

Appeal ref: 6005671

Land South of Green Road, Wivelsfield Green, East Sussex, RH17 7QL

Outline planning permission for the erection of up to 150 dwellings, with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Green Road and Eastern Road

Case Management Conference summary note

1. The case management conference (the conference) was led by the Inquiry Inspector, M Chalk, starting at 10am on 29 April 2026.
2. The Inquiry is to open on Tuesday 30 June 2026 at 10am. It is scheduled to sit for up to 8 days, 30 June-3 July and 7-10 July, although may not need to use all these days. It will be held at the Marine Workshops, Railway Approach, Newhaven, BN9 0DF.
3. The advocates are confirmed as Zack Simons KC for the appellant and Jackson Sirica for the council.
4. The council is asked to draw the attention of interested parties to this note, including posting a copy on its website.
5. The principal points of dispute between the main parties were discussed and it was agreed that they would be addressed at the Inquiry as follows:
 - Whether the appeal site is a sustainable location for development, having regard to local and national policies,
 - The effect of the proposed development on the character and appearance of the area; and,
 - The planning balance, including local green space, and the weight to be attached to any conflict with development plan policies
6. During the conference the parties confirmed that a section 106 agreement is being progressed between the appellant and council.
7. It appears to be common ground between the parties that the council does not have a five year supply of deliverable housing land. The extent of shortfall is expected to be agreed as part of a statement of common ground.

How the main issues will be dealt with

8. It is expected that the main issues will be addressed through a combination of formal presentation of evidence in chief and cross examination by the advocates, and round table sessions. The precise approaches will be identified closer to the Inquiry, but it was anticipated by the advocates that the session on planning matters will require formal presentation of

evidence, and the remaining issues could be handled through round table discussions.

9. Separate topic-specific statements of common, but more particularly uncommon ground, are required in relation to each of the main issues. The appellant is to take the lead in the preparation of those statements, liaising with the council, unless otherwise agreed between the parties. These are expected to be finalised and agreed by the parties by exchange of proofs of evidence.
10. The council and the appellant will each provide proofs of evidence for each of the main issues, prepared by the witnesses who will present that evidence at the Inquiry. Where proofs are longer than 1,500 words they should be accompanied by a summary proof. This can be either a separate document or a preface to the main proof.

Conditions

11. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted at the same time as the proofs. The Council should take the lead on preparing the list, in discussion with the other parties.
12. Careful attention must be paid to the wording and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity. You are reminded in this regard that as set out in the National Planning Policy Framework, planning conditions should be kept to a minimum and that conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. The reasons for any pre-commencement conditions will need to include that justification. The Inspector asks that the appellant's written consent be provided for any pre-commencement conditions they agree to before the Inquiry.
13. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. These will be addressed in a round-table discussion following the main issues.

Planning obligation

14. An early draft of the planning obligation should be provided by **16 June**. A final agreed draft of the planning obligation, if it differs from the early draft, is to be submitted shortly before the Inquiry opens. This will be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. That statement is to set out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate a particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent.

15. The Inspector will require a fully signed and dated version of the planning obligation shortly after the Inquiry closes, if it cannot be provided earlier.

Core documents

16. The parties will discuss and agree a list of core documents in advance of preparing their proofs so they can be properly referenced therein. That list is to be co-ordinated by the appellant and must be submitted to the Inspector with the proofs. A suggested template for that list is attached. The Core Documents should comprise only those documents to which you will be referring and do not need to include a copy of the National Planning Policy Framework or deal with areas where there is no dispute.
17. Any appeal decisions and/or legal authorities on which any party intends to rely will need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.
18. For lengthy documents only the relevant extracts need be supplied. Such extracts should include the front cover and any relevant contextual text.
19. The parties should either provide hard copies of their proofs and key supporting documents for reference at the Inquiry or ensure that online/digital access is provided as an alternative. Printed copies of appropriate plans and documents of A3 or larger scale should be provided for ease of reference.
20. Any necessary documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, which the Inspector will maintain. Copies of these documents should be provided for the Inspector and other main party, with extra copies to be made available for interested parties if necessary.
21. Core documents are to be made publicly available on the council's website. This should be updated during the Inquiry.

Inquiry running order

22. After the first day of the Inquiry proceedings will resume at 9:30am. The Inspector will aim to adjourn no later than 5pm, subject to allowing witnesses sufficient time to finish giving their evidence. On the Friday the Inspector would appreciate if discussions could close early, perhaps by 3pm, to allow for travel home. However, if a witness is still giving evidence at that time then they will be allowed to finish.
23. The Inspector will make opening comments on the first day of the Inquiry, followed by short opening statements from the appellant and council to establish the matters to be discussed. He will then hear from any interested parties who wish to speak, as this will allow those with other commitments to leave if they wish to do so. As the application attracted considerable interest this may take up the rest of the first day, and depending on the

number of interested parties could continue into the second day. If any interested party should wish to address the Inquiry on any other day, the Inspector will seek the co-operation of the advocates to allow this to happen.

24. A running order will be circulated for the parties' review following submission of proofs of evidence and time for the parties to consider the timing. The Inspector notes that the council's landscape witness has restricted availability and this will be considered when agreeing the running order.
25. The Inspector requests that a written copy of the parties' closing submissions be provided where possible. This should be appropriately cross-referenced where evidence is relied on, for the avoidance of doubt. It has been suggested that closings be heard virtually on Friday 10 July and this is acceptable in principle. The parties should liaise with the case officer to arrange this.

Venue and practicalities

26. The venue for the Inquiry is the Marine Workshops, Railway Approach, Newhaven, BN9 0DF. During the conference it was confirmed that the venue is accessible and that there is some parking nearby. Toilets are available at the venue. The Inspector asks that the council confirm whether microphones are provided at the venue, and also whether the venue provides a hearing aid loop.
27. There is a café at the venue for refreshments, although if a large number of people are expected to attend then alternative arrangements for refreshments may necessary.
28. Given the time of year and potential for a large number of people to attend the event it would be helpful if water can be provided.
29. It is not intended to livestream the Inquiry. Should anyone intend to record the Inquiry then this should be done in as unobtrusive fashion as possible.

Document submission dates

30. As discussed between the parties, all proofs are to be submitted no later than **Tuesday 2 June**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note. Agreed statements of common ground for each of the main issue topics should also be submitted at this time, together with the list of core documents, and an agreed schedule of conditions.
31. The Council is to make sure a copy of the notification letter setting out details of the Inquiry, and a list of those notified is sent in to PINS no later than **Tuesday 16 June**. As discussed, this letter should invite interested parties to register to speak to allow an assessment of numbers. It may also be beneficial to suggest that interested parties liaise with one another to coordinate their cases. An early draft of the Section 106 obligation should

also be circulated by this date. The Inspector is not inviting any rebuttal proofs or other supplementary statements. However, if any such documents are to be submitted, they should also be submitted by this date.

32. Any final draft of the Section 106 obligation should be provided by no later than **Thursday 25 June**.

Costs

33. No intention to apply for costs was indicated during the conference. National Planning Practice Guidance advises that any application should be made in writing before the Inquiry. The Inspector will allow time for discussion of any applications or additions to same during the Inquiry prior to closing submissions, if required.
34. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. You are also reminded in this regard that, to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector can initiate an award of costs.

Close

35. Thank you for your cooperation.

M Chalk

30 April 2026

Annex – Template for core documents list

1 Application documents and plans

CD1.1

CD1.2 etc

2 Additional/amended documents/plans submitted after validation

CD2.1

CD2.2

3 Delegated report and decision notice

CD3.1 Offer's report

CD3.2 Decision notice

CD3.3

4 The Development Plan

CD4.1 Local Plan policies

CD4.2 Supplementary planning documents

CD4.3 Emerging Local Plan policies (if any are to be relied upon)

CD4.4

5 Relevant appeal decisions*

CD5.1

CD5.2

6 Relevant judgements*

CD6.1

CD6.2

7 Appeal documents

CD7.1 Statements of common ground

CD7.2 Proofs of evidence

8 Pre-Inquiry documents

CD8.1 Inspector's pre-conference note

CD8.2 Inspector's case management conference agenda

CD8.3 Inspector's case management conference summary

9 Other

CD9.1

CD9.2

*Any appeal decisions or judgements/citations on which a party intends to rely must each be prefaced with a note explaining its relevance to the issues arising in the current case, together with the propositions relied on, with the relevant paragraphs marked up.