



Mrs Bethany Brown
Major Planning Projects Officer
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
M32 0TH

Our Ref: 62260794/SW

9 June 2020

Dear Mrs Brown,

Land at Warburton Lane, Trafford
Application Ref: 98031/19/OUT
Appeal Ref: APP/Q4245/W/19/3243720

We write on behalf of Redrow Homes North West in respect of their appeal pertaining to land at Warburton Lane, Trafford and following on from our email correspondence in April, shortly after the Covid-19 lockdown restrictions came into effect.

As you know, following on from the Case Management Call (CMC) held with the Inspector on 28 February 2020, all parties were working towards an Inquiry date in April and finalisation of evidence for submission late March. This included in respect of agreement of Statements of Common Ground (SoCGs). Of course, the Inquiry was unfortunately postponed on 18 March (prior to evidence exchange) and whilst some work has continued on behalf of the Appellant since then, the extent to which matters have been able to be resolved to date has been adversely affected by the Covid-19 pandemic in terms of resources both at Redrow and within the appellant team.

However, looking forward, the Appellant team is now largely back to full strength and is now better able to re-engage on key areas of the appeal (for example, agreement and finalisation of SoCG's with both the Council and Warburton Parish Council (WPC) Rule 6 party).

We thought it would therefore be helpful to you (and by copy, the Inspector), to set out our understanding of the latest position on various matters and to facilitate discussion with you in terms of next steps.

Additionally, from our discussions with the Planning Inspectorate (PINS) and reflective of their most recent advice (published 28 May 2020), we anticipate that the Inspector will propose that this appeal be dealt with in a virtual way using digital methods. Whilst we will need to discuss overall timings with the Inspector at our forthcoming CMC on 10 June, we would like to start to discuss potential dates with the Council and WPC and have set out in this letter some initial options. Again, we would welcome your thoughts/comments at this stage.



Progress on various matters

EIA ADDENDUM

This was submitted in both paper and digital form to PINS and the Council on 3 March 2020.

Additionally, following discussion at the CMC between the parties, it was agreed that the Appellant would complete a Site Notice (erected dated 18 March 2020) and place an advert in a local newspaper (subsequently published in the Trafford Messenger on date 12 March 2020) noting that the information would be available to view at the Council offices and/or upon request from PINS from 5 March 2020. Separate publicity letters were issued to the Environment Agency and Natural England, dated 10 March 2020.

Having subsequently liaised with both PINS and the Council, we understand that neither party has to date received any consultation comments pursuant to submission and advertisement of the EIA Addendum. Of course, we cannot know for certain to what extent this might be due to the Covid-19 pandemic and restrictions that have been in place.

Therefore, having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, the Appellant is proposing to re-publicise the EIA Addendum by way of a further site notice and advert in the Trafford Messenger, this time advising how, where and when the information can be found electronically on the Council's website and confirming that any representations to be made about the information should be made in writing to the Secretary of State (SoS) via a stated email address and within 30 days of the date of the notice.

Similarly, unless the Council advises that any further statutory consultees or interested parties need to be informed, the Appellant will also separately notify the Environment Agency and Natural England as before.

We will liaise with you separately to agree the scope and timing of further publication of the EIA Addendum but are working to get this underway this week.

STATEMENTS OF COMMON GROUND

In light of the fact that this appeal is likely to be heard by way of a digital hearing, we anticipate there being an even greater reliance on SoCGs, given the role they can have in minimising the need to present evidence.

Seven SoCG's are currently being prepared and their progress is outlined below:

GENERAL PLANNING

We are in the process of reviewing the Council's latest draft (issued to WSP on 17 March 2020). However, we understand that the Council is going to provide a revised summary of the Housing Land Supply position. If you are able to provide us with this information by return, we will incorporate this into the latest draft and provide this back to you for review.

In parallel we will also provide this to WPC for their comment as we are mindful that they are yet to have sight of this. We will work towards agreeing this as a tripartite statement, with any difference in agreement of matters (with the Appellant) between the Council and WPC clearly identified.



BUILT HERITAGE

This SoCG has been agreed in principle between the Council and Appellant. We shall forward this on under separate cover to WPC for their review and to establish the extent to which it is able to agree with the position that has been reached.

ARCHAEOLOGY

We are now in receipt of further comments from Greater Manchester Archaeological Advisory Service (GMAAS) (dated 11 May 2020). These have been reviewed by RPS and a further draft will be provided to GMAAS this week. In parallel, we will forward this onto WPC for their input but with the caveat that this remains subject to change.

TRAFFIC AND TRANSPORT

We understand that general matters pertaining to traffic and transport have been agreed between the Council and the Appellant. However, agreement to the Appellant's proposed mitigation scheme at the Flixton Crossroads remains outstanding, due to ongoing requests from the Council's highway colleagues and Transport for Greater Manchester (TfGM) as to the detailed design and modelling of this junction (even as at last week). As a result, the final details of the draft SoCG are still yet to be agreed between the main parties but the Appellant is hopeful that these discussions will conclude imminently.

On this basis and mindful that WPC is yet to have sight of the latest draft, we will provide this under separate cover with the same caveat as above.

LANDSCAPING

A draft SoCG pertaining to landscape matters has in principle been agreed between the Appellant and the Council's landscape advisor (Barnes Walker). We understand that this has been sent onto WPC by Barnes Walker direct, but we are yet to receive any feedback on this or indeed confirmation from the Council that from their perspective, the content is now agreed. We would welcome an update on both fronts ahead of the CMC.

SITE WIDE VIABILITY

We understand that a conference call took place between Trebbi (acting on behalf of the Council) and Cushman & Wakefield (for the Appellant) on 19 March in seeking to progress discussions on the draft SoCG.

Additionally, pursuant to discussion at the CMC in February, the Appellant has provided details of the Option Agreements as requested by the Council (dated 9 March 2020).

Aside from Trebbi requesting some specific detail regarding the breakdown of unit revenues which made up the reported Gross Development Value (GDV) that was stated in the submitted Financial Viability Appraisal (FVA), there has been no further feedback provided on the SoCG and as a result, it has not progressed. We request that the Council's consultant re-engages with this and in discussions with Cushman & Wakefield as a matter of urgency.

From a review of WPC's SoC, we are not aware that viability is a matter which it is pursuing and therefore given this and the fact that discussions on the SoCG remain at an early stage, we do not propose to forward the latest draft onto them unless otherwise requested.



ABNORMAL COSTS

Similar to the position with regards the SoCG on site wide viability, the Appellant is also still awaiting the Council's feedback on the SoCG dealing specifically with abnormal costs.

A discussion took place between Trebbi and Mr Gary Bushell (the Appellant's advisor) on 19 March, at which, Mr Bushell was advised that the Council had appointed Mr Steve Wright of Monaghans as it's quantum expert to deal with construction costs. Trebbi advised that Mr Wright would be liaising with Mr Bushell on the SoCG, in advance of giving evidence. Despite requesting Mr Wright's details both during this discussion and subsequently in writing, the information remains yet to be forthcoming and the Appellant is still to receive any written comments or feedback in respect of the draft SoCG.

This is a clearly unacceptable position and again, we request that the Council's witness proactively engages with Mr Bushell immediately, in order to progress the aforementioned SoCG and identify areas of both agreement and disagreement. For the same reasons as above, we do not propose to forward this information onto WPC unless requested.

PLANNING CONDITIONS

A draft schedule of planning conditions has been provided to the Appellant by the Council and whilst an initial review of these has been undertaken, it has previously been agreed between the parties that until such time that the traffic and transport SoCG is agreed (in particular, pertaining to the extent of off-site mitigation), the Appellant is unable to provide a comprehensive response back to the Council. Nevertheless, we will re-look at these and seek to reach an agreed position as part of the Planning SoCG and in advance of the exchange of evidence

PLANNING OBLIGATION

Discussions between the Appellant and Council have continued, albeit the focus of these has been on the legal drafting of the agreement as opposed to the extent of planning obligations contained within. Again, the latter is tied in with agreeing the extent of off-site highway works.

Nevertheless, whilst this is currently being progressed as a Unilateral Undertaking, we note that the minutes of the previous CMC advise that the Council is anticipating that a bilateral agreement be entered into. There are a number of reasons why we consider that a bilateral approach would be better suited (not least in addressing some of the legal drafting points that have been raised by the Council's solicitor). We would therefore be grateful if the Council could re-clarify its position on this for the benefit of all parties.

CORE DOCUMENTS

The Appellant has produced a draft Core Documents list which was provided to both the Council and WPC on 13 March. Whilst we have received some preliminary comments from WPC, we are yet to receive any feedback from the Council. We would be grateful to receive this as soon as possible.



Scheduling of Inquiry

We understand from PINS that it is unlikely that the Inquiry will be rescheduled to open before August. Additionally, we understand that our appointed Inspector is already committed on another case in September.

With a virtual approach, we anticipate that the Inquiry will need to be scheduled for a longer period of time (we were previously looking at 8 to 10 days) and whilst we accept that this will be the subject of some discussion later this week, it would be prudent for the three main parties to start considering potential dates which we could offer to PINS looking at the time period August to December 2020.

Of course, we remain keen to have the appeal heard as soon as possible, mindful that this was previously being dealt with as a 'fast track' case.

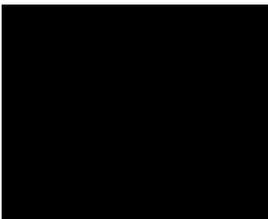
Next steps

We trust that this letter provides a helpful overview of where matters have progressed to thus far and the areas which remain outstanding.

As set out above, the Appellant team is now better placed to move matters forward than it has been over the past few months and combined with the fact that PINS is now looking to progress the rescheduling of the Inquiry also, we would welcome fresh discussions with you and WPC in seeking to conclude matters where we can before the exchange of evidence.

We trust that this is in order and look forward to hearing from you in this regard.

Yours sincerely



Sarah Wozencroft

cc:
Mr T Salter, The Planning Inspectorate
Mr P Beckmann, Warburton Parish Council