

**APPEAL REF: APP/Q4245/W/19/3243720****LAND AT WARBURTON LANE, WARBURTON**

Residential development of up to 400 dwellings, including the creation of new points of access, provision of formal and informal open space, ancillary landscaping, car parking and highway and drainage works.

Outline application with access to be considered at this stage.

SECOND CASE MANAGEMENT CONFERENCE (CMC) HELD AT 1000 ON 10 JUNE 2020**CONFERENCE NOTE****Introduction and purpose**

1. The inquiry was due to open on 21 April 2020 but had to be postponed due to the Covid-19 pandemic. Miss Christina Downes is the Inspector who is appointed to hold the inquiry and undertook the case conference. She will also be holding the inquiry.
1. The Appellant, Redrow Homes Ltd, was represented at the conference by Mr David Manley of Queen's Counsel. Trafford Council was represented by Mr David Forsdick of Queen's Counsel. Warburton Parish Council was represented by Mr Killian Garvey of Counsel. The main parties confirmed that they had seen and considered the Inspector's previously circulated pre-conference note and agenda.
2. The Inspector explained that the current restrictions on gatherings, social distancing and travel mean that the inquiry would be unable to go forward as a face-to-face event and this situation is unlikely to change in the foreseeable future. The inquiry is therefore being progressed as a virtual event instead. She referred to the Government's Written Ministerial Statement, which was published on 13 May. This stressed the importance to the country's economic recovery of continuing the work of the Planning Inspectorate. The Government's clear expectation is that everyone involved in the planning process will engage in digital events proactively.
3. There was no discussion of evidence at the CMC or consideration of the merits of the appeal.

What a virtual event could look like

4. The Planning Inspectorate is using Microsoft Teams as the platform that will enable people to participate remotely. It will be accessed by a link in an email invitation through a laptop, tablet, computer or smartphone or by dialling in via a given phone number. This process will enable the widest possible participation whilst the rules on social distancing, travel restrictions

and limitations on gatherings are in force. The inquiry will be subject to the same Rules and Regulations as conventional face-to-face inquiries. The main parties confirmed that they were familiar with the Teams platform.

5. To further assist the Inspector will be arranging a Test Event for the main parties (including witnesses) in the week before the inquiry. This will allow them to try out the access arrangements using the technology and hopefully iron out any issues that might arise. To give further assurance she indicated that by the time this inquiry takes place a number of other virtual inquiries will have been held, including one or more that she will have done herself.

Engagement of participants

6. The three main parties raised no objections to the inquiry proceeding as a virtual event. The Inspector explained that it would include interested people who had made representations at the application or appeal stages. They will be asked to register with the PINS Case Officer in advance of the opening of the inquiry. The letter of notification, the site and press notices will give more details about this in due course. People will be asked to indicate whether they wish to just observe, make a statement about their concerns or make a statement about their concerns and also ask questions on the evidence of the witnesses. In the latter case people will be asked to confirm the particular topics on which they wish to ask questions.
7. The different locations of the members of each party's team is likely to place new demands in terms of the ability to communicate with one another during the event, for example taking instructions. That is something that each party should consider and trial before the event.

Notification of the appeal and site notice

8. The Council will undertake the notifications by a mix of post and email. The Regulations stipulate that this must be done at least 2 weeks before the inquiry. The letter has been adjusted to explain more about the digital event and to request that those wishing to attend to observe or speak register their interest with the case officer. In order for them to have sufficient time it was agreed that the Council would send out the notification 3 weeks before the inquiry 9in this case. It also agreed to put the notification on the Council website and in the local newspaper.
9. The Appellant will put up the site notices. As the site is extensive it was agreed that site notices would be placed at several locations to be agreed with the Council and Parish Council. A map would be provided to show the locations chosen. The wording on the site notice has also been devised to explain the details of the virtual inquiry and how people can participate. It was agreed that they would also be put up 3 weeks before the inquiry and checked once a week to ensure they remain in place.
10. Mr Forsdick was concerned that third parties especially should know what to do if the whole Teams platform fails as had apparently happened recently with the High Court. The joining instructions sent to all participants who

register will explain that in the event of computer failure the case officer should be contacted. The contact details will be provided in those instructions.

Opening date, sitting times and inquiry duration

11. In a conventional inquiry the inquiry would normally sit for full days with breaks. However, sitting in front of a screen or being on the telephone for long periods can be stressful in all sorts of ways. So, with health and safety in mind and in order to ensure that all participants are as comfortable as they can be, the Inspector explained that there would be shorter sitting days broken up into chunks of time with breaks in between. Sessions of about 1.5 hours was considered appropriate. Mr Manley requested that breaks of 30 minutes were adopted in High Court proceedings and this seems a sensible suggestion. The inquiry will start at 0930 on each day and it is therefore likely that two sessions will be held in the morning and one after lunch. This can be reviewed following experience from preceding virtual events.
12. It was agreed that the inquiry would sit on the following dates: **19-23 October; 2-6 November. 9 and 10 November** would be held in reserve in case additional time was needed. The week of 26 October would be avoided because of local half term holidays. Mr Forsdick indicated that one of the Council's witnesses was unavailable in November. The Inspector agreed that this could be accommodated through timetabling.
13. The Inspector asked if the parties would wish to keep the procedure for this event under review in case some form of face-to-face inquiry proved to be possible by October. Mr Garvey commented that some of the Rule 6 Party participants may be shielding. Mr Forsdick indicated that finding a venue of sufficient size to meet social distancing requirements (whatever they may be then), could be difficult. The Appellant would like the possibility kept open. The Inspector commented that last minute changes would not be possible. However, if things change over the next few months to allow a different form of event the matter could be re-considered, possibly by convening another short CMC.

Main issues and other evidence

14. The main issues were agreed to be as follows:
 - a) Whether this would be an acceptable location for housing development, having regards to the spatial strategy in the development plan and the location of the site relative to nearby settlements.
 - b) Whether an appropriate design could be achieved within the context of the submitted Parameters Plan without unacceptable harm to the landscape character of the area.
 - c) Whether the location is accessible to allow occupiers of the proposed development real choices to travel by modes other than the private car.

- d) The effect of the proposed development on congestion and highway safety.
 - e) Whether the proposed development would meet local housing needs and whether the lack of affordable housing provision would be acceptable.
 - f) The effect of the proposed development on heritage assets.
15. At the first CMC, the Parish Council had not submitted its Statement of Case. This has now been done and the Council and Appellant confirmed that they had seen it. Mr Garvey confirmed that the Parish Council will be engaging with all of the above issues, apart from highways (d).
 16. The Parish Council also raised the issue of deficiencies in local infrastructure. The Inspector commented that if it was going to provide evidence that there was insufficient capacity for shops, services, education and healthcare to accommodate the proposed new population then this should be explained in an Addendum to its Statement of Case. This should take account of the mitigation provided by contributions in the Planning Obligation. Mr Garvey did not have any instructions on this point and the Inspector agreed to allow 2 weeks from the issue of this Note to respond accordingly and, if necessary, provide an amendment to the Statement of Case. The deadline is **1 July**.
 17. The Parish Council has concerns about the proposed amendments, which relate to changes to the Parameters Plan, including the pedestrian bridges and highway mitigation. At present the pedestrian bridges are being considered by the Council as a separate application. The Appellant explained that changes to the highway mitigation follow from additional information requested by the Highway Authority for additional LINSIG runs and by Transport for Greater Manchester for a topographical survey to show that the proposed junction arrangements would work.
 18. Mr Manley indicated that the proposed changes, including the updated Parameters Plan are included in the ES Addendum. The Inspector indicated that the Parish Council should look at this and if it still has concerns that the amendments are not compliant with *Wheatcroft* and are materially different and/ or prejudicial it needs to explain why and to whom. Such explanation is to be submitted by **1 July**.

How the evidence will be heard

19. It was agreed that landscape and heritage would be dealt with through round table sessions. All other matters, including archaeology would be considered by means of the formal presentation of evidence and cross-examination.
20. The witnesses for the Council and Appellant are detailed in the first CMC Note. Mr Garvey indicated he would be calling 3 witnesses to cover accessibility; landscape, design and planning; and heritage and archaeology.

Updates on outstanding matters

21. There were various matters that were outstanding at the time of the first CMC. Updates were provided as follows:
 - a) There are substantive objections to the planning application for the pedestrian bridges, including from the Environment Agency. The Council indicated that at present there are a number of outstanding matters and that the application had not yet been determined.
 - b) With regards to the archaeological work, Mr Manley said that the Appellant considered that the 41 trial trenches the Council requested were unnecessary. No further work was therefore proposed, and this would be a matter for the evidence.
 - c) The Council as Highway Authority and Transport for Greater Manchester have requested further information, including additional LINSIG runs and survey work. Mr Forsdick anticipated a further Statement of Common Ground.

Environmental Statement (ES) Addendum and publicity arrangements

22. The ES Addendum was submitted in paper form to the Council and PINS in early March, a site notice was put up and an advertisement was placed in the local newspaper. However, the Covid-19 lockdown followed shortly afterwards, and no representations were therefore made.
23. Mr Manley said that it had been agreed with the Council that the Appellant will be responsible for re-advertising in accordance with the new Regulations and that the Addendum would be placed on the Council's website.
24. It was agreed that an electronic copy would be sent to the Parish Council.

Management of appeal documents and digital access

25. Mr Forsdick indicated that the Core Documents list would be compiled in conjunction with the Appellant and Parish Council. A particular location on the Council's website would be made available for the Core Documents and all other appeal documents. A search system will be available within the proofs to allow connection to the appropriate documents.
26. Mr Forsdick considered that there could though be difficult to quickly access documents at the inquiry itself. He suggested that a consolidated bundle of all document extracts most likely to be used at the inquiry could be produced with a consecutive numbering system. These would need to be rigorously culled and the Council would not be able to undertake such a big piece of work. Mr Manley thought this was a good

idea and in principle agreed that the Appellant would take it on¹. Mr Garvey agreed it would be very helpful.

27. It was agreed that the bundle should be circulated **6 weeks before** the inquiry so that all parties could get used to working with it in advance.
28. It is not easy to deal with documents submitted at the event and they should therefore be kept to a minimum. Where such documents cannot be avoided, they should be circulated in advance by email and added to the Council's website. This will apply to opening submissions. In addition, Microsoft Teams allows for screen sharing and this could be used if necessary. All parties agreed with this solution.
29. It was agreed that closing submissions would be circulated in advance to the Inspector via the Case Officer. On the day of delivery, Mr Garvey and Mr Forsdick would circulate their closing submissions before the inquiry starts for the day and Mr Manley would circulate his in the lunch break.
30. It was agreed that it would greatly assist to have time at the end of the evidence to prepare closings. The Inspector will accommodate this in her timetable with a day between the finish of evidence and closing submissions if at all possible.

Inquiry timetable

31. All parties agreed that because of the virtual nature of the inquiry, additional preparation time would be necessary. The dates below reflect this, and **the parties are asked to contact the Case Officer immediately if they anticipate any issue with meeting them.**
32. Further responses from the Parish Council (see paragraphs 16 and 18): **1 July**
33. Core Documents to be placed on the Council's website by: **24 August**
34. Draft Planning Obligation to be submitted by: **24 August**
35. Core Document bundle to be provided by: **7 September**
36. Statements of Common Ground and Proofs of Evidence to be submitted by: **14 September**
37. Any Rebuttal Proofs, the draft Planning Obligation and CIL Compliance Schedule to be submitted by: **28 September**
38. Final timings for each part of the case to be submitted by: **5 October**

¹ Mr Manley said that if this was a problem his Team would let PINS know, no such indication has been given and so it is assumed that the Appellant will take responsibility for producing the Core Document Bundle.

Inquiry running order and programme

39. The inquiry will start on the Monday and sit all week. It will open at 0930 each morning, including on the first day,
40. The running order was set out in the Inspector's earlier Conference Note. It will remain the same. How each day develops is a matter that the Inspector will consider when the parties' time estimates have been submitted and a draft timetable will be drawn up.

Statements of common ground

41. These were referred to in the earlier CMC Note, which indicated that the Parish Council should be involved wherever possible. From correspondence this does not seem to have happened to date.
42. The approach and progress to date is explained in the letter from WSP dated 9 June. **It appears that this was not copied to the Parish Council and should be forwarded to them immediately.** It makes clear that there is no intention to preclude the Parish Council from the consultation process.
43. With regards viability, the statement of common ground needs to progress on issues relating to costs. From what was said it would appear that the Council and the Appellant are working on different assumptions. The Inspector does not consider that this is particularly helpful. **The parties are asked to discuss this as a matter of urgency in order that areas of agreement and disagreement can be clearly established.**

Planning obligation

44. Mr Forsdick indicated that it was anticipated that a Unilateral Undertaking would be preferred by the Council. There are no agreed Heads of Terms and the Covid-19 restrictions make the sealing of Council documents problematic.
45. Mr Manley confirmed that a Unilateral Undertaking was intended.

Site visit

46. It was agreed that an unaccompanied site visit would be required in advance of the inquiry and, if necessary, after its close. An itinerary and map would be provided as a collaborative document in advance. The Appellant will need to know when the visit is to take place to ensure access to the western parcel.

The CMC was closed at 1238 hours

Christina Downes
16.6.20