



**APP/Q4245/W/22/3306715 – World of Pets, Thorley Lane,
Timperley WA15 7PJ**

10:00 – Tuesday 8 November 2022

Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought

CASE MANAGEMENT CONFERENCE PRE-CONFERENCE NOTE

Introduction

1. The case management conference (CMC) will be led by myself, Graham Chamberlain BA(Hons) MSc MRTPI, the appointed Inspector.
2. Attached as a separate document is the conference agenda.
3. The purpose of the CMC is to set out matters relating to the ongoing management of the appeal and the presentation of evidence.
4. The CMC will not involve any discussion on the merits of the case and no evidence will be heard.
5. The Inquiry is scheduled to open at 10:00 on 10 January 2023.
6. It will be an in-person event with the venue to be confirmed. The Council should provide an update on this at the CMC or beforehand if possible.
7. The Inquiry is currently programmed to sit until early afternoon on the 13 January 2023.

Scope of the Application

8. I understand that the proposal was been submitted in outline with all matters of detail reserved for future consideration save for the main access into the site.
9. That said, several drawings have been submitted, such as a masterplan and landscape masterplan, which are not annotated as being indicative but show layout, internal circulation routes and landscaping. Moreover, scale and layout are reserved matters, but parameter plans have been submitted indicating some aspects of scale and layout. Suggested storey heights are indicated on Parameter Plan 2 but not building heights, which would seem imprecise. Therefore, the scope of the application, and the matters before the Inquiry, will need to be clarified at the CMC or beforehand if possible.

Likely Main Issues

10. Based on the submissions currently before me, it would seem that the main issues in this appeal should be as follows:

- a. *Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness and purposes of the Green Belt;*
 - b. *Whether the proposal would be in a suitable location, with reference to the spatial strategy in the development plan and the accessibility of services and facilities;*
 - c. *Whether the proposal would make adequate provision for affordable housing and biodiversity net gain;*
 - d. *Whether the proposal would provide adequate infrastructure, with particular reference to education, on site play space, transport infrastructure or pedestrian access improvements and EV charging*
 - e. *If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.*
11. Despite not being reasons for refusal, I have included Main Issues C and D because a planning obligation is not currently before me.
 12. The parties may wish to reflect on whether EV charging is addressed through Part S of the Building Regulations.
 13. The Council have confirmed that the appeal site is located within a Critical Drainage Area as specified within the Trafford Strategic Flood Risk Assessment. Paragraph 161 of the National Planning Policy Framework sets out the need for a sequential risk-based approach to the location of development taking into account all sources of flooding. Further guidance on sequential testing is provided in Paragraph 162 of the Framework. It would therefore be helpful to receive further evidence on whether a sequential test is required. This can be done through a Statement of Common Ground (SOCG) and/or Proofs and I may need to hear evidence at the Inquiry.
 14. It will be necessary to discuss at the CMC whether the above encapsulate the issues most pertinent to the outcome of the appeal.
 15. The Inquiry will also look at other matters raised by consultees and interested parties. It would be advantageous if these were addressed through the SOCG and/or Proofs.
 16. It is essential that both the Council and appellant effectively communicate with one another to seek to narrow the issues for consideration at the Inquiry. This is most effectively achieved through a SOCG.

Format for Delivering Evidence and Running Order

17. The Inquiry will focus on the areas where there is disagreement. The CMC will explore how best to hear the evidence.
18. At this stage, it is likely that the evidence will be delivered through the formal presentation of cases and cross examination.
19. Whether some evidence will be presented via a topic-based approach, along with the general running order of the Inquiry, will be discussed at the CMC.
20. I will also wish to discuss whether sufficient time has currently been programmed. I currently have availability on the 17-19 January if additional time is required.

21. It may be that if additional time is necessary to deal with conditions, planning obligations and closing, then this could be through a digital event/session.

Conditions, Planning Obligations and Costs

22. During the CMC I will wish to discuss
- The submission of an agreed list of conditions (without prejudice).
 - Practical matters relating to the completion and submission of any planning obligation.
 - An early indication if any party intends to apply for an award of costs.

Core Documents

23. During the CMC I will wish to discuss preparation of a core documents list (including presentation and availability online).

Timetable for further submissions

24. The deadline for the submission of proofs of evidence, and rebuttal statements (if exceptionally necessary), will also be discussed at the CMC.
25. Annex 1 includes a note of how the proofs should be presented.
26. I will require hard copies of all proofs and openings. The arrangements for submitting these will be discussed at the CMC.
27. It would also be advantageous if closings are submitted in writing.
28. It is not anticipated that there will be any need for additional documents to be handed up during the Inquiry. You should review your cases promptly to ensure that is the case. Any late evidence should be brought to my attention as soon as possible. Only in exceptional circumstances should late evidence be handed up at the Inquiry.

Statement of Common Ground

29. If not already submitted, the deadline for the submission of a SOCG will be discussed at the CMC. It should be submitted as a Word document and include the following:
- A list of the drawings and documents considered by the Council at the application stage.
 - A list of any new drawings and documents submitted with the appeal.
 - A list of any new evidence submitted to the appeal by the Council.
 - A list of suggested planning conditions. Both parties should reflect on whether the suggested conditions would meet the relevant tests¹ as the Inspector will explore this at the Inquiry.
 - A justification statement for any planning obligations, ideally in the format of a table based around the tests in Paragraph 57 of the National Planning Policy Framework.
 - A planning policy update outlining any changes since the Council issued its decision.
 - A list of the main matters agreed and not agree.

¹ See Paragraphs 55 and 56 of the National Planning Policy Framework

- A summary of the respective parties five-year housing land supply positions, including any points that can be agreed. The table in Annex 2 may assist in summarising the respective positions of the parties.

Housekeeping

30. During the CMC I will wish to discuss:

- Housing keeping matters including the venue, Inspector retiring room, whether material can be left over night, audio systems, hearing loops, IT support, photocopying, whether there will be facilities for parties wishing to join/observe virtually, WIFI, Inspector car parking space etc....

Other Matters

31. During the CMC I may also wish to discuss:

- The submission of the letter notifying interested parties of the Inquiry arrangements
- Clarification of the advocates and who will be appearing.
- Arrangements for the site visit.


INSPECTOR

2 November 2022

Annex 1 - 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 data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

Proofs **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
- recite 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 presented in a lever arch file with appendices.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
- Pages and paragraphs should be numbered.
- Appendices are to be bound separately.
- Appendices are to be indexed using projecting tabs, labelled and paginated.

Annex 2 - Five Year Housing Land Supply Calculation Template

	Council	Appellant	Comment	Note
What is currently the relevant five-year period for the purposes of assessing whether the Council has a five-year housing land supply?				
Housing Requirement				
Annual local housing need figure				Usually taken from the development plan, or the Local Housing Need where strategic policies are more than five years old – see Paragraph 73 of the National Planning Policy Framework.
Five-year basic requirement for five-year period				Annual requirement x 5
Buffer				Calculate the buffer from Paragraph 73 of the Framework
Five-year requirement				Five-year basic requirement + buffer
Average annual requirement for five-year period				Five-year requirement/5

Housing Supply				
Housing supply forecast for the five-year period				
Final Calculation				
Five-year housing land supply				Housing supply/average annual requirement for five-year period (to be expressed as number of years).