-somerset.gov.uk>; Featherston, Caroline <caroline.featherston@stantec.com>; Legg, John <John.Legg@planninginspectorate.gov.uk>

**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability

**Importance:** High

Good morning,

Thank you for your responses. The Inspector will be available to hear the remaining evidence during the week commencing 6 January 2025. His preference would be to resume at 1000am on Tuesday 7 January to maximise the time for hearing the evidence and, if possible, the closing submissions.

As there is agreement on this approach it will not be necessary to hold a CMC.

Please could the Council put a note on the Inquiry website to inform interested parties of the revised resumption date. Please could the Council also inform the Parish Council, ward members and those residents who have already spoken at the Inquiry. Just in case any other interested parties do not hear about the arrangements, please could the Council place a notice at the entrance to the Council chamber on 27 November.

Kind regards

Helen



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**Helen Skinner**

**Inquiries & Major Casework Team Leader**

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**From:** Ventham, Kathryn <kathryn.ventham@stantec.com>

**Sent:** Thursday, November 21, 2024 3:27 PM

**To:** Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>; 'Michael Reep' <Michael.Reep@n-somerset.gov.uk>; Challans, Ellie <ellie.challans@environment-agency.gov.uk>

**Cc:** Natalie Richards <Natalie.Richards@n-somerset.gov.uk>; DMAppeals <DMAppeals@n-somerset.gov.uk>; Max Smith <Max.Smith@n-somerset.gov.uk>; Featherston, Caroline <caroline.featherston@stantec.com>; Legg, John <John.Legg@planninginspectorate.gov.uk>

**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability

Dear Helen,

The Council and the Appellant had been discussing over the past few days and I understand the Council have spoken with the EA also. It was agreed that all evidence should be held over so that it continues in the previously agreed order.

All parties can make **w/c 6<sup>th</sup> Jan** – so starting on the 7<sup>th</sup> Jan and sitting for 4 days – it may be that a further virtual day is needed for closing but we can definitely complete the evidence inside 4 days. I know the Inspector was going to visit the flood defences first – so it may be perhaps that he could do that on the Tuesday morning and then we could start in the afternoon – this would still leave 3.5 days.

Would this week work for the Inspector – as it would then also assist in negating the need for the CMC?

Kind regards,

**Kathryn Ventham**

Planning Director

Direct: +44 121796 8303

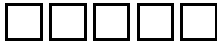
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**From:** Skinner, Helen <[HELEN.SKINNER@planninginspectorate.gov.uk](mailto:HELEN.SKINNER@planninginspectorate.gov.uk)>  
**Sent:** 21 November 2024 14:45  
**To:** 'Michael Reep' <[Michael.Reep@n-somerset.gov.uk](mailto:Michael.Reep@n-somerset.gov.uk)>; Ventham, Kathryn <[kathryn.ventham@stantec.com](mailto:kathryn.ventham@stantec.com)>; Challans, Ellie <[ellie.challans@environment-agency.gov.uk](mailto:ellie.challans@environment-agency.gov.uk)>  
**Cc:** Natalie Richards <[Natalie.Richards@n-somerset.gov.uk](mailto:Natalie.Richards@n-somerset.gov.uk)>; DMAppeals <[DMAppeals@n-somerset.gov.uk](mailto:DMAppeals@n-somerset.gov.uk)>; Max Smith <[Max.Smith@n-somerset.gov.uk](mailto:Max.Smith@n-somerset.gov.uk)>; Featherston, Caroline <[caroline.featherston@stantec.com](mailto:caroline.featherston@stantec.com)>; Legg, John <[John.Legg@planninginspectorate.gov.uk](mailto:John.Legg@planninginspectorate.gov.uk)>  
**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability  
**Importance:** High

Good afternoon,

The Inspector has been made aware that Mr Bunn will not be able to attend the Inquiry which is currently scheduled to resume on Wednesday 27 November. Having read the correspondence from the parties, he has concerns about the suggested approach of taking Mr Bunn's evidence as read. Due to the nature and complexity of the issues involved, the Inspector would prefer to have the opportunity to put his own questions to the Council's witness on flood risk as well as hearing answers to any questions that may be put by the appellant.

We appreciate that this is a difficult situation for all concerned. In the circumstances, the Inspector would like to hold a Case Management Conference on Monday 25 November to discuss the way forward. This could, for example, involve hearing some evidence next week or adjourning all of the remaining evidence to a date in January. The suggestion is that this would be a video conference. The Inspector will not now be travelling on Monday and will be happy to hold the meeting at a time that is mutually convenient to the parties.

**Please could the Council confirm whether it would be able to host a video conference on Monday and please can the Council, the appellant and the EA seek to identify a mutually convenient time for that to take place.**

Kind regards

Helen



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**Helen Skinner**

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**From:** Michael Reep <[Michael.Reep@n-somerset.gov.uk](mailto:Michael.Reep@n-somerset.gov.uk)>  
**Sent:** Friday, November 15, 2024 4:30 PM  
**To:** Skinner, Helen <[HELEN.SKINNER@planninginspectorate.gov.uk](mailto:HELEN.SKINNER@planninginspectorate.gov.uk)>; Legg, John <[John.Legg@planninginspectorate.gov.uk](mailto:John.Legg@planninginspectorate.gov.uk)>; [kathryn.ventham@stantec.com](mailto:kathryn.ventham@stantec.com)  
**Cc:** Natalie Richards <[Natalie.Richards@n-somerset.gov.uk](mailto:Natalie.Richards@n-somerset.gov.uk)>; DMAppeals <[DMAppeals@n-somerset.gov.uk](mailto:DMAppeals@n-somerset.gov.uk)>; Max Smith <[Max.Smith@n-somerset.gov.uk](mailto:Max.Smith@n-somerset.gov.uk)>; [caroline.featherston@stantec.com](mailto:caroline.featherston@stantec.com)  
**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability

Kathryn,

Thank you for your email of 15 November 2024. We respectfully disagree. The approach you canvass is manifestly unfair.

If a witness to a planning inquiry is indisposed the usual approach is that the inquiry is adjourned or their evidence is admitted in writing and accorded such weight as the tribunal judges appropriate. There is certainly no legal basis for its exclusion. If you disagree, please provide the relevant authority.

If, however, you maintain your position, the Council's formal application will be that the inquiry proceeds without Mr Bunn being called (his evidence being taken as read), or that it be adjourned pending Mr Bunn's return to work. We repeat that it is obviously unfair to deny the Council the right to pursue the exception test. It is equally unfair and unreasonable to expect the Council to instruct another witness, there being no other suitably qualified officer, and no budget or time to procure a consultant.

There can be no prejudice to the Appellant to the admission of Mr Bunn's evidence in writing. It is already before the inspector, who has read it, and who is well able to judge how much weight should be accorded to it should it not be tested by cross examination.

Yours faithfully,

Michael.

Michael Reep  
Planning Policy Manager  
Place Directorate  
North Somerset Council

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**From:** Ventham, Kathryn <[kathryn.ventham@stantec.com](mailto:kathryn.ventham@stantec.com)>

**Sent:** Friday, November 15, 2024 11:27 AM

**To:** Natalie Richards <[Natalie.Richards@n-somerset.gov.uk](mailto:Natalie.Richards@n-somerset.gov.uk)>; Skinner, Helen <[HELEN.SKINNER@planninginspectorate.gov.uk](mailto:HELEN.SKINNER@planninginspectorate.gov.uk)>; Legg, John <[John.Legg@planninginspectorate.gov.uk](mailto:John.Legg@planninginspectorate.gov.uk)>

**Cc:** DMAppeals <[DMAppeals@n-somerset.gov.uk](mailto:DMAppeals@n-somerset.gov.uk)>; Max Smith <[Max.Smith@n-somerset.gov.uk](mailto:Max.Smith@n-somerset.gov.uk)>; Featherston, Caroline <[caroline.featherston@stantec.com](mailto:caroline.featherston@stantec.com)>

**Subject:** RE: 3343144 - Land at Rectory Farm (North), Yatton - witness availability

Dear Mr Prentis,

I repeat on behalf of the Appellant's whole inquiry team, my earlier expression to Helen Skinner and the Council of condolences to Mr Bunn.

His unavailability for the scheduled inquiry dates of 27-29 November does create an issue. We note that the Ms Richards for the Council seeks for his evidence to be "taken as read" and given "due weight". This implies a prospect that the Council will be inviting the Inspector to prefer the evidence of a witness whose evidence has not been able to be tested in cross-examination (the need for such testing being at the heart of PINS' decision to hold an inquiry in the first place) to the evidence of a witness whose evidence has, ie. Mr Mirams.

The Appellant's position is the appeal cannot proceed lawfully with Mr Bunn's evidence being 'taken as read', unless one of the following happens:

1. The Council withdraws reliance on it (i.e. it no longer pursues an objection in relation to the exception test – for the avoidance of doubt the appellant would in this situation not seek costs in relation to the exception test given that Mr Bunn's situation is out of the Council's hands); or
2. The Council fields an alternative witness, if necessary on a different date, who can speak to Mr Bunn's proof and be cross-examined on its contents.

We do not accept it would be lawful for the inquiry to proceed on the basis that Mr Bunn's written evidence stands, it cannot be tested in cross-examination and yet may still be relied upon to sustain a refusal of the appeal in circumstances where the Appellant's corresponding witness was available to be cross-examined and where the need for cross-examination was at the heart of PINS' decision to hold an inquiry.

For the avoidance of doubt, the EA representative plainly cannot stand in Mr Bunn's shoes for the purposes of cross-examination. They have their own evidence, which is not co-terminous with Mr Bunn's evidence, and they are meant to be an independent arm's length consultee, separate from the local planning authority. Further, it would extend their role at the inquiry and the scope of their cross-examination considerably beyond the terms on which they have voluntarily agreed to appear.

We invite the Council to reflect on the above and if its position remains unchanged we would request an urgent CMC to discuss the next steps.

Best wishes,

Kind regards,

**Kathryn Ventham**  
Planning Director

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Mobile: 07833054382  
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**From:** Natalie Richards <[Natalie.Richards@n-somerset.gov.uk](mailto:Natalie.Richards@n-somerset.gov.uk)>  
**Sent:** 15 November 2024 08:40  
**To:** Skinner, Helen <[HELEN.SKINNER@planninginspectorate.gov.uk](mailto:HELEN.SKINNER@planninginspectorate.gov.uk)>; Legg, John <[John.Legg@planninginspectorate.gov.uk](mailto:John.Legg@planninginspectorate.gov.uk)>  
**Cc:** DMAppeals <[DMAppeals@n-somerset.gov.uk](mailto:DMAppeals@n-somerset.gov.uk)>; Max Smith <[Max.Smith@n-somerset.gov.uk](mailto:Max.Smith@n-somerset.gov.uk)>; Featherston, Caroline <[caroline.featherston@stantec.com](mailto:caroline.featherston@stantec.com)>; Ventham, Kathryn <[kathryn.ventham@stantec.com](mailto:kathryn.ventham@stantec.com)>  
**Subject:** 3343144 - Land at Rectory Farm (North), Yatton - witness availability  
**Importance:** High

Good morning all

I am writing to advise you that unfortunately the LPA's flood risk witness Mr Bunn has suffered a close family bereavement and as a result is not currently fit for work. At present, his return date is unclear. I appreciate that this has consequences for the inquiry, which is scheduled to resume on Wednesday 27 November.

We will obviously be guided by the Inspector, and have copied the appellant in to this email, but the LPA's preference would be for the inquiry to continue as scheduled with Mr Bunn's evidence taken as read, and afforded due weight, if he is unable to attend.

Helen and John – grateful if this could be shared with the Inspector at your earliest convenience please.

Kind regards  
Natalie

Natalie Richards  
Planning Policy Team Lead – Technical and Infrastructure  
Place Directorate  
North Somerset Council

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