

Appeal Reference: 6006412

Land West of Stapleford Lane, Stapleford, Nottingham, NG9 6JG

Inspector's Post-Case Management Conference Note

1. The case management conference with the appellant, Broxtowe Borough Council (the Council), Nottinghamshire County Council (the County Council), and National Highways took place on 15 June 2026.
2. This note should be placed on the Council's website.

Likely main issues

3. The likely main issues for this appeal include:
 - a) the effect of the proposal on the safe operation of the highway network, including cumulative impacts;
 - b) whether the proposal would make appropriate provision for infrastructure; and
 - c) the overall planning balance, having regard to the development plan and any proposed benefits.
4. All main parties were content to include reference to cumulative impacts in main issue a). The Council raised the possibility of two further main issues at the case management conference, which the County Council and National Highways supported. They were worded approximately as:
 - Whether sufficient information was submitted in support of the application on highway impacts;
 - Whether the appellant can rely on further information submitted during the course of the appeal.
5. At this time, given the level of uncertainty remaining in respect to the Council's case on this appeal, I have not included these two suggested main issues as likely main issues. The relevance of the additional likely main issues will be discussed again at the 2nd case management conference on 3 July 2026.
6. Appearances for the main parties based on the likely main issues are as follows:

Appellant

Paul Tucker KC who will be calling:

- David Frisby, Highways
- James Hicks, Planning

Council

Sarah Clover, Counsel, who will be calling:

- Likely to be two witnesses, but their names are not yet known.

County Council

Advocate unknown as yet, but witness is likely to be Jan Witko, Highways.

National Highways

Advocate unknown as yet, but Catherine Townend is likely to be a witness and there may be one further witness.

7. I will expect the main parties to have established who their advocates and witnesses will be prior to the 2nd case management conference on 3 July 2026. I will ask for an update on advocates and witnesses at the 2nd case management conference.
8. Additionally, interested parties have raised issues which the appellant will need to address appropriately in their proofs of evidence, preferably in an appendix or appendices to their planning proof of evidence as discussed at the case management conference.

How the likely main issues will be dealt with

9. I anticipate that the likely main issues will be dealt with topic by topic (where possible) with main issues a) and c) dealt with by cross-examination and main issue b) addressed by the round table discussion on conditions and obligations. However, this will be kept under review subject to the extent of dispute.

Timetabling and submission of documents

10. The final date for submission of Statements of Case for the County Council and National Highways is 1 July 2026.
11. As the Council's Planning Committee will be discussing the appeal on 1 July 2026, the committee papers should be provided to me by 24 June 2026. Following the committee, the Council and the appellant should provide their own separate responses by 12 noon on 2 July 2026.
12. The 2nd case management conference will take place on 3 July 2026 at 1000.
13. The main parties confirmed that work was being undertaken to prepare a Highways Statement of Common Ground. This should be submitted no later than 21 July 2026.
14. The deadline for submission of proofs of evidence is 28 July 2026.

15. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and none are encouraged. However, where necessary to save inquiry time, it is important that any submitted supplementary or rebuttal proofs do not introduce new issues. An addendum to the statement of common ground may be preferable to rebuttals. If such documents are to be provided, the deadline is 11 August 2026.

Inquiry arrangements

16. The event will open at 1000 on 25 August 2026. At present, the sitting days are 25 – 28 August 2026 and 2 – 3 September 2026. There is one further reserve sitting day on 4 September 2026. While it is possible that not all of these sitting days will be required, the main parties should keep all the aforementioned dates for the inquiry in case of unforeseen circumstances.
17. The inquiry will be held in the Council Chamber at Broxtowe Borough Council's offices.
18. The Council should allow sufficient time for notifications of the date, time and location of the inquiry to take place. The minimum notification period is two weeks prior to the commencement of the inquiry. Confirmation of notification by letter, press notice and site notice should be provided to the Planning Inspectorate by no later than 11 August 2026.
19. The main parties should work together on timing estimates to inform the draft inquiry programme. Final timings for openings and closings, and any evidence in chief and cross-examination should be submitted no later than 11 August 2026 as a suggested programme. A draft inquiry programme will be issued by me following receipt of final timings. Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

Site Visit

20. I will undertake an unaccompanied familiarisation site visit to the area prior to the inquiry. I will also visit the appeal site during the inquiry to view the site. I will confirm with the parties prior to or during the inquiry whether the site visit will be accompanied and who wishes to participate in the inquiry site visit.
21. Before my familiarisation site visit, the main parties should produce an agreed itinerary by no later than 11 August 2026.

Management of core documents and other documents

22. The Council has confirmed that it will publish and manage the core documents webpage for the inquiry. The link to the inquiry's core documents webpage should be provided to me by no later than 1700 on 28 July 2026. Proofs of evidence and core documents should be clearly numbered, including within the PDF tab when a document is open.

23. With the agreement of the other main parties, a document that will be referred to by more than one party can be added to the core documents. Where documents are lengthy, relevant extracts should be supplied and prefaced with the front cover of the document. Following the publication of the core documents library and before the inquiry opens, any further addition of core documents should only occur with the agreement of the Inspector and the other main parties.
24. Any documents submitted once the inquiry has opened will be recorded as inquiry documents, overseen by me. As well as any paper copies handed to me, any inquiry documents, including openings and closings, should be submitted electronically to the case officer and the other main parties when agreed by me. These documents will need to be placed on the core documents webpage once they have been accepted as an inquiry document and numbered accordingly.
25. Any lists of documents to be referred to during proceedings should be submitted to me at the inquiry before the relevant session. This allows me to ensure that I have all the relevant electronic documents open and ready to refer to during the inquiry.
26. I have asked that a paper set of plans be provided for me at the venue at the beginning of the inquiry. It would be helpful if these plans were numbered and paginated and provided to each main party so that we can all see the same documents quickly and easily.
27. In terms of access to documents for interested parties, the Council has agreed to provide a laptop with access to the core documents in the Council Chamber throughout the inquiry.

Conditions

28. A draft schedule of conditions should be provided by 7 July 2026 in Word format. I will provide comments on those draft conditions as soon as possible. A final draft schedule of conditions to respond to my initial comments should be provided to me by 28 July 2026 in Word format.
29. If there is disagreement about any final draft conditions, I require a tabulated schedule of conditions with an explanation of the reasoning behind any difference between the main parties and the preferred wording of the main parties.
30. Conditions will need to be properly justified having regard to the tests for conditions, particularly the test of necessity. Conditions should also be provided in order as the Planning Practice Guidance advises.

Planning Obligations

31. I also require an early draft legal agreement by 7 July 2026. I will provide comments on the early draft legal agreement once submitted.

32. I will need to see a further draft legal agreement no later than 28 July 2026. This should preferably be the final draft legal agreement, but will remain a working document during the inquiry. This should be accompanied by the relevant office copy entries and a Compliance Statement prepared by the Councils. The statement must contain a fully detailed justification for each obligation sought. Should it be necessary, a reasonable period of time will be allowed after the inquiry for submission of a signed and executed legal agreement.

Costs

33. No application for costs has been made at this stage. If applications for costs are to be made, the Planning Practice Guidance makes it clear that they should be made in writing to me before the inquiry. You should give the other party timely notice to enable them to compose a response. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, I have the power to initiate an award of costs in line with the Planning Practice Guidance.

Joanna Gilbert

INSPECTOR

15 June 2026

Summary of Key Dates and Deadlines

1700 on 24 June 2026	• Deadline for submission of the Council's Planning Committee papers for the proposal.
1700 on 1 July 2026	• Deadline for submission of the County Council's and National Highways' Statements of Case.
1800 on 1 July 2026	• Council's Planning Committee.
12 noon on 2 July 2026	Deadline for submission of: • Council's feedback on the findings of the Council's Planning Committee, including any putative reasons for refusal if relevant; • Appellant's response.
1000 on 3 July 2026	• 2nd case management conference
1700 on 7 July 2026	Deadline for submission of: • Draft schedule of conditions; • Early draft legal agreement.
1700 on 21 July 2026	• Deadline for the submission of any topic-specific statements of common ground.
1700 on 28 July 2026	Deadline for the submission of: • All proofs of evidence and appendices;

	• Core documents, including an index for the core documents and link to the core documents webpage; • Final draft schedule of conditions; • Draft legal agreement with office copy entries; • The Council's and County Council's Compliance statement(s).
1700 on 11 August 2026	Deadline for the submission of: • Any necessary rebuttals/addendum to main statement of common ground or to topic-specific statements of common ground; • Evidence that the notification letters have been issued, and press and site notices have been published or displayed; • Final timing estimates and suggested programme; • Site visit itinerary.
1000 on 25 August 2026	• Inquiry opens.