



APPEAL: APP/V1505/W/21/3285386

Site: Eastgate Shopping Centre, 85 Southernhay, Basildon

Proposed development (in summary):

Outline application (all matters reserved) for the part-demolition and redevelopment of the Eastgate Centre and neighbouring land to provide a mix of town centre uses, including residential units, retail and commercial floorspace and reconfiguration of car parking; new public realm, footpaths and walkways, landscaping, open spaces, and other associated physical works.

Inspector's Pre-inquiry Note

Introduction

1. This note updates the parties on the inquiry timetable and other matters, including the roundtable discussions. It should be read in conjunction with my Case Management Conference Note and Directions dated 16 May 2022.

Inquiry timetable

2. The inquiry timetable is attached as *Annex 1* and is based on the timings provided by the main parties. The timetable may change and is, therefore, intended as a general guide. I will give the opportunity for any substantive comments on timings at the start of the inquiry.

Agendas for roundtable discussions

3. The agenda for the roundtable discussion on housing land supply (HLS) is attached as *Annex 2*. The agenda is based on the draft agenda provided by the main parties. I have requested that the main parties produce an addendum to the HLS Statement of Common Ground to narrow areas of dispute.
4. It has been suggested that a heritage roundtable session be included in the timetable. Please could I be advised as to the intended scope of such a session, taking into account that the formal presentation of evidence on townscape and design, which will precede it, will to an extent deal with the relationship of the appeal scheme and other developments to Brooke House. In this regard a draft agenda should be provided before the start of the inquiry.

Presentation of scheme

5. As part of the presentation of the scheme on Day 1, please could the appellant cover how it is envisaged that the proposal would secure improvements to the bus station and the Eastgate Centre referred to in Sections 9 and 10 of the Design and Access Statement. The Inspector notes that discussions are ongoing about a condition relating to the bus station.

S106 obligations

6. A final draft of the S106 (agreed by the relevant parties) and a CIL Compliance Statement should be provided by the start of the inquiry. However, at this stage and taking into account the draft version of the S106 provided so far, the Inspector has the following comments:
 - The Draft Heads of Terms included reference to controls on tree planting and the provision of affordable commercial floorspace. It does not appear that these provisions are included within the draft S106.
 - Some elements of the S106 appear to be capable of being addressed by conditions e.g. travel planning, Historic Building recording. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition¹.
 - The S106 refers to contributions towards the cultural strategy for the town centre. Whilst the CIL Compliance Statement is awaited and may offer justification, the current wording of Schedule 3 of the draft S106 appears to lack precision. For example there does not appear to be a definition of the 'cultural strategy'.
 - I note that there were outstanding issues at the time of the submission of the draft S106 relating to early years/childcare and education contributions; open space, play and sports contributions; town centre highway improvements; travel plan triggers; and the size of any healthcare facility;
 - It does not appear that the S106 includes any obligations which are conditional on my conclusions as to whether I consider that they meet the statutory tests ('blue pencil' clauses). Please confirm.
7. These points do not necessarily require a response at this stage but will hopefully assist in progressing the S106, CIL Compliance Statement and conditions.

Conditions

8. I am aware that discussions are ongoing but a final draft of conditions should be provided by the start of the inquiry. If there

¹ Paragraph 55 of the National Planning Policy Framework

are areas of dispute these should be highlighted in the draft version and will be discussed at the relevant roundtable session.

Clarification

9. If you require any clarification on the contents of this Note, please contact me via the Case Officer, Tim Salter.

Mark Dakeyne

INSPECTOR

28 July 2022

Attached

Annex 1 – Inquiry timetable

Annex 2 – Agenda for roundtable discussion on HLS