

PLANNING APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT AT NORTHFIELD ROAD, DUNIPACE

**PUBLIC INQUIRY PRE-INQUIRY MEETING : 20 AUGUST 2008 @ 6.30pm @
BROOMPARK COMMUNITY HALL, DAVIES ROW, DENNY FK6 6NU**

NOTE OF MEETING

1 : Introduction

The purpose of the pre-inquiry procedure meeting is to discuss the arrangements for the forthcoming public local inquiry into a proposal by Persimmon Homes (East Scotland) Ltd for residential development on land to the north of Northfield Road, Dunipace.

This note of the meeting is being sent to all parties, including those who did not attend the meeting, for information and guidance.

The Reporter appointed to conduct the inquiry and to determine the appeal is Richard Hickman. The case worker for this appeal is Marie Buchanan, whose contact details at the DPEA at Callendar Park are given at the end of this note.

Representatives of organisations participating in the meeting were as follows ::

Persimmon Homes : Chris Smylie, Neil Parry, Andrew Bennie (Barton Willmore, 12 Alva Street, Edinburgh EH2 4QG)

Falkirk Council : Ged Hainey, Michelle Docherty per Falkirk Council

Carronvale Tenants & Residents Association : Michelle McCallum c/o 14 Jubilee Road, Dunipace FK6 6NH

Denny & District Community Council : John Cooper, Jennifer Steel, Christine Bell.

Other members of the public were in attendance, and contributed to the proceedings.

2 : Participation in the inquiry

The 4 organisations listed above intend to participate in the inquiry. The two community organisations may collaborate to present a joint/combined case. They are asked to inform the case worker whether this will happen no later than 12 September 2008.

All representations from other people who have written to the Council or to the DPEA about the application/appeal will be taken into account. Those people have the option of asking one or other of the community organisations to represent them at the inquiry; resting on their written objection, which can be supplemented by a further submission (see below); or taking part in the inquiry in their own right. However we wish to avoid repetitive evidence at the inquiry, and it is much more efficient if the community organisations represent numerous individuals. This offers them the benefit of pooling resources; allows presentation of a co-ordinated case; avoids unnecessary duplication of effort; and allows a few representatives to present the case on behalf of the larger group.

All individual objectors are asked to let the case worker know within 7 days of receiving this note which of these 3 options they wish to follow. If we do not hear from you, we will assume that you are resting on your current letter(s) of representation.

Any written supplements to objections proceeding as written submissions should be lodged with the case worker no later than 19 September 2008.

3 : Method of considering evidence at the inquiry

At the inquiry, most of the evidence will be presented in a formal manner, through the presentation of witness statements. However there may be some smaller topics where a round table discussion would be more appropriate. The appellant's and council representatives will consider this possibility, and will make suggestions to the Reporter where they consider it appropriate.

Each inquiry witness will read out their witness statement in full if it is less than 2000 words, or a 10% summary of the full statement if it is longer. Each witness will then be open to questions from those of opposing view. This means that the local organisations would be able to question a Council witness on a topic (eg traffic and road safety) where there is a difference of view, and vice versa, even though both parties are seeking rejection of the proposal. Questions can relate to any part of the full statement of that witness. In all cases, the Reporter may also ask questions, and will intervene if a line of evidence or questioning is unlikely to assist if it continues.

The usual sequence for the evidence would be the appellant first; then the Council; and finally the community representatives and any individual parties. This would mean that the community evidence would be towards the end of the inquiry. However there may be some scope for the specialist witnesses for the appellant and council (eg traffic/transport, and flooding) to be paired off in the sequence so as to use their time more efficiently.

At the end of the inquiry, there will be an opportunity to make closing submissions, with the appellant having the last word. Lengthy closing submissions should be lodged in typed form. It was agreed at the meeting that the appellant and the Council would lodge their closing submissions in written form a week or so after the end of the inquiry, without presenting them orally. These closing submissions would be exchanged through the case worker, with an opportunity for final rebuttal if necessary. Other parties have this option if they wish, but may prefer to present orally at the end of the inquiry.

The inquiry will start at 10am on the first day, but thereafter will normally start at 9.30. Morning sessions would finish by 12.45 or thereabouts, and afternoon sessions would commence at 1.45, finishing proceedings by 4.45, unless a short extension will allow a block of evidence to be completed.

Anyone who is intending to take part in the inquiry may wish to read the guidance on good practice for planning inquiries published in 1998 (part of the Scottish Development Department Planning Circular 17/1998). The statutory framework is contained in the Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997 (Statutory Instrument 1997 No 750 (S.73). Both these documents should be available on the Scottish Executive planning/development website.

4 : Proposed timetable for lodging pre-inquiry paperwork

The inquiry will be preceded by a pre-inquiry exchange of documents among those intending to take part. This exchange consists of statements of case; documents (or extracts of documents) to be referred to; and witness statements (also known as precognitions). The procedure for pre-inquiry documentation is intended to ensure that all evidence and supporting documents are disclosed beforehand, so that those taking part have the full background.

Those parties (including the appellant and the Council) who opt to take part in the inquiry are asked to provide statements of case by 19 September 2008. These statements should give full particulars of the case that will be presented to the inquiry, including as appropriate an indication of:

- the witnesses to be called;
- the topics they will cover;
- a list of documents to be referred to

Next, no later than 3 October 2008, all parties taking part in the inquiry must lodge copies of all documents that are to be referred to in presentation of their case, such as surveys. Wherever possible, 2 hard copy sets should be supplied to the case worker: one for the use of the Reporter, and the second to be placed on deposit locally for consultation prior to the inquiry, and then brought to the inquiry for use by those participating in the inquiry. Documents should all be listed and numbered, and preferably placed in A4 lever arch files if there is a lot of paper. The appellant and Council should provide each other with a set of their own paperwork, and should each supply the organisation presenting the community evidence with hard copies or e versions of as much of the documentation as practicable.

Where witnesses will refer to only a small part of a larger document, an extract is preferable provided that the title and contents pages are also supplied so that the origin of the extract is clear.

In addition, wherever practicable, documents should be lodged in electronic form with the case worker. The Council is asked to consider the possibility of setting up a place in the Council's Planning website to accommodate as much as possible of the pre-inquiry documentation.

Finally, no later than 17 October 2008, all witnesses must lodge their statements (precognitions) and 10% summaries where applicable. The witness statements must not contain appendices, which should be lodged as documents by 3 October 2008. The summary should not exceed 2000 words or 10% of the length of the original. The statement of case can act as the witness statement (precognition) if it contains sufficient information, but the 2000 word/10% summary rule still applies.

5 : Possible duration and starting date for hearing/inquiry

The main topics to be covered are expected to be : Traffic and road safety; flooding and water management; loss of open space; design and layout (including the use of flats in the southern part of the site and provision of play facilities); wildlife and watercourse protection; impact on community services, eg education; noise; and any further relevant planning policy matters where not already included in the topic based evidence.

Both the appellant and the Council expect to use about 4 witnesses. The appellant does not expect to deploy a noise specialist, as the results of the Noise Impact Study have been accepted by the Council. It was agreed that the Reporter would give prior notice if he has questions about the noise study that would require the attendance of the noise specialist witness.

Although there can be no certainty about the timing, our best estimate for the duration of the inquiry is 4-5 days, excluding closing submissions from the appellant and Council (see above). For that reason, we would start on a Monday.

The sequence for the provision of pre-inquiry documentation as described above indicates that Monday 10 November 2008 would be the earliest practicable start date for the inquiry,

subject to the availability of a suitable venue. This was generally acceptable to parties, although Mr Bennie kindly agreed to re-arrange some business already planned for that week.

6 : Inquiry venue

The inquiry venue would be as close as possible to the appeal site, subject to suitability (including mobility friendly access) and availability. If anybody intending to attend the inquiry has any special requirements regarding access, sign language, or an interpreter, please let the case worker know.

The venue used for the pre-inquiry meeting is in frequent use each day and is hence not available. Further suggestions made by people at the meeting are (in order of preference) :
Dunipace Church of Scotland Parish church hall (Contact : the Reverend Jean Gallagher – details on website) ;
St Alexander's RC church hall, Denny (website);
Denny Masonic Lodge, Kirk Slap, Denny.

The case worker will seek to accommodate the inquiry in one of these local venues, or more than one if necessary. Written notification of the starting date, time, and place for the inquiry will be issued to all parties, and advertised in the press.

The Reporter will have visited and viewed the site (unaccompanied) prior to the inquiry, and a further accompanied site visit can be arranged if necessary, where the nature of the evidence requires closer inspection.

7 : Procedures after the inquiry

After the inquiry, the Reporter will prepare a decision letter which will contain conclusions and reasoning, and the decision on the appeal.

RH.21/8/2008

Contact details

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