



COMMONS ACT 2006: S16

APPLICATION BY DURHAM COUNTY COUNCIL TO DEREGISTER AND EXCHANGE COMMON LAND

THE SANDS, DURHAM CITY (CL29)

APPLICATION REFERENCE: COM/3236108

INSPECTOR'S REQUIREMENTS FOR THE VIRTUAL PUBLIC INQUIRY

1. **Date**

I will open the Public Inquiry on 27 April 2021 at 10:00. Attendees will participate remotely via Microsoft Teams or by phone.

2. **Parties**

(a) **The Applicant:** Durham County Council, Planning and Development Team, Legal and Democratic, Resources, County Hall, Durham, DH1 5UL.

(b) **The Objectors:**

- i. Nicola Allan - representing The City of Durham Parish Council and the City of Durham Freemen;
- ii. John Lowe - representing The City of Durham Trust;
- iii. Alan Kind - representing The Open Spaces Society;
- iv. Janet George - representing herself and St Nicholas Community Forum (residents association);
- v. Victoria Ashfield;
- vi. James Cowan;
- vii. Jean Crowden;
- viii. Miriam Johansen;
- ix. Miriam Maddocks;

3. **Advertisement of the public inquiry**

The Planning Inspectorate will serve notice of the Public Inquiry on the Applicant, the Objectors and any person who has made representations about the application. The Planning Inspectorate will also publish notice of the Public Inquiry on the GOV.UK website and in the same local newspaper in which the application notice was published not later than 6 weeks before it commences.

The Applicant will post copies of the notice on a suitable page of the Durham County Council website and at the main points of entry to the application land, or if there are no such places, in a conspicuous place at the site as soon as is reasonable after receiving the notice. **The Applicant** will also make copies of the application documents available to interested persons on request.

4. **The Applicant's Bundle**

The Applicant shall **by 12 February 2021** prepare a fully paginated and indexed inquiry bundle containing the documents listed in paragraph 5 below and:

(a) serve an electronic version of that bundle, and a hard copy if requested, upon the Planning Inspectorate's Common Land Casework Team, 3A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, commonlandcasework@planninginspectorate.gov.uk and;

(b) serve an electronic version upon the objectors identified in paragraph 2(b) above and in hard copy if requested by them.

By the same date the Applicant shall make a copy of the inquiry bundle available for inspection on the Durham County Council website. Where any documents included in the bundle are not be suitable for inclusion on the website the applicant shall give a description of them and make copies of the bundle, or sections of it, available to interested parties on request.

Documents should not be replicated within the bundle.

Supporting documents available on-line should, if possible, be provided through links and should not form part of the bundle.

FAILURE TO ADHERE TO THIS TIMETABLE MAY LEAD TO ADJOURNMENTS WHICH WILL INCONVENIENCE ALL THOSE INVOLVED IN THE PUBLIC INQUIRY. ANY DOCUMENT SUBMITTED AFTER THE TIMETABLE MAY NOT BE ACCEPTED. IT WILL BE FOR THE INSPECTOR TO DECIDE WHETHER TO ACCEPT LATE DOCUMENTS PROFFERED AT THE PUBLIC INQUIRY.

5. The Applicant's bundle shall consist of the following documents:
- (a) a statement of case (in numbered paragraphs), including copies of all the documentary evidence relied upon. If the statement exceeds 1,500 words it shall be accompanied by a summary of that statement, such statement not to exceed 500 words;
 - (b) full copies or relevant extracts of any legal authorities on which the Applicant intends to rely at the Public Inquiry;
 - (c) a copy of the application including any location plans; and
 - (d) signed and dated proofs of evidence (see the Definitions section on page 6) of every witness the Applicant intends to call at the Public Inquiry, arranged in alphabetical order, containing (in numbered paragraphs) the substance of their evidence; any witness statement which exceeds 1,500 words shall be accompanied by a summary of that statement, such statement not to exceed 500 words.

6. **The objectors' bundles**

By **19 March 2021** each objector shall send in electronic form:

- (a) a copy of their bundle to the Planning Inspectorate's Common Land Casework Team; and;
- (b) a copy of their bundle to the Applicant.

FAILURE TO ADHERE TO THIS TIMETABLE MAY LEAD TO ADJOURNMENTS WHICH WILL INCONVENIENCE ALL THOSE INVOLVED IN THE PUBLIC INQUIRY. ANY DOCUMENT SUBMITTED AFTER THE TIMETABLE MAY NOT BE ACCEPTED. IT WILL BE FOR THE INSPECTOR TO DECIDE WHETHER TO ACCEPT LATE DOCUMENTS PROFERRED AT THE PUBLIC INQUIRY.

7. The Planning Inspectorate will cross-copy the objectors' statements of case to the other objectors electronically. The Planning Inspectorate will also send copies of all the public representations received about the application, and the applicant's responses to the objectors, if these documents are not already included in the Applicant's bundle.
8. The Objectors' bundles shall consist of electronic copies of the following documents:
- (a) a statement of case (in numbered paragraphs) including, if any, copies of all the documentary evidence relied upon. If the statement exceeds

1,500 words it shall be accompanied by a summary of that statement, such statement not to exceed 500 words;

- (b) full copies or relevant extracts of any legal authorities on which the Objector intends to rely at the Public Inquiry; and
- (c) signed and dated proofs of evidence (see the Definitions section on page 6) of every witness the Objector intends to call at the Public Inquiry, arranged in alphabetical order, containing (in numbered paragraphs) the substance of their evidence; any witness statement which exceeds 1,500 words shall be accompanied by a summary of that statement, such statement not to exceed 500 words.

9. **The Public Inquiry**

Unless I direct otherwise the Public Inquiry will begin at 10 am. There will be breaks throughout the day as convenient and necessary.

10. The Public Inquiry will be conducted in the following order:

- a. my introductory remarks;
- b. any opening statement by the Applicant;
- c. the evidence of the Applicant's witnesses (including cross-examination and re-examination);
- d. any evidence and submissions by members of the public in support of the application at my discretion;
- e. any opening statement by the Objectors;
- f. the evidence of the Objectors' witnesses (including cross-examination and re-examination);
- g. evidence and submissions by others who made representations of objection to the Planning Inspectorate following the advertising of the application, and by members of the public in opposition to the application, at my discretion;
- h. the Objectors' closing statements;
- i. the Applicant's closing statement;
- j. arrangement of any site visit.

11. Witnesses and/or submissions may be heard out of order at my discretion.

12. Evidence will be given unsworn unless the Inspector rules otherwise.

13. The Applicant or Objectors may make a written application to me to vary or supplement these requirements at any time before the Public Inquiry commences.

14. I may supplement or vary these requirements at any time before the Public Inquiry begins with or without such an application.
15. **Test event**
The Inspector will hold a test event/Pre-Inquiry meeting, opening at **3pm Tuesday 23 March 2021** to allow people to see how the process can work for them and to test their equipment. The Inspector may also use this opportunity to clarify further matters relating to the running of the Inquiry itself. Please let us know if you wish to take part in such an event by the deadline set out in paragraph 16 below. Those who wish to take part will be contacted with information on how to join the event. If you are unable to attend but would find it helpful to take part in a test event, please be aware that general test events are run by the Planning Inspectorate. We can provide information on these on request.
16. In order to set up an appropriate timetable for the event we request the following information, to the best of your knowledge, **by Friday 19 March 2021**:
- the time that it will take for you to present your evidence;
 - any witnesses you intend to call and how long it will take them to present their evidence;
 - expected times for cross-examination of witnesses;
 - times for opening and/or closing submissions (where you are a main party calling witnesses).
17. Further information on taking part in virtual events is available here:
<https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

Edward Cousins

Inspector

11 January 2021

DEFINITIONS:

Objectors – every person who submitted a representation about the application was asked whether they wished to speak at the Public Inquiry. For the purposes of these Requirements, 'objectors' means only those who said that they did wish to speak.

Statement of case – a written statement containing full particulars of the case which a person proposes to put forward at a hearing or inquiry; it includes copies of any supporting documents which that person intends to refer to or put in evidence, and a list of those documents.

Proof of evidence - a document containing the written evidence which a person at a public inquiry will form the basis of their representations. It should not rehearse all of the available evidence but should focus on the matters in dispute. It should not contain supporting documents.

General Data Protection Regulation

This application will be in the public domain. Therefore, all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

For information about how we process the information you provide please see Common Land Guidance Sheet 13: Privacy Policy at the link below.

<https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy>