



# The Planning Inspectorate

**APPEAL REF: APP/ Q4245/W/20/3258552**

## **Inquiry Case Management Summary Note**

Appeal Site: **Former B&Q site, Great Stone Road, Stretford M32 0YP**

Appellant: **Mr Guy Pearson-Gregory of Accrue (Forum) 1 LLP**

Local Planning Authority: **Trafford Metropolitan Borough Council**

CMC held at 15:00 on Wednesday 3 November 2021 (Microsoft Teams)

1. The case management conference was led by the Inquiry Inspector, Mr Andrew McGlone BSc, MCD, MRTPI. The Inquiry will, unless circumstances change, take place in person but a virtual element does need to be put in place by the Council. The Inquiry will open at 10.00am on Tuesday 11 January 2022, resuming at 09:30 on subsequent days. Once the Inquiry is open, it will run on the same lines whether it is held as a face-to-face event or virtual event, adopting the same protocols and etiquette as are normal in the Inquiry room.

### **Sitting days, inquiry venue and the availability of witnesses**

2. Although the Inquiry is scheduled to sit for up to four days, it was agreed, based on the matters in dispute, that a further 4 sitting days will be required plus up to 2 days in reserve. The initial sitting days are reserved for 11 to 14 January. The main parties are to identify and submit their availability for the extra sitting days. This should take into account the availability of the venue and consideration should be given to holding the Inquiry virtually on any days that the venue is not available. The parties should confirm their availability no later than **noon on 8 November 2021** and indicate if any advocates or witnesses have any availability issues that need to be accommodated.
3. The Council should confirm details of the Inquiry venue including retiring room provision for the parties and I to each use. The Inquiry will have a virtual element running alongside the face-to-face event and provision will need to be made in the venue itself for this. A separate virtual retiring room will be required if I need to speak to the advocates during an adjournment. The Council should confirm these details by **17 November 2021**. This should include confirmation of whether the Inquiry will be live streamed.
4. If the Inquiry is to be live streamed, details of how this can be accessed should be set out via the notification process. The timetable for this is set out below.

### **Appearances**

5. The main parties each confirmed a list of witnesses who they intend to call based around the main issues. Written confirmation of the witnesses and their subject area is to be provided by each party by **noon on 8 November 2021** along with details of the advocates.

## Notifications

6. The Council should set out on the site notice and notification letter, how interested parties can attend or participate in the Inquiry whether in person or virtually (including access by telephone from a land line for those without access to a computer or smart phone).
7. Inquiry notifications should normally be issued a minimum of 2 weeks in advance of opening. But, given the timing of the Inquiry shortly after Christmas and New Year, as much notice as possible should be given to allow interested parties time to consider whether they wish to participate. The Council must send a copy of the notification letter to the Case Officer, together with a list of all those notified, at the same time that it is sent out to the parties, but in any event **no later than the end of 24 December**.
8. The appellant should erect site notices containing the same information at locations around the site. To avoid any confusion, the Notices are to be posted on the same day that the letters of notification go out – the parties will need to liaise on that. Once posted, a plan is to be submitted confirming the locations of the Notices, with photographs of each. The notices must not be removed before the Inquiry takes place.

## Main Considerations

9. It was agreed that the main considerations will relate to:
  - Whether the proposed development would preserve or enhance the character or appearance of Longford Park Conservation Area;
  - The effect of the proposed development on the character and appearance of the area;
  - The effect of the proposed development on Lancashire County Cricket Club, a non-designated heritage asset and an internationally significant visitor attraction, cultural and tourism venue;
  - The effect of the proposed development on the fine turf and non-turf training facility at Lancashire County Cricket Club;
  - The effect of the proposed development on the safety of vehicular and pedestrian users of the access to Lancashire County Cricket Club and Great Stone Road, and the Club's ability to use its existing access;
  - Whether future occupants of the proposed development would have satisfactory living conditions, with regards to sunlight, daylight, outlook, noise and vibration;
  - The effect of the proposed development on the living conditions of the occupants of residential properties on Great Stone Road and Trent Bridge Walk, with regards to sunlight and daylight; and
  - Whether or not the proposed development would make adequate provision in terms of affordable housing, a TRO review, a design certifier, and contributions for sports facilities and education, having regard to viability.
10. It was agreed that there is a further main issue for the Inquiry. This will relate to the economic effect of the proposed development on Lancashire County

Cricket Club (LCCC).

11. Interested parties raise concerns about the proposal. Whether any of these matters are dealt with as main considerations in my decision will depend on the evidence as it emerges in due course.
12. The Inquiry will look at any benefits to be weighed in the planning balance.

### **Dealing with evidence**

13. The pre-CMC Note (CMC Note) issued identifies some further work to help focus the Inquiry. The CMC Note also suggests that there is merit in topic based SoCG's between the Appellant, Council and LCCC. The topic based SoCG's and Addenda should help drill down in more detail into exactly what's at issue (or not) between the parties and assist in preparation of the proofs. For example, they can take the form of tables and bullet points to make the basis of your differences, and the reasons for those differences, very clear.

#### Noise

14. The Appellant confirmed that further noise work was being prepared. This should be shared with LCCC (and the Council) as soon as possible to help inform a topic specific SoCG and subsequent PoE.
15. The Council should clarify its position in respect of noise as the situation is unclear based on its Statement of Case and the SoCG. If the Council considers this is a matter in dispute then discussions should be held with the Appellant and LCCC to agree a topic specific SoCG and the Council should prepare a PoE.

#### Economic Impact

16. Due to the further main issue, the Appellant and LCCC should agree a topic specific SoCG by **26 November** and submit proofs by **14 December**.

#### Viability

17. By the end of **5 November**, the Appellant is to confirm what their position is on viability, the extent and nature of any further work, including any alternative scenarios based on the Council's policy position. Timeframes should be clearly spelt out when this evidence will be shared and so that adequate time is programmed to feed into a topic specific SoCG which allows for constructive dialogue between the parties. It is critical that this work is done in a timely manner so that proofs are focussed, and Inquiry time is best utilised.

#### Housing Land Supply

18. It is an agreed matter in the SoCG that the Council cannot demonstrate a five-year supply of housing land, though the Council explained that the extent of that supply is being reviewed this month. It is critical that this work is done in a timely manner given the potential ramifications for evidence and the number of sitting days. It was agreed that an Addenda on this matter alone should be submitted no later than the end of **1 December 2021**. The Council should engage with the appellant at the earliest opportunity prior to this date given the subsequent deadline for a potential PoE if housing land supply becomes a

matter for the Inquiry to test.

#### Appellant / Rule 6

19. In addition to the economic impact matter, it was agreed that SoCG's would be produced between the Appellant and LCCC in respect of pitch facilities, noise and highways by **26 November 2021**. Highways witnesses may need to be on hand at the Inquiry to answer any questions of either party or myself but that will be determined by the discussions leading up to the Inquiry.

#### Conditions

20. An agreed schedule of suggested conditions, together with the reasons for them (including references to any policy support) will need to be submitted in Word format by **26 November 2021**. The Council is to take the lead on preparing those lists, in discussion with the appellant and LCCC. Careful attention is to be paid to the wording, which should avoid 'tail-pieces.' The conditions will need to be properly justified having regard to the relevant tests, in particular the test of necessity. You are reminded that conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. The reasons for any pre-commencement conditions will need to include that justification. I will also need agreement in writing from the appellant to those. Regard should also be had to the advice in the PPG on the ordering of conditions. Any difference in view on any of the suggested conditions, including their wording, should be highlighted in the schedule with a brief explanation given.

#### Planning Obligation

21. A final draft legal agreement, whether this is on a bilateral or a unilateral basis, should be submitted **no later than 23 December**. The Council and LCCC should have input into any agreement. At the same time, the Council should prepare and submit a CIL compliance statement. This should include a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, including any policy support and, in relation to any financial contribution, how it has been calculated and on precisely what it would be spent.
22. I will allow a short time after the Inquiry for submission of a signed version of any agreement if this is not possible by the time we close.
23. Should the issue around viability and contributions not lead to the matters being resolved through the submission of an appropriate planning obligation, then the Appellant and the Council will need to submit PoE's setting out their respective positions with respect to these issues.

#### Video evidence

24. Both the Appellant and LCCC expressed a wish to present video evidence at the Inquiry. This should be submitted alongside proofs so that preparations can be made by the Council to ensure that every participant can see the recording and are able to comment on it. The Appellant and LCC should liaise with the Council to ensure that this evidence is in a suitable format.

## Core Documents and Hard Copies

25. You will all need to discuss and agree a list of Core Documents in advance of preparing your proofs so they can be properly referenced in the proofs. It is essential that they are comprehensive, and everyone is working to the same system. That list is to be co-ordinated by the appellant and must be submitted with the proofs (**by 14 December 2021**). Core Documents can be submitted electronically. A suggested template is in Annex B.
26. Core Documents should comprise only those to which you will be referring to in your evidence. Particularly in relation to development plan policy, I don't want to receive the entire development plan – rather the front page and policies that are of relevance to the appeal. References to the PPG should be made within a particular point and identified by a Reference ID to save on word count and me trawling through the PPG. A copy of the National Planning Policy Framework does not need to be included. Neither do documents that relate to matters which are not in dispute.
27. The Council confirmed that it will ensure there is a website for all the Inquiry documents to be available for all digitally in a single place. The Council should provide contact details for a nominated person on the website so anyone experience difficulties in accessing documents can contact them.
28. It is expected that all necessary documents will have been submitted in advance of the Inquiry. Any additional documents can only be accepted to the Inquiry (and Inquiry library) **with the Inspector's permission**.
29. I will need a number of documents to be provided in hard copy. These will include the proofs and appendices, and any rebuttals and relevant plans (A3). The parties should liaise on the production of hard copies in due course. I will confirm any other documents that I require in hard copy shortly after submission of proofs and instruction for their collection / delivery.
30. The parties should liaise with each other and their witnesses to ascertain how they wish to view Core Documents, whether that be digitally or a hard copy. The parties should ensure any hard copies are made available at the Inquiry.

## Hearing the evidence

31. It was agreed that the evidence in relation to highway safety and living conditions except for sunlight, daylight, outlook, noise and vibration would best be dealt with via round table sessions, supported as appropriate by topic specific SoCG's. Roundtable sessions will also cover the planning obligation and planning conditions. Those sessions would be led by myself, each following dedicated agendas to which all the main parties should contribute. I will issue finalised agendas based on those shortly before the Inquiry opens.
32. All other evidence connected to the main issues will be tested through formal presentation and cross-examination. This will include matters relating to planning policy and the overall planning balance, including any benefits of the proposal. The evidence of the appellant will also need to address the other matters raised by interested parties. Its planning witness may deal with any outstanding matters or may field other witnesses to deal with some of these matters depending on the evidence that emerges.

## **Inquiry Running Order / Programme**

33. On the first day, the Inspector will start the Inquiry with his opening comments. There will then be opening statements from the main parties: Appellant, Council, Rule 6, followed by any other interested parties. These should be no longer than 10 minutes each. I will facilitate a short break to ensure your written openings are shared and available to all.
34. The Inquiry will then hear from any interested parties who wish to speak although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one. Until we have an idea of the numbers who might register to speak, we won't know how long that is likely to take. The main parties should be flexible and be ready to proceed with their evidence if time permits on day 1.
35. Until the additional sitting days are programmed, and the availability of the venue, advocates and witnesses are made clear the precise running order cannot be confirmed. However, it should be topic based and may take on the following format:
- Character/appearance/design/heritage
  - Fine turf and non-turf training facility
  - Living conditions
  - Highway safety
  - Economic impact
  - Viability
  - Planning balance
36. On conclusion of all that, I will lead the usual round table discussion on provisions of the planning obligation and then conditions.
37. That will be followed by closing submissions, LCCC first, followed by the Council then the appellant. I will need a copy of your openings and closings in Word format, which will need to be sent to the PINS case officer shortly before you present them. How you exchange with the other parties is up to you. Preferably, they should be no longer than around 40 minutes in length.
38. Sessions at the Inquiry will last for about 1.5 hours with at least 15 minutes breaks between, longer over lunch. This normally means two sessions in the morning and one after lunch. There may be some flexibility with session lengths depending on whether people attend in person or virtually. If sessions are run entirely virtually then the day will be structured as outlined.
39. The advocates are to work collaboratively on their time estimates for each stage of their respective cases. These are to be submitted by noon on **4 January 2022**. I will issue a draft programme following receipt of your time estimates, when I will have a better feel for things. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses. I will facilitate time for the preparation of closings as part of the Inquiry.
40. I will need to undertake a site visit. Arrangements should be made for part of the visit to take in the cricket ground and to view the site from various places

within it. The parties should work together to produce an itinerary for the visit, taking into account any requests of interested parties. The purpose of the visit is simply for me to see the site and its surroundings. I cannot listen to any representations, discussion or arguments during the visit.

### **Timescales for submissions**

41. Appellant response on viability by **end of 5 November**.
42. Response by all on sitting days, inquiry venue and the availability of witnesses by **noon 8 November 2021**.
43. List of appearances and advocates from all by **noon on 8 November 2021**.
44. Details of the venue and virtual arrangements from Council by **17 November 2021**.
45. The deadline for submitting topic specific SoCG's, Position Statement and an Addenda is **26 November 2021 unless otherwise specified**.
46. All proofs of evidence, including any video evidence (and summaries if over 1500 words) are to be submitted by **14 December 2021**. Details of the preferred format and content of proofs and other material can be found at Annex A and are to be observed, in particular internal paragraph and page numbering.
47. An agreed Core Document List is to be sent electronically to the Planning Inspectorate at the same time as the proofs by **14 December 2021**. This list should be made available on the Inquiry website, kept up-to-date and alongside any other Inquiry documents.
48. The Inspector will expect to receive a final draft version of the obligation and CIL Compliance Statement no later than **23 December 2021**.
49. The Council must undertake notifications at least 2 weeks before the Inquiry starts and provide PINS with an electronic copy (by end of **24 December 2021** accounting for bank holidays).
50. The Appellant must put up a site notice and provide PINS with evidence that this has been done. Again at least 2 weeks before the Inquiry starts (by end of **24 December 2021** accounting for bank holidays).
51. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **31 December 2021**. It is important that any rebuttal proofs do not introduce new issues.
52. **By noon on 4 January 2022 time estimates** should be submitted. I will issue a programme following receipt of these. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.
53. The Inspector expects these timescales to be met in the interests of fairness to each party, to avoid unnecessary work and to ensure an efficient and effective



Inquiry. All parties are reminded of the risk of an adjournment and/or award of costs that comes with the submission of late evidence or not adhering to the timescales set out.

### **Costs**

54.No application for costs are currently anticipated at this stage. If any application is to be made, that should be done in writing before the Inquiry. You are also reminded that I have the power to initiate an award of costs in line with the Planning Practice Guidance if appropriate. Unreasonable behaviour may include not complying with the prescribed timetables.

*Andrew McGlone*

INSPECTOR

4 November 2021



## Annex A

### Content and Format of Proofs and Appendices

#### Content

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;
- where case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

Proofs **should not**:

- **Duplicate information already included in other Inquiry material.** So in respect of items such as the reasons for refusal, descriptions of the site and development and planning history, if they are described in a statement of comment ground, decision notice, committee report or application document, they should not be duplicated in a proof, with crossing referencing back to the source inquiry material; and
- **Recite at length the text of policies referred to elsewhere:** the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals' merits need be referred to.

Format of the proofs and appendices:

- Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Appendices are to be bound separately.
- Appendices are to be indexed using **projecting tabs**, labelled and **fully paginated**.

**Annex B****TEMPLATE FOR CORE DOCUMENTS LIST  
(adapt headings to suit)****CD1 Application Documents and Plans**

- 1.1
- 1.2 etc

**CD2 Additional /Amended Reports and/or Plans submitted after validation**

- 2.1
- 2.2

**CD3 Committee Report and Decision Notice**

- 3.1 Officer's Report and minute of committee meeting
- 3.2 Decision Notice

**CD4 The Development Plan**

- 4.1
- 4.2

**CD5 Emerging Development Plan**

- 5.1
- 5.2

**CD6 Additional material submitted after determination of the application**

- 6.1
- 6.2

**CD7 Relevant Appeal Decisions/Judgements**

- 7.1
- 7.2

**CD8 Other**

- 8.1
- 8.2