



**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(INQUIRIES PROCEDURES) RULES 2000.**

Appeal by

R.G & A.S. Jones & FLP

**Site at Land East of Failand, Failand,
North Somerset**

RULE 6 STATEMENT

Department for Communities and Local Government reference:

APP/D0121/A/09/2117326/NWF

Local Planning Authority reference: 09/P/1486/O

Appeal by R.G & A.S. Jones & FLP
Site at land East of Failand, (Parish of Long Ashton)
North Somerset

1.0 INTRODUCTION

- 1.1 This appeal is brought by R.G & A.S. Jones & FLP against North Somerset Council's non-determination of the planning application 09/P/1486/O, in respect of:

Outline permission for a proposed residential development of up to 500 dwellings, 60 no. C2 residential apartments with care for persons aged 60 and over, single form entry primary school, B1 employment space, convenience store, doctors surgery / consulting rooms, public open space, landscaping, highway and associated infrastructure works with the access not reserved for subsequent approval on land East of Failand, Failand, North Somerset.

- 1.2 The Council will put forward and defend 12 refusal reasons, which the Appellant's proposal would have been refused on had the Appellant not submitted the current Appeal against the non-determination of planning application 09/P/1486/O. The reasons for each refusal reason, which are referred to at paragraphs 6.1.1 to 6.1.12 incl. will be explained.

- 1.3 The witness's qualifications and experience will be described. At present it is anticipated that there will be seven witnesses representing North Somerset Council's case comprising the following:

- Planning (Development Control) Case Officer
- Planning (Policy) Officer
- Highway Engineer Officer

- Sustainable Transport Policy Officer
- Tree Officer
- Ecology Officer
- Schools Organisation Officer

However, subject to the evidence brought forward by the appellant, it may be that further witnesses may be called.

- 1.4 The Council will seek to agree points of fact with the appellant in advance of the exchange of Proofs of Evidence, and in particular seek to confirm matters of the Development Plan background and factual evidence etc., in a Statement of Common Ground.
- 1.5 This 'Statement of Case' sets out the key issues outlining why North Somerset Council considers the Appellant's proposal should be refused and the Appeal dismissed.

2.0 Location and Site Description

- 2.1 The Council will describe the location of the Appeal site and will refer to the site area, the existing site features, the neighbouring woodland to the south and the geographical relationship of the Appeal site to the settlement of Failand located to the north west.
- 2.2 Reference will be made to Insert Maps 1 (Abbots Leigh) 19 (Failand), 25 (Leigh Woods) and 27/28 (Long Ashton) of the North Somerset Replacement Local Plan and to the road network that serves these settlements and the Appeal site.
- 2.3 The Council will submit a copy of the Appellant's submitted site plan, edged red, and other plans that show the Appeal site in context to:

- (i) The surrounding area, including the Appeal sites relationship to Failand, the B3129 Weston Road and the B3128 Clevedon Road,
- (ii) Inset Maps 1, 19, 25, 27 and 28 of the North Somerset Replacement Local Plan including the key/notation which is entitled "Policies and Proposals illustrated on Proposals Map",
- (iii) The settlement of Failand,
- (iv) The Green Belt,
- (v) The public footpath that crosses land adjoining the Appeal site,
- (vi) The rest of North Somerset and the South West edge of Bristol.
- (vii) Tree Preservation Order (TPO 968)

2.4 The above plans will be referred to as either 'Plans' or 'Appendices' and will be endorsed/amplified by text within the Council's 'Proof'.

2.5 The Council will submit one or more aerial photographs, incorporating the Appeal site and surrounding area, including the existing settlement of Failand.

3.0 Proposal

3.1 The Council will refer to the application proposal the subject of the Appeal and will proceed to outline the type and form of residential and non-residential uses of developments proposed. Reference will also be made to the submitted indicative layout and number of residential units proposed together with the proposed access arrangements from the Weston Road, which are not reserved for subsequent approval.

3.2 The Council will refer to the relationship of the proposal to site boundaries, the existing highway and neighbouring buildings. Reference will also be made to the proposed off site highway works.

3.3 The Council will make reference to the indicative landscape proposals for the site and the Appellant's intentions to provide pedestrian access links into the adjoining woodland located to the south of the Appeal site.

4.0 Planning History (including 106 Requirements)

4.1 The Council will refer to, and provide details of the 'limited' planning history-affecting parts of the Appeal site.

4.2 Reference will be made, to the Appellants pre application discussions and to the submission and resolution of the Appellant's Environmental Impact Assessment (EIA) 08/P/2488/EIA, which preceded the submission of the Appellants proposal, the subject of the current appeal.

4.3 The Council will refer to the display of site notices and to the various consultations carried out by the Local Planning Authority prior to the Appeal being lodged. The Council will furthermore either summarise or state in full the respective consultation responses received to the Appeal proposal, including a summary of the third party representations received.

4.4 The Council will refer to the Parish Council comments and cross-refer to "The Parish Plan for Wraxall and Failand".

4.5 The Council will refer to and provide a copy of the report to the Central Area Committee on 7 January 2010 in respect of the Appellant's appealed development proposal.

4.6 The Council will refer to and provide justification for why the Appellant should be required to enter into a Section 106 Agreement in respect of providing works / financial contributions towards the following:

- Infrastructure tariff,
- Access / infrastructure improvements,
- The provision of services and works within the public highway,
- Youth/educational needs, including school transport,
- On site public open space including dog bins and future maintenance,
- Play equipment and associated future maintenance works/funding,
- Ongoing works/provision of the travel plan, including long term funding towards improvements to public transport and the provision of bus stops,
- The provision of sustainable modes of transport including shared car pool,
- Library provision,
- The delivery of 35% nil-subsidy affordable housing,
- Community provision (including age restriction re care home)
- On site employment provision with appropriate triggers in place.

4.7 Please note that the above list is not exhaustive and that further discussion between the Council and the Appellant concerning the 106

requirements for the site are ongoing at the time of drafting this Rule 6 Statement. Specific reference will be made to policies CF/1 and GDP/5 in respect of the 106 requirements.

5.0 Planning Policy Background

The site is located in the open countryside outside the settlement boundary of Failand, which is an established and physically contained development over washed by the Green Belt.

- 5.1 The Council will argue that the Appeal should be considered having regard to the Development Plan and that the Appealed proposal fails to satisfy the policies in place. The Council's resolution, had the Council being in a position to issue a decision, would have being one of refusal in respect of the Appellants proposal the subject of the Appeal. Such a resolution is considered to be in accordance with the Development Plan.
- 5.2 The Council will argue that there are no very special circumstances for allowing what is clearly inappropriate development within the Green Belt, nor does there exist any other material considerations that would warrant the Council granting planning permission.
- 5.3 The Council will refer to the following heading(s), statement(s), documents & policies:

General Principles

"The statutory Development Plan will continue to be the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise"

- 5.4 The Council will make reference to Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

“(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 5.5 The Council will set out the various planning policies and Government Advice that are operative. This will include reference to the following:

DEVELOPMENT PLAN

- 5.6 Regional Planning Guidance for the South West - RPG 10 (2001) (Proposed to be superseded by the South West Regional Spatial Strategy which is still to be published)
- 5.7 Joint Replacement (Avon) Structure Plan:

The approved Joint Replacement Structure Plan – which was adopted in September 2002 and is intended to cover the period to 2011.

Policy 1 Principles of sustainable development

Policy 2 Locational Strategy

Policy 16 Green Belt (Promotes the importance of the Green Belt to prevent unrestricted sprawl).

Policy 17 Continued landscape conservation and restoration is promoted.
Where development occurs involving change of use, the creation of new landscape features is encouraged.

Policy 18 Nature Conservation and Biodiversity

Policy 21 The creation of the Forest of Avon will be assisted and development should contribute to a woodland setting.

Policy 59 Transportation requirements for development including provision for walking, cycling and public transport along with limiting car parking to maximum levels related to land use

5.8 North Somerset Replacement Local Plan

The North Somerset Replacement Local Plan was adopted in March 2007. The Local Plan defines settlement boundaries and identifies the Appeal Site to be located outside the settlement of Failand

GPD/1 Moving towards sustainability

GDP/2 Environmental and Public Protection

GDP/3 Promoting good design and sustainable construction

GDP/4 Sustainable water management

GDP/5 Developer contributions to infrastructure and other planning requirements

RD/3 Development within the Green Belt

- H/1 Residential development strategy
- H/2 Proposed sites for new residential development incorporating target for previously developed land and phasing
- H/3 Residential densities
- H/4 Affordable Housing
- H/5 Circumstances and criteria for releasing affordable housing sites in rural areas
- H/7 Residential development within settlement boundaries
- ECH/9 Forest of Avon
- ECH/10 Biodiversity
- ECH/11 Protected species and their habitats
- ECH/12 Wildlife sites of International Importance
- ECH/14 Wildlife and geological sites and local nature reserves
- T/6 Parking Standards
- T/10 Safety, traffic and the provision of infrastructure associated with development.
- T/11 Travel Plans

CF/1 Provision of Cultural and Community Facilities (Developer Contributions)

CF/3 Cultural and Community Facilities in the countryside

Emerging Policy

5.9 South West Regional Spatial Strategy (RSS)

The emerging RSS is currently the Draft Revised RSS for the South West incorporating the Secretary of State proposed changes (July 2008). This document has not been approved and is currently awaiting a new sustainability appraisal, which is due to report in March 2010. Ministers will then decide how to progress the RSS. This decision may be affected by the outcome of the General Election.

HMA1 West of England Housing Market Area

HD1 Sub- regional distribution of housing

H1 Affordable Housing

5.10 Local Development Framework (LDF)

North Somerset Council Core Strategy Consultation Draft - (Subject of public consultation between 30 November 2009 and 19 February 2010)

CS1 Addressing climate change & carbon reduction

CS6 North Somerset's Green Belt – (This draft policy contributes towards achieving Priority Objective 7.)

CS13 Scale of new housing

CS14 Distribution of new housing

CS16 Affordable housing

CS33 Smaller settlements & countryside

5.11 Whilst North Somerset Council is opposed to the proposed South West Bristol urban extension, chapter 5 of the Consultation Draft explores the options and choices related to different scales and forms of potential development.

Other material policy guidance

5.12 Planning Policy Guidance Notes

Relevant guidance is contained in the following PPG's and PPS's:

PPS1 Delivering Sustainable Development (Promotes the plan led approach through National policies and regional and local Development plans).

PPS1 Planning and Climate Change – Supplement to Planning Policy Statement 1

PPG2 Green Belt

PPS3 Housing

PPS4 Planning for Sustainable Economic Growth

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG17 Planning for Open Space, Sport and Recreation

PPS22 Renewable Energy

PPS23 Planning and Pollution Control

PPS25 Development and Flood Risk

5.13 Supplementary planning document

Biodiversity and Trees - North Somerset Council Supplementary Planning Document 2005. (Adopted)

6.0 The Decision of the Local Planning Authority had the Appeal against the non-determination of the application not been lodged

6.1 The Council will confirm that the application proposal, reference 09/P/1486/O, the subject of the Appeal would have been refused for the following reasons:

- 6.2 (1). The proposal comprises the erection of new dwellings, associated infrastructure and other new proposed buildings in the open countryside, located within the Green Belt where it is the policy of the Council to restrict such development, except in very special circumstances, to that which is required to satisfy an agricultural or forestry need or for other uses appropriate to a rural area. The proposed development does not fall within any such specified purposes and therefore constitutes inappropriate development in the Green Belt which would compromise the openness of the Green Belt and conflict with the purposes of, including land in it. No very special circumstances have been demonstrated to override the harm caused to the openness of the Green Belt. The proposal is therefore contrary to policy RD/3 of the North Somerset Replacement Local Plan, policy 16 of the Joint Replacement Structure Plan and contrary to the guidance contained in PPG2 (Green Belts).
- 6.3 (2). The proposed development is situated outside the settlement boundary within a rural and unsustainable location and as such the proposal will be likely to result in high levels of private car out commuting and other vehicle movements associated with the proposed development. The proposal does not therefore comply with the locational strategy and sustainability principles contained in PPS1 (Delivering Sustainable Development) and PPG13 (Transport) and the locational strategy for residential development as set out in policy 59 of the Joint Replacement Structure Plan. Furthermore the proposal is contrary to policies GDP/1 and H/1 of the North Somerset Replacement Local Plan.
- 6.4 (3). The scale of the proposal would result in a disproportionate extension to the size of Failand in terms of the number of dwellings and population to the detriment of the rural character and identity of the existing settlement contrary to policy 33 of the Joint Replacement

Structure Plan and policies GDP/1 and GDP/3 of the North Somerset Replacement Local Plan.

- 6.5 (4). The proposed development is not in a location identified for development in either the existing Joint Replacement Structure Plan, the North Somerset Replacement Local Plan, or the emerging Regional Spatial Strategy (policy HMA1: site is not within the proposed Area of Search 1A for the SW Bristol urban extension, and is located in the Green Belt in a location where the general extent will be maintained), or the emerging Core Strategy (Consultation Draft policies CS13, CS14, CS33).
- 6.6 (5). The proposal is contrary to policies GDP/1 and H/7 of the North Somerset Replacement Local Plan in that the resulting extension of Failand, would be likely to attract new residents of working age to live within the existing settlement and as such would give rise to an increase in out commuting contrary to the Governments sustainability objectives as set out in PPS1 and PPS3.
- 6.7 (6). The visibility lines at the proposed junctions onto Weston Road have been based upon the implementation of a reduced traffic speed along Weston Road. There is however no guarantee that the necessary Traffic Regulation Order, to achieve the reduced speed limit, will be acceptable. Therefore, whilst such uncertainty exists, the proposed visibility at the access junctions into the site is considered to be substandard and detrimental to road safety. The proposal is therefore contrary to Policy T/10 of the North Somerset Replacement Local Plan.
- 6.8 (7). It is considered that the proposed changes to the existing traffic signaled junction at Weston Road and Clevedon Road are potentially detrimental to highway safety in that the changes may give rise to vehicle conflicts within the junction. The proposal, by virtue to the offsite works

proposed, is therefore contrary to policy T/10 of the North Somerset Replacement Local Plan.

6.9 (8). The proposed development fails to make an acceptable level of pedestrian provision in Weston Road and as such the proposal is contrary to policy T/10 of the North Somerset Replacement Local Plan.

6.10 (9). Insufficient information has been submitted to the Local Planning Authority to satisfactorily demonstrate that the proposal will not result in any unacceptable increase in car use. The proposal therefore fails to mitigate against the significant increase in traffic generation and vehicle movements likely to be associated with the proposed development. The proposal is therefore contrary to policy T/11 of the North Somerset Replacement Local Plan.

6.11 (10). The proposal is likely to result in the loss of a number of protected trees the subject of Tree Preservation Order 968. The proposal is therefore contrary to policy GDP/3 of the North Somerset Replacement Local Plan.

6.12 (11). The proposal is contrary to policies ECH/11 and ECH/12 of the North Somerset Replacement Local Plan in that having regard to the Habitats Regulations Assessment, which is a regulatory requirement, the proposal does not provide sufficient dark (relatively unlit) vegetated corridors for commuting and foraging lesser and greater horseshoe bats and so has an adverse affect on the integrity of the North Somerset and Mendip Bats Special Area of Conservation.

6.13 (12). It is considered that, notwithstanding the educational placement needs associated with the size of residential development proposed, insufficient information has been submitted with the application to justify

the locational need for a new primary school within this out of settlement, rural location. Furthermore, the appropriateness for a new proposed primary school in connection with the proposed housing development would be premature pending the outcome of extensive public consultation, including, extensive discussion/consultation with the existing schools within the local community serving the northern part of North Somerset. The proposal is therefore considered to be contrary to the policy CF/3 of the North Somerset Replacement Local Plan.

- 6.14 The Council intends to defend the above mentioned refusal reasons and will produce a number of 'Proofs' for consideration at the forthcoming Inquiry. The refusal reasons referred to are scheduled to be endorsed by the Members of the Central Area Committee at their meeting on 07 January 2010 which post dates the final date of submission for this Rule 6 Statement.

7.0 Detailed Issues

- 7.1 The Council will endorse the refusal reasons cited at paragraph 6.2 to 6.13 and will expand upon the respective policies and Government advice cited in the reasons for refusal had the Council been in the position to determine the application and issue a decision letter of refusal.

Refusal Reasons 1 to 5

- 7.2 The site is within the Green Belt as defined in the North Somerset Replacement Local Plan (NSRLP) 2007. The emerging draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State's proposed changes (RSS) 2008 will not affect this designation as the proposal lies within an area where the general extent of the Green Belt

will be maintained. The emerging Core Strategy similarly proposes no change to the Green Belt.

- 7.3 The Council will demonstrate that the development does not fall within the categories of appropriate development as set out in PPG2 and Policy RD/3 of the NSRLP and, if permitted, the proposed development would cause considerable harm to the purposes of Green Belt designation particularly in terms of safeguarding the countryside from encroachment. Very special circumstances are required to justify inappropriate development and these have not been demonstrated.
- 7.4 The Council will set out the circumstances surrounding progress on the emerging RSS, delays to publication and further sustainability assessment work currently being undertaken, and comment on potential changes to regional policy following the general election.
- 7.5 However, irrespective of the Council's position in relation to controversial aspects of the RSS and arguments related to the weight which should be given to the RSS, the Council will demonstrate that the proposal is fundamentally in conflict with the sustainability principles, spatial strategy and locational guidance of the emerging RSS.
- 7.6 The Council will set out the context for the proposed urban extension at South West Bristol and demonstrate how the Failand proposal, the subject of the Appeal, is remote from the area of search, conflicts with the strategic principles underpinning the RSS allocation, and would fail to deliver the sub-regional infrastructure requirements essential to the implementation of the urban extension. While the Council is opposed to the SW Bristol urban extension, the options and choices surrounding the most sustainable form of development have been assessed through the Core Strategy process, the Planning Together Workshops, the Broadway

Malyan commission, and the planning applications for Ashton Park and land to the south of Long Ashton currently before the Council.

- 7.7 The Council will demonstrate how the Failand proposal is contrary to the emerging Core Strategy and lies in a location where new development will continue to be strictly controlled. While no allocation for SW Bristol is proposed in the Consultation Draft, there is a specific opportunity to comment on the options and choices related to different forms and scales of potential development (chapter 5). While it is true that Failand was broadly identified as part of an illustrative option in the 2007 Core Strategy Issues and Options consultation, this was simply to stimulate debate on a possible more dispersed approach. Subsequent work undertaken through the Planning Together Workshops and the Broadway Malyan commission have demonstrated that if any development was appropriate in the area, then a dispersed approach, such as illustrated by option D in the consultation leaflet was unsustainable and would fail to deliver RSS objectives.
- 7.8 The Council will demonstrate that there is sufficient housing land to meet 5 year supply in respect of the existing development plan requirements. In relation to emerging RSS figures the Council will set out the approach to the proposed urban extensions, and show how sufficient land supply exists to meet the housing land requirements within the remainder of the district.
- 7.9 The urban extensions at Weston and SW Bristol are specific sub-regional scale allocations located adjacent to the Strategically Significant Cities and Towns, and have specific requirements in terms of strategic master planning, infrastructure requirements and relationships to the adjacent urban areas such as in relation to regeneration, and have lengthy lead-in times. The Council will demonstrate how it is appropriate to prepare a

separate trajectory for the urban extensions as it would be unsustainable and contrary to RSS principles to disperse any perceived shortfall elsewhere across the district.

- 7.10 The Council will demonstrate why the proposal is an unsustainable form of development, and even if additional housing sites were required then this would be an inappropriate location when assessed against the settlement hierarchy set out in the existing and emerging development plan. In particular, the impact of this scale and nature of development on the overall jobs/homes balance, self-containment and out-commuting, on transport movements, especially car trips, and the location of the proposed services and facilities in relation to need.

Refusal Reasons 6 to 9

- 7.11 The Council will provide evidence that will support the view that the proposed development of 500 dwellings, is in a location offering low accessibility to alternative modes and that, notwithstanding the public transport improvements, the mixed nature of the development and any travel plan initiatives, for many journeys there will not be a realistic option to the private car.
- 7.12 The Council will make reference to PPS 1 and PPG 13 and to policy H1 and T11 of the North Somerset Replacement Local Plan in relation to the sustainable location of development. The Council will also make use of local statistics in relation to journey to work trips and the likely pattern arising from the proposed development.
- 7.13 In relation to the proposed junction visibility to Weston Road, where it has been assumed that the speed limit on the road will be reduced, the Council will make reference to Manual for Streets and other documents to

show that the reduced visibility on the classified road is inappropriate given the uncertainty as to the outcome of any Traffic Regulation Order proposing the same.

7.14 The Council will refer to the proposals that include modifications to the junction of Weston Road / Clevedon Road which are principally to accommodate the swept path of a proposed bus serving the development. The Council will argue that the proposed changes are flawed, in that;

- i) the loss of the island in Weston Road will result in an ill defined entry lane for traffic entering from the other arms of the junction;
- ii) the proposed lane markings in Clevedon Road (eastern approach) will lead to poor lane discipline on the western exit;
- iii) that the head-to-head right turn lanes in the centre of the junction are inappropriate given the asymmetrical layout of the side roads (Beggar Bush Lane and Weston Road).

7.15 The Council will argue that, given the scale of the proposed development and the need to cater for desire lines, the provision of some footway on the eastern side of Weston Road is inadequate and would lead to pedestrians walking in the carriageway or verge to the detriment of theirs and others safety.

Refusal Reason 10

7.16 The Council will refer to the trees on site that have been protected under Tree Preservation Order 968 and will argue that the proposed development, albeit in outline and indicative form, will be likely to impact

on a number of the protected trees, which are established and currently provide amenity value to the site and surrounding area.

- 7.17 The Council will comment on the conflict that is likely to arise in the future between house owner and existing trees particularly when located within rear garden areas where such trees are likely to suffer from pressure for removal or inappropriate pruning.
- 7.18 The Council will refer to the goals set out in the North Somerset Supplementary Planning Document 'Biodiversity and Trees' which seeks to ensure that the long-term retention of appropriate trees is realistic and that trees are viewed as an asset by new occupants rather than as an issue of conflict.
- 7.19 The Council will make reference and acknowledge the proposed tree planting but will emphasis the importance of maintaining existing mature trees given the visual interest and amenity valued from such trees.

Refusal Reason 11

- 7.20 The Council will make reference to the Appellant's survey work that has already been under taken and the finding arising from such survey works. The Council will make specific reference to The Conservation (Natural Habitats, &c.) Regulations 1994.
- 7.21 The Council will refer to Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 and in particular will expand upon the following text which appears in these Regulations:

"Where regulations 48 and 49 apply, outline planning permission shall not be granted unless the competent authority are satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely

adversely to affect the integrity of a European site could be carried out under the permission, whether before or after obtaining approval of any reserved matters.”

- 7.22 The Council will explain the reasoning behind the wording of refusal reason 11.

Refusal Reason 12

- 7.23 The Council will refer to its School Organisation Principles contained in the Council's agreed School Organisation Plan and the need to consider, strategically, the demand and requirements for children & young people's services arising from this development.

- 7.24 The Council will expand upon the public consultation requirements and other procedures that would need to be carried out within the community as an integral part of the process in establishing, or otherwise, the need for a new primary school. The Council will explain that the findings sought through such a consultation would be fully assessed to consider all options, including the preferred site location, the alternatives such as extending / developing an existing school or schools as opposed to building a new school, the impact of a new school on the existing schools and the associated catchment areas as well as the transport/school bus transport issues associated with locating a new school on a Greenfield site, in the Green Belt, comprising part of the Appeal site.

- 7.25 The Council will also refer to the school bus transport requirements, and associated ongoing costs, arising from an increase in secondary school pupil numbers travelling to and from a new housing development in Failand to existing Secondary Schools, which are located in excess of 3 miles from the Appeal site.

7.26 The Council will comment that no proposals have been forthcoming about pre-school, extended services and children's services associated with the proposed development, the subject of the Appeal.

7.27 Reference will also be made to the legislation (The Education & Inspections Act 2006, as amended) governing the establishment of new schools and the statutory and non-statutory guidance for those who wish to publish proposals for a new school in response to a competition.

8.0 Conclusion

8.1 The Council will explain how the proposal is unacceptable and contrary to the Development Plan.

8.2 The Council witnesses will provide the relevant proofs with the Case Planning Officer's Proof providing details of location and site description, proposal, planning policy background, planning history, list of planning conditions if minded to approve and reference to Section 106 requirements. Details concerning the planning issues of the case will be dealt with by the respective Council witnesses.

8.3 Without prejudice to the determination of the Appeal, the Council will seek to agree a statement of Common Ground with the appellant.

8.4 A list of conditions relevant to the Appealed proposal will be provided should the Inspector be minded to overturn the Council's decision and allow the Appeal.

8.5 Reference will be made to the requirements for a Planning Obligation (106 Agreement) that, if minded to allow the Appeal. - (Cross-refer to paragraphs 4.6 & 4.7).