



# The Planning Inspectorate

**APPEAL REFS: APP/X5210/W/19/3243781 (Appeal A) and  
APP/X5210/Y/19/3243782 (Appeal B)**

**135-149 Shaftesbury Avenue, London WC2H 8AH**

## **CASE MANAGEMENT CONFERENCE AND TEST EVENT SUMMARY NOTE (SEPTEMBER 2020)**

1. An online case management conference (CMC) between the Inspector and representatives of the appellant, the London Borough of Camden (the Council), the Theatres Trust (TT), the Covent Garden Community Association (CGCA) and the Phoenix Garden (PG) took place on Wednesday 30 September 2020. This note sets out the matters discussed and should be read in conjunction with the summary note of the pre-inquiry meeting held on 28 February 2020.
2. The Inquiry was postponed in March 2020 due to Covid-19. It has been rearranged to open in the week commencing 30 November 2020 and will operate as a digital event. The purpose of the CMC was to outline how to hold the Inquiry while accommodating social distancing, maintaining the safety and well-being of all participants, and ensuring the core values of the appeal process of being open, fair and transparent are met. The purpose of the test event was to trial the technology for participants.
3. The Council should ensure that interested parties are made aware of this note. It is recommended that a copy be posted on the Council's website.

### **Update on the main issues**

4. The appellant and the Council confirmed that they had undertaken a further site visit to the appeal building and are working on a heritage-specific statement of common ground. The two parties committed to the statement being completed by mid-October (i.e. by 16 October) to inform relevant proofs. They also committed to sharing a working draft with TT and CGCA to try and clarify common and uncommon ground between the four parties on heritage matters.
5. The appellant and the Council also confirmed that discussions have been held regarding reason for refusal 3 for Appeal A (noise and vibration) which could be addressed by conditions. The Section 106 agreement, which is intended to address reasons for refusals 4-14 for Appeal A, is being progressed between the appellant and the Council. The Inspector requested that the other main parties have sight of the draft agreement particularly where it relates to elements of their case.
6. The appellant was encouraged to seek further topic or party specific statements of common ground to reduce the areas of disagreement between them and the other parties. These should ideally be finalised no later than 2 weeks before the Inquiry opens.

## **Inquiry arrangements including site visit**

7. The Inquiry will be held as a digital event and will open at 10:00 on Tuesday 1 December with 7 sitting days currently planned (1-4 December and 8-10 December). Due to the format of the event, it is possible that more sitting days will be needed to complete the Inquiry. Therefore, it would be prudent to reserve Monday 7 and Friday 11 December and potentially part of the following week depending on the evidence and remaining areas of disagreement between the parties. Any difficulties in the parties' availability for those dates should be brought to the Inspector's attention no later than 9 October. The parties agreed to submit timing estimates within a week following the exchange of proofs in order to help with the event programming.
8. The sitting days at the Inquiry will be split into sessions of approximately an hour and half with two sessions in the morning and one session in the afternoon. There would be a 30 minute break between the morning sessions and an hour for lunch. From 2 December onwards, the morning session would begin at 09:30 with the afternoon session starting at 14:00.
9. The Inquiry will be run via the Microsoft Teams platform. Participants are those parties directly interested in the case's planning merits and/or who have previously made representations at the application or appeal stages. Participants will be required to register with the Planning Inspectorate's case officer.
10. Details of how to register will be included in the individual Inquiry notification letters, on the site notices posted at various locations around the appeal site, and in press notices issued in the local newspaper. The template notification documents will be issued to the Council and the appellant by late October to allow sufficient time for notifications to take place.
11. Site notices should be displayed in prominent locations around the site. The appellant and the Council should confirm that the necessary notifications have taken place no later than 3 weeks before the Inquiry opens, including evidence of where the site notices have been displayed.
12. The Inspector intends to undertake an unaccompanied pre-inquiry site visit, including inside the appeal building. Unfortunately, due to the Inspector's limited availability in November, the best date for such a visit would be Tuesday 20 October. Please can the appellant confirm that this date is possible by 9 October and notify the Inspector of any necessary arrangements. The parties should agree on an itinerary for this site visit.
13. The formal site visit would take place towards the end of the Inquiry, which would be accompanied following relevant social distancing measures in place at the time. The date and arrangements will be finalised at the Inquiry.

## **Use of the technology**

14. The Inspector ran through the protocols and functions associated with a digital event. Participants should log in at least 15 minutes before the Inquiry each day and earlier than that on the first day to ensure that they

are in place when the Inquiry opens. The case officer will admit participants into the Inquiry. The Inspector will leave the 'room' during any adjournment and the digital meeting will be stopped at the end of each day. Participants will need to be re-admitted by the case officer at the start of the following day.

15. When not involved in discussion, it is preferable for participants to mute their microphone and turn off their camera (unless they are one of the advocates where it would be preferable for them to remain on screen). The chat function may not be disabled, but it should not be used by any participant as it could distract the Inspector and the parties. The 'raise hand' function can be used if participants wish to speak during relevant sessions (e.g. round table discussions).
16. While documents can be shared on screen, the Inspector requests that the advocates notify him and the other parties by close of play the day beforehand of any documents that they wish to refer to in any session. The Inspector also intends to set up a virtual retiring room in case the programme needs to be discussed with the advocates separate from the Inquiry.

### **Management of Documents**

17. The Council confirmed it will administer and publish all appeal documents, including core documents, on its website. The Council will provide a link to where existing documents are kept for the Inspector to ascertain whether this location is sufficient or whether a dedicated webpage is needed. In either case, there should be clear links to the documents from the homepage and/or main planning page on the Council's website. Arrangements for the publication of appeal documents should be agreed between the Inspector and the Council by 23 October.
18. The Council should ensure that all appeal documents are available online as soon as possible and prior to notification documents being published. If any personal data is present in documentation, the Council should follow data protection procedures and redact that personal data. Documents submitted during the Inquiry will also need to be made available online. It will be necessary for the Council to confirm the contact information for the responsible officer no later than 2 weeks prior to the Inquiry.
19. As there will not be the facility for Inquiry documents to be handed in during the Inquiry itself, any Inquiry documents, including openings and closings, should be submitted by email to the Planning Inspectorate's case officer and the other main parties once agreed by the Inspector. Openings and closings should be submitted immediately prior to those stages of the Inquiry and by 4pm the day beforehand in the case of openings.

### **Summary of key dates and deadlines:**

9 October 2020	Deadline for parties to confirm availability for additional sitting days (see above) and for the appellant to confirm the pre-inquiry site visit date of 20 October
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16 October 2020	Deadline for the submission of an agreed heritage statement of common ground
23 October 2020	Deadline for the Council and the Inspector to agree on the arrangements for the publication of appeal documents on the Council's website. Appeal documents (including core documents) should be uploaded onto the webpage as soon as possible and before notification documents are published.
3 November 2020	Deadline for the submission of: <ul style="list-style-type: none"> <li>• all proofs</li> <li>• suggested planning conditions</li> <li>• core documents, including index list</li> </ul>
10 November 2020	Deadline for the submission of: <ul style="list-style-type: none"> <li>• timing estimates from the advocates</li> <li>• evidence that the notification letters, press notice and site notices have been issued and displayed</li> </ul>
17 November 2020	Deadline for the submission of: <ul style="list-style-type: none"> <li>• confirmation of the Council officer responsible for loading Inquiry documents onto the Council's website</li> <li>• any remaining topic or party specific statements of common ground</li> <li>• final draft planning obligations and relevant office copy entries</li> <li>• CIL Compliance Statement (Council)</li> <li>• any necessary rebuttal proofs</li> </ul>
30 November 2020	Opening submissions from each party should be submitted by email no later than 4pm  Any documents that advocates wish to refer to on Day 1 of the Inquiry should also be identified by 4pm (and the same for subsequent days)
1 December 2020	Inquiry opens at 10am

*Tom Gilbert-Wooldridge*  
INSPECTOR

2 October 2020