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Our Ref: 62260794 / 20140018

24 February 2020

Dear Mr Salter

LAND AT WARBURTON LANE, TRAFFORD
APPLICATION REF: 98031/OUT/19
APPEAL REF: APP/Q4245/W/19/3243720

We write ahead of this week's scheduled Case Conference (taking place on Friday 28 February 2020), to provide an update on various matters and to help inform discussions in the meeting.

Environmental Impact Assessment (EIA)

On 20 December 2019, the Appellant submitted a request to the Secretary of State (SoS) for a Scoping Direction in respect of the appeal proposal and pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (herein referred to as "the Regulations").

The purpose of the request was to seek confirmation from the SoS that reflective of the heritage related consultee feedback on the proposals at that time, that for completeness, it would be beneficial to all parties if the submitted Environmental Statement (ES) was updated to include a chapter on 'Cultural Heritage'. Additionally, and if on the basis that the SoS agreed this was appropriate, it was suggested that it could also reflect the changes to the proposal which were formally submitted to the Local Planning Authority on 14 November 2019 (namely, changes to the submitted Parameters Plan). It was proposed that the update takes the form of a formally submitted ES Addendum.

Email correspondence received from Ms Lucy Hicks of the Planning Inspectorate's (PINS) Environmental Services team (dated 23 January 2020) advised that the circumstances under which the SoS would be able to issue a Scoping Direction did not apply in this instance, on the basis that the Council had previously provided a Scoping Opinion (dated 18 June 2018). Notwithstanding, PINS did advise that it would be reviewing the submitted ES as part of the appeal, to ensure that it meets the minimum requirements set out in the Regulations.

As at the time of writing, the Appellant is still to receive any advice from PINS in this regard.

Nevertheless, the Appellant has taken the decision to commence preparation of an ES Addendum, primarily in response to issues raised in the recently published Committee Report (13 February 2020). More information on timings is set out below.

Whether the proposed ES Addendum constitutes 'New Evidence'

For the avoidance of doubt, the Appellant is of the view that the submission of an ES Addendum in the context of the appeal does not constitute 'New Evidence' (as referred to in the PINS Procedural Guide (February 2020)), on the following grounds:

- The ES Addendum is in direct response to matters arising during the application process; and,
- The assessment is focused on the impacts of the proposal as submitted to the Council as at 14 November 2019. The proposal (now the subject of this appeal) has not changed further since then.

Notwithstanding, the Addendum will:

- a) have regard to updated information submitted to the Local Planning Authority (LPA) between 14 November and the submission of the appeal on 20 December 2019, in particular as contained in the following updated reports (submitted on 17 December 2019):
 - Heritage Assessment;
 - Archaeological Desk Based Assessment, including Geo-physical Survey;
 - Flood Risk Assessment;
 - Green Infrastructure Statement;
 - Transport Assessment and Travel Plan; and
 - Noise Assessment;
- b) consider alternative highway mitigation proposals which were presented to the LPA on 28 November 2019, in particular, with regards the alternative proposed scheme of improvements at the Flixton Crossroads;
- c) have regard to the submitted footbridge applications pertaining to the provision of new crossing points over Red Brook. The Parameters Plan highlighted the location for two 'Potential Pedestrian Bridge Connection' points. Whilst the acceptability of the detail of these applications is for the LPA to consider, their purpose is to support the appeal proposal currently before the Inspector. It is therefore our view that it is appropriate to consider their relevance in preparing the ES Addendum;
- d) have regard to additional areas of concern raised by the LPA in its Committee Report and Late Report (13 February 2020), in particular, with regard the claimed built heritage and archaeological impacts of the proposal;
- e) consider the impacts of only the appeal proposal (i.e. the outline scheme) as

opposed to both this and the concurrent full applications, on the basis that the Appellant has written under separate cover to formally withdraw those applications.

Having regard to Paragraph B.2.2 of Annexe B of the aforementioned PINS Procedural Guide, it was not possible for the Appellant to prepare and submit an ES Addendum prior to the submission of the appeal. This was because:

1. The Appellant maintained that the ES did not need updating to reflect the revised parameters;
2. At no point either between a) submission of the updated Parameters Plan and submission of the appeal, and/or b) submission of the appeal to date, has the Council advised that it considers the ES ought to be updated;
3. PINS on behalf of the SoS has since declined to provide a Scoping Direction and the Appellant has not received any subsequent advice on the adequacies (or otherwise) of the current ES in the context of the appeal to date;
4. It is only since the Council's Committee Report and Addendum became available (5 and 13 February 2020 respectively) has the Appellant become aware of the full extent of the Council's objections to the proposal (particularly in respect of built heritage and archaeology).

Without prejudice to the Appellant's position as stated above, the Appellant is aware that the appeal proposals are highly sensitive and there are a number of interested third parties (including Warburton Parish Council (WPC) which was recently awarded Rule 6 status). On this basis, the Appellant is willing to agree with the parties that the proposed ES Addendum be treated as if it were 'New Evidence'.

In terms of timing, there is sufficient time before the submission of evidence to the Inquiry (due 24 March) to publish and consult on the ES Addendum, and to ensure that no parties are prejudiced by this in any way.

We can confirm that the Appellant is working towards being able to formally submit the ES Addendum to the LPA and PINS next week (no later than 3 March 2020). We will liaise with the LPA separately to confirm how and where this should be publicised and in ensuring that copies can be made available as soon as possible.

Inquiry timetabling

The appeal 'Start Letter' (dated 16 January 2020) confirms that the appeal is being dealt with by way of the Inquiry procedure; that the Inquiry will open on 21 April 2020; and, it is scheduled to sit for eight days.

The Appellant is pleased that the Inquiry procedure has been agreed and an early date scheduled. However, in light of the issues presented in the Council's Committee Report(s) and on the basis that Warburton Parish Council is now a formal Rule 6 party, we do have some concerns about the extent to which all

matters can be adequately addressed within the current timetable.

WPC's Statement of Case is not due until 10 March 2020 therefore at this stage, it is unclear how much evidence it will put forward and how many witnesses it might call. We request that PINS seeks clarity from WPC on the likely scope of their evidence, certainly before the 10 March but ideally before or during this Friday's meeting.

With regard the Appellant's own case, additional witnesses will now need to be called (in respect of archaeology, landscape and a second supporting witness on viability).

However, we welcome the suggestion that some topics may be capable of being dealt with via a round table discussion and are currently considering the scope for this ahead of Friday.

Other Matters

Statements of Common Ground

As set out in our correspondence to the Inspector (dated 21 February), we are in the process of agreeing SoCG's with the Council across a range of matters. Further to that letter, we can confirm that a draft Landscape SoCG was issued to the Council and its representatives that same day, whilst a draft Highways SoCG was issued over the weekend.

Two draft viability related statements (one pertaining to build costs, the other more generic viability), a built heritage statement and an archaeological statement are being submitted today.

Additionally, we will also be reverting back to the Council today further to its comments on the general planning SoCG. A further progress update will be provided to the Inspector on Friday.

In respect of the draft viability SoCGs, these are being accompanied by updated reports prepared directly in response to the Council's Committee Report. It is anticipated that these will facilitate discussions around the SoCGs.

Planning Obligation

A draft Unilateral Undertaking (UU) was formally submitted by Redrow to the Council's solicitor for review on 20 February 2020. We are currently awaiting feedback and again, a progress update will be provided on Friday.

Next steps

We trust that the information set out in this letter is clear, however, should this give rise to any immediate queries, please do not hesitate to contact us. A copy of this letter is being provided to the Council also.

Yours sincerely



Sarah Wozencroft

cc: Ms Bethany Brown, Trafford Borough Council (by email)