

APP/A5840/W/22/3303205

Avonmouth House, 6 Avonmouth Street, London SE1 6NX

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Programme Officer and Public Inquiry Manager: Joanna Vincent

INSPECTOR'S NOTE ON NOMINATIONS AGREEMENT

1. This note has been produced in advance of a round table discussion on the nominations agreement.
2. This note will be placed on the core documents library website for this Inquiry at <https://gateleyhamer-pi.com/en-gb/avonmouth-house/> .
3. At the third case management conference on Friday 9 December 2022, the main parties confirmed that they had not yet reached agreement with regard to the nominations agreement for student accommodation. It was hoped that agreement would be reached prior to planning witnesses being heard in the second week of this Inquiry.
4. On Wednesday 14 December 2022, the Council suggested that in light of the ongoing lack of agreement on the nominations agreement, it would be beneficial to hold a round table discussion on the nominations agreement on Monday 19 December 2022, prior to hearing the evidence of the planning witnesses. This approach was agreed during the Inquiry today. A revised programme will be issued for the Inquiry in due course.
5. At the round table discussion, I will be asking a number of questions. In order to receive full replies during the round table discussion, I have provided my initial questions below so that the main parties have some opportunity to prepare. Further questions may result from the parties' responses to my initial questions.
 - 1) Exactly what is the nominations agreement intended to achieve?
 - 2) What are the two main parties' positions and how is each party's respective position on the nominations agreement justified?
 - 3) What are the remaining points of dispute?

- 4) Why doesn't the appellant's offer of a modified undertaking satisfy the Council? (Paragraphs 1.9 and 1.13 of Mr Hephher's Rebuttal CD8.45)
- 5) Would each main party's approach be consistent with development plan policy?
- 6) If not consistent with development plan policy, what warrants a departure from that policy in this specific circumstance?
- 7) Is there consistency between the London Plan and the Southwark Plan on this matter? Which plan takes precedence in this instance if there is a difference in approach?
- 8) Where does the viability evidence point on this matter? What are the differences between the appeal scheme and the second application in terms of viability?
- 9) What approach is being taken in respect of the second application's nominations agreement? Does this differ in any way from the appeal scheme's nominations agreement? If so, why?
- 10) Is there any realistic prospect of the main parties reaching agreement on the nominations agreement? What does this mean for my decision?
- 11) What are the implications of me agreeing with one side over the other? Is the legal agreement as drafted sufficiently flexible for me to allow the appeal, subject to reaching a decision on which party's approach to endorse?
- 12) If I were to find that the appeal was acceptable in all other respects, would the appellant wish to see the appeal allowed on the basis of the Council's preferred nominations agreement?
- 13) Should two different legal agreements be provided with the parties' alternative approaches to the nominations agreement?

Joanna Gilbert

INSPECTOR

15 December 2022