

Clarification Sought from Friends of the Submitters to the Panel - 21 August 2023:

Ladies Mile Hearing Panel Directions 1 - request for clarification of 2 points

I see that, at paragraph 16.1 of the Ladies Mile Hearing Panel Directions 1 (10 August), the panel has invited submitters to seek further directions, etc.

While not a submitter, in my capacity as Friend of the Submitters, I would like to request clarification/ additional directions on the following two matters if the panel is willing to permit me to do so:

Paragraph 8.1 (Pre-hearing meetings)

This paragraph states that “Submitters who have indicated that they wish to be heard and are not providing expert evidence are expected by the Hearing Panel to attend the pre-hearing meeting(s) to clarify issues and attempt to facilitate the resolution of issues on 9-10 October 2023”

Could the panel kindly clarify whether this means that those who decide to provide expert evidence are not able to come to the prehearing meeting or is it that they can if they wish but are not necessarily ‘expected’ to attend?

Paragraph 9.13 (Rebuttal evidence)

Could the panel please provide some further clarity for submitters around the difference between what constitutes a “remaining issue” as opposed to a ‘new issue’.

Response from Panel - 22 August 2023:

Paragraph 8.1 (Pre-hearing meetings)

The intention of the pre-hearing conferencing is to provide a forum for those submitters without expert witnesses to meet with the council team and try and resolve issues. The Hearing Panel does not wish for the pre-hearing meetings to become discussions between experts – rather it is to be submitter focused. Therefore, if submitters who do have expert witness wish to attend the pre-hearing meetings it is without their experts [excluding planners]. Those submitters with experts have the expert conferencing process, however, the Hearing Panel encourages such submitters to engage with the Council team and try and resolve issues throughout the process.

Paragraph 9.13 (Rebuttal evidence)

“Remaining issues” are the issues raised in a submission, and associated evidence/material provided) that have yet to be resolved so remain in dispute for the Hearing Panel to determine. “New issues” are matters not raised in the submission, or material not provided in advance of the hearing”.