

## Warburton Parish Council

### Statement of Case – Addendum

This Inquiry concerns an appeal made by Redrow Homes Ltd (Agent WSP Indigo) for non-determination of Planning Application 98031/OUT/19 in respect of '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'.

This addendum statement of case responds to the points raised at paragraphs 16 and 18 of the Inspector's second CMC note (dated 16 June 2020).

#### 1. Deficiencies in local infrastructure.

The Parish Council has made enquiries to research into potential deficiencies in local infrastructure. Unfortunately, progress has been slow because of the circumstances around the Covid 19 pandemic. We have established that the Partington Medical Centre and the Partington Family Clinic have assumed that more patients would mean more funding and as with all GP surgeries are not permitted to close their lists to new patients. Both the Partington Dental Practice and the dentist Gavin Laidlaw (in Lymm) are taking on new patients. We have also learnt that there will be a new GP Practice in Carrington.

However, our research has indicated capacity issues in respect to Partington Primary School and Forrest Academy and Broadoak School. We have made enquiries to Trafford Council as to how any section 106 contributions could be used to rectify this.

#### 2. Wheatcroft.

The Parish Council is concerned over planning procedure and the fact that the scheme is changing during the Appeal process. The Planning Application (validated 14<sup>th</sup> June 2019) was not determined before the Applicants lodged an Appeal citing that the Local Authority had 'failed to give notice of its decision within an appropriate period....' The Applicants lodged an updated Parameters Plan at the same time as requesting a change to the description of the scheme and confirmed to the Local Authority the extent of further ongoing work in support of the submitted details (14<sup>th</sup> November 2019). The Appeal was lodged in December and published on the Council website on 22<sup>nd</sup> January 2020.

The change to the Parameters Plan involved substantive alterations to the layout of the scheme from consultation responses received to that date (at no point has the Applicant consulted with Warburton Parish Council or, as far as we are aware, Warburton residents). The Council refused the Applicant's request to determine the application on receipt of the revised Parameters Plan. While it is clear that several of the substantive changes to the Parameters Plan were made just prior to lodging the Appeal, further changes to the layout have been made since (see letter of 22<sup>nd</sup> June 2020 to Mr P Beckmann – attached).

At the second CMC, the Parish Council made clear that it remained unclear what changes the Appellant formally wanted made to the appeal proposal. The Parish Council was directed to an addendum EIA Assessment (dated March 2020), which had not been submitted as an inquiry document. The Parish Council were informed that this document detailed all the revisions to the application. However, it does not. Indeed, the document raises more questions

than it answers as to what documents the LPA had accepted as changes to the application. The Appellant's letter dated 22 June 2020 similarly does not clarify this position.

The Parish Council are somewhat alarmed at the Appellant's cavalier nature to seeking to make a Wheatcroft amendment. Indeed, the Appellant appears to be putting the onus on the Parish Council to conduct its own investigations as to how exactly the development has changed. That is wrong. If the Appellant wish to make a Wheatcroft application to amend the proposal, it falls to them to precisely set out the nature of the changes they seek. The Parish Council remain unclear on this.

The Parish Council refer the Inspector to the SoS' decision (Appeal Reference: APP/U3935/W/16/3154437) in respect to land at Lotmead Farm, Swindon. In that case, the SoS considered a Wheatcroft amendment and found as follows:

### *The amendments*

13. The Secretary of State has given careful consideration to the Inspector's analysis at IR10.1-10.15. The Secretary of State has taken into account that all parameter plans and the illustrative masterplans were amended (IR10.6). The Secretary of State has further taken into account that the ES also was substantially reviewed, with six of the topic chapters being superseded. The Secretary of State has further taken into account at IR10.7 that further amendments were made including proposals for access, surface water management, trees and landscaping. For the reasons given at IR10.6-10.7, the Secretary of State agrees with the Inspector at IR10.7 that the evolution of the proposals results in an overall very considerable change to the schemes and to the quality of the supporting information.

14. For the reasons given at IR10.6-10.7, the Secretary of State agrees with the Inspector at IR10.8 that the amended schemes are not the schemes determined by the local planning authority in June 2016 and on which interested people's views were sought (IR10.8). The Secretary of State agrees with the Inspector that the narrowing of the areas of dispute was of assistance to the efficient running of the inquiry but was carried out very late in the day. He further agrees that the approach adopted by the appellant during the course of the appeals has not been in accordance with procedural guidance (IR10.8).

15. As such, the Secretary of State agrees with the Inspector at IR10.9 that the changes to the proposals in the Masterplan and the Phase 1 appeals are sufficiently material that consultation on the amendments would be essential.

16. The Secretary of State has taken into account the Inspector's conclusions on consultation at IR10.10-10.13. The Secretary of State agrees with the Inspector at IR10.14 that the amended schemes are very significantly different to those determined by the Council and have evolved considerably during the course of the appeals. He further agrees that to use the appeal process in this way is contrary to procedural guidance and does not sit comfortably with the *Wheatcroft* principle and there are no exceptional circumstances to justify this

approach; and agrees that no specific case of prejudice has been highlighted but compliance with the procedural guidance is the best way to ensure no-one is disadvantaged through the appeal process (IR10.14). He concludes, in agreement with the Inspector, that the appeals should be determined on the basis of the original proposals (IR10.15).

The Parish Council are similarly concerned that the Appellant is seeking to rely on vast changes to the development proposal, without even identifying what those changes are.

Thus, for the final time, the Parish Council ask that the Appellant (with the agreement of the LPA) to identify:

1. What was the application? Indeed, the starting point is that the appeal proceeds based on the documents that were before the LPA. That requires a clear understanding of what documents the LPA were determining the application on.

The Appellant asserts that the application had been amended during the lifetime of the application process, but it remains unclear whether the LPA had accepted these amendments. Indeed, it seems clear that certain amendments were not accepted. The Parish Council cannot be asked to determine this point. Thus, this needs to be resolved and it is not for the Parish Council to do so.

2. What has changed? After having established what the application was, it then needs to be ascertained what the Appellant is seeking that varies from this. This requires the Appellant to formally ask for the appeal proposal to be varied. They need to specify each and every change, particularising what these changes are (mere references to new plans does not assist). For the avoidance of doubt, the repeated references to Grampian conditions does not assist with this. Ultimately, there are plans that have changed. Whether the delivery is contingent upon a Grampian condition does not bypass the fact that the plans will have changed. Moreover, the Parish Council are not satisfied that these Grampian conditions can be relied upon in any event, owing to concerns about whether this can be delivered.

Both of the above points are for the Appellant and LPA to resolve. It is only when there is a clear understanding of the above can the Parish Council make submissions as to whether, and why, it objects to any changes. Indeed, the Parish Council, nor the Inspector, can come to a view on whether any changes are acceptable without first identifying what those changes are. The documents the Appellant have referred to do not come close to clarifying this position.

Further, whilst the Parish Council reserves its position until such time that the exact scope of changes has been resolved, the Parish Council do note that the extent of changes appear to be comparable to changes that were rejected as being unacceptable in the above SoS decision (e.g. new ES chapters, new parameter plans, proposals for access, trees, landscaping).

E. P. Beckmann

For Warburton Parish Council