

IN THE NORTH STAFFORDSHIRE
MAGISTRATES' COURT
BEFORE DISTRICT JUDGE GREGO

CASE NUMBER: 212100189225

WALLEYS QUARRY LIMITED

Complainant

v

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Respondent

DIRECTIONS TIMETABLE

UPON reading the Notice of Complaint

AND UPON hearing Leading and Junior Counsel for both parties

IT IS ORDERED THAT:-

1. The Complaint/Appeal be reserved to District Judge Grego for the purposes of case management and the hearing of the appeal.
2. The parties to exchange details of all documentary evidence to be relied upon by list and category by no later than 4 pm, 08/12/21.
3. The parties to serve upon each other any requests to inspect the original of, or to provide a copy of, a disclosable document relevant to the issues before the court no later than 4 pm, 15/12/21.
4. The parties to respond and serve upon each other any documents so requested, or reasons for their non-production no later than 4 pm, 12/1/22.
5. Any consequent applications to the court for specific disclosure to be lodged and served by 4 pm, 26/1/22 and listed for hearing on 9/2/22 at 2pm t/e half a day.

6. (a) In the absence of any specific disclosure applications being made, the parties shall mutually exchange witness statements of all witnesses of fact on whom they intend to rely no later than 4 pm, 9/2/22.

(b) Should specific disclosure application(s) be made then further directions as to the exchange of lay and expert witness statements be reserved to the hearing of such application(s) on 9/2/22.

7. Each party may adduce expert evidence from one expert in each of the following disciplines: (1) engineering / design and construction of waste disposal sites; (2) waste disposal site management / logistics / landfill gas management; (3) odour nuisance assessment / odour migration / impact; (4) geology; and (5) accountancy.

Subject to Direction 6(b):

8. The parties shall mutually serve reports setting out the substance of any expert evidence on which they intend to rely no later than 4 pm, 9/3/22.
9. The parties shall, if so advised, file expert reports by way of rebuttal no later than 4 pm, 30/3/22.
10. Experts of like discipline shall confer, in person or by any other mutually agreed means, and thereafter prepare for the Court a Statement of Issues identifying those on which they agree and disagree, together with a summary of their reasons. All such joint statements shall be filed with the Court no later than 4 pm, 20/4/22.
11. Each party has permission for the experts to give oral evidence at the final appeal hearing, provided that the substance of the evidence to be given has been disclosed as above and has not been agreed.
12. The parties to serve upon each other and the Court a letter indicating which witness statements (if any) are agreed no later than 4 pm, 27/4/22. The parties to file a Batting Order with the Court by 27/04/22, in any event.
13. There shall be a Pre-Trial Review on 13/5/22 at 2pm (t/e half a day), to include a site visit for the purpose of a conducted view of material locations. Seven days prior to the Pre-Trial Review the parties to provide the District Judge with an agreed itinerary and a map of locations, together with the proposed arrangements for the site visit and copies of essential documents for the District Judge to consider in advance, and a brief note. The site visit is to be conducted with counsel, solicitor and one lay and one expert witness from each party.

14. The Complainant to lodge a schedule of Agreed Facts in relation to its appeal no later than 21 days before the final hearing.
15. The Complainant to compile agreed consolidated tabbed and paginated appeal bundles no later than 14 days before the final hearing, serving copies as follows:
 - a. Court: 2 copies (1 copy for the District Judge & 1 copy for any witness);
 - b. Respondent: 6 copies (for experts, counsel and officers)
16. Each party to lodge with the Court written Opening Submissions no later than 7 days before the final hearing.
17. The appeal be listed for final hearing on 6/6/22, with a time estimate of 4 weeks.
18. Costs in the Appeal/Complaint.
19. Where the above directions require a document to be filed/lodged with the Court or served/exchanged with the other party, both electronic and hard copies shall be provided.

Dated this 3rd day of November 2021