



The Planning Inspectorate

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Mrs Wendy Strangeway
North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref:
Our Ref: APP/W9500/W/20/3246365
Further appeal references at foot of letter

05 October 2020

Dear Mrs Strangeway,

Town and Country Planning Act 1990
Appeals by Mr George Winn Darley, Mr George Winn-Darley
Site Addresses: Spaunton Quarry, Land at Spaunton Quarry, Kirkbymoorside,
YO6 6NF and Spaunton Quarry, Kirkbymoorside, YO6 6NF

Please see the attached.

Yours sincerely,

Hazel Stanmore-Richards

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Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/W9500/W/19/3243322

Pre-Hearing Note – 5 October 2020

APPEAL REFS: APP/W9500/W/20/3246365 & APP/W9500/W/19/3243322

Land at Spaunton Quarry, Kirkbymoorside YO6 6NF

Appellant: George Winn Darley

Local Planning Authority: North York Moors National Park Authority (NPA)

Background

1. A one-day hearing relating to the above appeal will take place at 10:00am on **16 October 2020**. It will be conducted by Kevin Savage BA MPlan MRTPI who is the Inspector appointed by the Secretary of State to determine the appeals. Whilst it is expected that the hearing will be finished within one day, it would be helpful if the parties ensured that they were also available on Monday 19 October 2020 in case proceedings overrun.
2. For ease of reference, the Inspector intends to refer to the appeals as follows:

APP/W9500/W/20/3246365 - Appeal A/"the agricultural appeal"
APP/W9500/W/19/3243322 - Appeal B/"the leisure appeal"
3. Due to the Covid-19 pandemic and the subsequent need to observe social distancing, the hearing will be run as a digital event in accordance with the Written Ministerial Statement (WMS) of 13 May 2020¹. The WMS expresses an expectation that everyone involved in the planning process will engage in digital events proactively.
4. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly.
5. The parties are advised to note and respond in particular to the requests for information set out at points 13, 14, 15, 17, 19, 20 and 22.

Information Technology (IT)

6. The event will take place on Microsoft Teams. This is a free digital conference and meetings application that can be accessed by downloading the app or via your web browser. It operates in a similar way to other platforms such as WhatsApp, Skype and Zoom. If you have an internet enabled computer, you will be able to access and speak at the event over the internet using a video/audio link. The Inspector is likely to ask participants to keep their microphone off when not speaking and use the 'hands up' function when they

¹<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-05-13/HCWS235/>

want to speak. The Inspector will ensure that all participants have had a chance to say what they wanted before moving onto the next agenda item.

7. If you do not have an internet connection, or you do not feel confident or able to use a digital device but you have a telephone with a keypad, you can instead join by telephone on a landline, although your provider is likely to charge for the call which would be to an 020 number.
8. Digital events are a new format and therefore all the parties will be unfamiliar with the process and the technology. We therefore ask for your patience and understanding during the event. Should you have any questions about IT, please contact the case officer.

Format

9. The event will operate in much the same way as a normal hearing, although there will clearly need to be some differences to ensure it takes place smoothly. You can be assured though that all participants will be given a chance to address the points raised by the Inspector.
10. The Inspector will start the event in the usual way by running through several preliminary matters. A preliminary agenda is at the end of this note, but it could well change. The Inspector will issue a final version shortly before the event.
11. The hearing will still be run as a structured discussion with the Inspector asking a series of questions in respect of the main issues. All parties who so wish will be given an opportunity to speak.
12. As all parties will likely be working from screens, the Inspector will ensure there are regular breaks. These will probably take place between discussions on the main issues and are likely to be every hour or so.
13. To aid preparation, the parties are asked to provide a list of participants on their side in advance of the hearing (no later than Monday 12 October please).

Drawings, Other Documents and Late Evidence

14. In respect of Appeal A, reference is made to an agricultural appraisal conducted by Savills for the appellant, and to an independent review of this document carried out for the NPA. However, neither document appears to be before the Inspector. The parties are asked to forward these documents urgently for the Inspector's attention.
15. With respect to appeal B (the leisure appeal) the Inspector notes the submission by the appellant of three drawings at the appeal stage:

GMV-455-06-01; GMV- 455-06-02 and GMV-455-06-03.

The NPA is asked to indicate its position on whether these drawings should form part of the Inspector's considerations. This may form part of the agreed Statement of Common Ground (see further below), either as a matter agreed or in dispute.

There is also an amended set of plans received by the NPA on 3 June 2019. Clarification is requested from the NPA as to whether it was these plans that formed the basis of the Authority's decision.

16. It is not anticipated that there will be any need for additional documents to be handed up during the hearing. You should review your cases promptly to ensure that is the case. The parties are reminded of the ramifications in terms of any new or late evidence from an award of costs points of view.

Emerging Development Plan

17. The Inspector notes reference to the emerging North York Moors National Park Local Plan 2016 to 2035. Confirmation is sought from the parties as to the status of this plan, and whether either party intends to rely on any policies within it as part of their case. If so, copies of these policies should be provided in advance of the hearing.

Statement of Common Ground (SoCG)

18. The Inspector acknowledges that there are draft SoCGs submitted by the both parties, but an agreed, signed version is not before the Inspector.
19. It would be of assistance if the parties would work together to prepare an agreed version which addresses the following matters (to include matters that are agreed or not agreed).
 - Clarification/agreement in respect of the drawings being considered by the Inspector (as above). It would assist the Inspector if the revised SOCG included the full list of drawings that formed the basis of the NPA's refusal notice for each appeal.
 - The Inspector intends to view the sites from the viewpoints provided in the appellant's LVIA. However, it would be helpful if the parties could agree in advance a list of other viewpoints, or better still a map, from where they would wish the Inspector to view the site from. The locations can be discussed further at the hearing and amended as necessary.
 - Noting that suggested conditions have been provided by the NPA, it would nonetheless be useful if, without prejudice, a list of agreed/not agreed conditions was appended to the updated SOCG. These would then form the basis of discussion at the hearing. If there is no agreement then this should be explained. The parties are reminded of the need for the appellant's written agreement to the imposition of any pre-commencement conditions.

20. In order to ensure the smooth running of the hearing, the Inspector would appreciate an agreed SOCG between the appellant and the NPA, and responses to the other requests herein, as soon as possible, but **no later than 5:00pm on Monday 12 October 2020.**

Planning Obligation

21. In respect of Appeal B, the Inspector notes draft Heads of Terms have been submitted for a Section 106 Agreement. The appellant is reminded that a completed agreement must be before the Inspector before the hearing if it is to be taken into account.

Applications for Costs

22. The Inspector notes applications for costs have been made by the appellant in respect of both appeals. A response from the NPA has been received under Appeal A, but not, it would appear, under Appeal B. Confirmation is sought from the NPA as to whether a response has been sent, or will be sent, in respect of Appeal B.

Site Visit

23. The Inspector will need to visit the appeal site. This is likely to be on Monday 19 October should the hearing be concluded within one day. If the hearing carries on to the Monday, the visit will be made later in the week, most likely Thursday 22 or Friday 23 October.

24. At this stage, the Inspector intends to close the hearing prior to the site visit and to undertake an unaccompanied visit to the site, provided the site is accessible. However, the Inspector will discuss at the Hearing if an accompanied visit, with both main parties and interested parties in attendance, would be appropriate. The Inspector notes an earlier request from the appellant for a visit prior to the hearing; however, the Inspector does not regard this as necessary. Should an accompanied visit take place, social distancing proposals will apply at all times.

Provisional Main Issues

25. Based on the parties' submissions, the Inspector's provisional main issues are set out below. The Inspector would welcome the main parties reaching common ground on the main issues through the SOCG.

26. Appeal A:

- 1) the effect of the proposal on the landscape character and appearance of the area.

2) Whether the proposal represents a suitable location for agricultural buildings.

27. Appeal B: the effect of the proposal on the landscape character and appearance of the area.

Provisional Agenda

1. Introduction, opening formalities and points of clarification.
2. Planning policy and planning history
3. Common Land issue
4. Appeals A & B - The effect the proposals on the landscape character and appearance of the area.
5. Appeal A – location for agricultural buildings
6. Other Matters – including additional comments, if any, to be made by other interested parties.
7. Planning obligations
8. Planning conditions (without prejudice).
9. Applications for costs.
10. Arrangements for the site visit and closing.