

Land at Warburton Lane, Trafford  
LPA Ref: 98031/OUT/19  
Appeal by Redrow Homes Limited  
Appeal Ref: APP/Q4245/W/19/3243720

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**REBUTTAL EVIDENCE**

**OF**

**G A BUSHELL FRICS, MAE, QDR, APAEWE**

**ON BEHALF OF THE APPELLANT**


**DATED**

**SEPTEMBER 2020**

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**Expertqs Limited**

Gary A Bushell FRICS, MAE, QDR, APAEWE  
Chartered Quantity Surveyor and RICS Accredited Expert Witness



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## **APPENDICES**

Appendix 1 – Extracts from RICS Practice Statement 'Surveyors Acting as Expert Witnesses 4th edition, amended August 2020.

Appendix 2 – Wrexham Road Joint Statement of Build Costs.

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## 1. Introduction

- 1.1. This rebuttal evidence is prepared by Gary Anthony Bushell FRICS, MAE, QDR, APAEWE, Director of Expertqs Limited, construction cost expert witness engaged on behalf of Redrow Homes Limited (hereinafter referred to as the 'Appellant').
- 1.2. My qualifications and experience are set out in my report dated 20 February 2020 and outlined in my main proof of evidence RH/6/B/P3.
- 1.3. I have been provided with Executive Summary and Main Proof of Evidence prepared by Ms K Sandford, the cost expert appointed by the Council.
- 1.4. In my response in Section 2, I have used Ms Sandford's paragraph references (prefixed **KS in bold**) and I have referred to my February 2020 report and my proof of evidence where appropriate.
- 1.5. I have been provided with Summary and Main Proof of Evidence prepared by Mr M Lloyd, the valuation expert appointed by the Council.
- 1.6. In my response in Section 3, I have used Mr Lloyds paragraph references (prefixed **ML in bold**) and I have referred to my February 2020 report and my proof of evidence where appropriate.

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## 2. Response to Ms K Sandford's proof of evidence

- 2.1. **KS 1.1.** Ms Sandford confirmed that she has been appointed by the Council as **expert witness to undertake an independent review** of the Appellant's costs.<sup>1</sup>
- 2.2. According to her CV in appendix A of her proof, Ms Sandford is a qualified member of the RICS.
- 2.3. RICS members acting as expert witnesses have a duty to comply with RICS Practice Statement 'Surveyors Acting as Expert Witnesses 4th edition, amended August 2020' (hereinafter referred to as the 'Practice Statement' – relevant extracts are in **Appendix 1**). According to page 5, compliance with the Practice Statement is mandatory.
- 2.4. Page 5 of the Practice Statement confirms that it applies to planning inquiries.
- 2.5. Page 7 confirms that a surveyor acting as an expert witness has a primary duty, not to a client, but to the tribunal. The expert witness report and evidence given:
- 2.5.1. must be, and must be seen to be, the surveyor's independent and unbiased product.
  - 2.5.2. must state the main facts and assumptions it is based upon, and not omit material facts that might be relevant to the surveyor's conclusions; and
  - 2.5.3. must be impartial and uninfluenced by those instructing or paying the surveyor to give the evidence.
- 2.6. During our expert discussions, Ms Sandford told me that she was instructed not to provide any alternative abnormal costs. This appears to be at divergence to the duties set out above.

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<sup>1</sup> Bold added by author

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- 2.7. 5.4k of the Practice Statement confirms that where there is a range of opinions and their sources, an expert witness should summarise them and give reasons for his or her own opinion. In her proof of evidence, Ms Sandford has not done this.
- 2.8. At 5.4o of the Practice Statement there is an express requirement for an expert witness to verify his or her report by including a signed statement of truth at the end of the report together with a declaration, printed name, qualifications and the date. I note that Ms Sandford's proof of evidence contains none of these.
- 2.9. **KS 1.4.** Ms Sandford referred to my "Proof of Evidence" in CD-B3. This should be my expert report.
- 2.10. **KS 2.01.** Ms Sandford referred to the mix and number of units being "theoretical". The mix and number of units is shown on the Illustrative Masterplan and have been agreed by the valuation experts at 3.4 of their SoCG.
- 2.11. **KS 2.01.** Ms Sandford referred to my assumption that all garages are detached. 269Nr single garages has been agreed by the valuation experts at 3.4 of their SoCG.
- 2.12. **KS 2.02.** Ms Sandford referred to the fact that the BCIS average price used in my report was incorrectly based to the UK location as opposed to Trafford. I inadvertently used the incorrect location factor when I prepared and downloaded the on-line BCIS Average Price Study in appendix 4 of my February 2020 report. I genuinely thought that I had selected the Trafford location but I had not and my BCIS study was based on the default UK location. This was a genuine error and I did not notice it until after submission of my report. As soon as I was made aware of the error, I agreed that I would amend it and my base build cost has now been adjusted and rebased in my proof of evidence.
- 2.13. **KS 2.02.** Ms Sandford questioned why Redrow is not able to provide actual data as part of the exercise. In my opinion this would be in contravention of Box 10 of the RICS Financial Viability in Planning (2012) Guidance Note which states "*Industry benchmarks - In undertaking scheme specific viability assessments, the nature of the applicant should normally be disregarded as should benefits or dis-benefits that are unique to the applicant. The aim should be to reflect industry benchmarks having regard to the*

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*particular circumstances in both development management and plan making viability testing.”<sup>2</sup>*

- 2.14. Paragraph 3.2 of the RICS professional statement ‘Financial viability in planning: conduct, and reporting, 1st edition, May 2019’<sup>3</sup> states, “*The forthcoming second edition of the RICS guidance note Financial viability in planning (1st edition published 2012) will reflect the 2019 PPG and other related government guidance. Until this second edition is available, refer to section 1.4 of this professional statement*”. Paragraph 1.4 states, “*The primary policy and guidance on assessing viability in a planning context is provided in the NPPF 2019 and the PPG 2019.*”
- 2.15. **KS 2.02.** Ms Sandford made the valid point that housebuilders rarely submit data to BCIS. I have dealt with this by reducing the BCIS average price to reflect housebuilders’ cost efficiencies in my report and my proof of evidence.
- 2.16. **KS 2.03.** Ms Sandford has made the assumption that all dwellings would be two storeys but she has provided no evidence to support her assumption. My position remains that Estate Housing Generally is the correct category to be used because the exact house types are unknown at this outline planning stage and some 2.5 storey dwellings are shown on the Design and Access Statement.<sup>4</sup>
- 2.17. **KS 2.03.** Ms Sandford stated that the cost of 2.5 storey houses would be lower than the cost of 2 storey houses. In my experience, this is not the case. Ms Sandford’s BCIS average prices study in her proof appendix G clearly demonstrates that the cost of 3 storey housing is circa 8.5% higher than 2 storey housing. I would expect the cost of 2.5 storey housing to be somewhere between the two.
- 2.18. **KS 2.04.** Ms Sandford questioned why my BCIS base build cost is not tested by reference to other data, such as input from the developer. The reason for this is that Box 10 of the RICS Financial Viability in Planning (2012) Guidance Note states that viability assessments should reflect industry wide benchmarks and the nature of the applicant

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<sup>2</sup> Appendix 6 (CD B3) and Para 5.1.13.1 of Expert’s report dated 20 February 2020

<sup>3</sup> CD-J1

<sup>4</sup> Paras 3.1.19 and 3.1.20 of G Bushell main proof of evidence

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should normally be disregarded as should benefits or dis-benefits that are unique to the applicant.<sup>5</sup>

- 2.19. **KS 2.05.** Ms Sandford stated that there is insufficient detail for me to produce a cost plan. In my opinion there is sufficient information in the outline planning documents for a competent professional quantity surveyor to make an assessment of the likely construction costs. I used the housing mix shown on the Illustrative Masterplan and the assumed average floor areas for 2, 3 and 4 bedroom houses are typical of the dwelling sizes that I see in my work as a cost expert. The abnormal and extra over costs are derived from the outline planning drawings and reports.
- 2.20. **KS 2.05.** Ms Sandford has proposed that a discount of 20% from the BCIS average prices would be more suitable than my assumed discount of 30%.
- 2.21. The BCIS Average Prices for estate housing are based primarily on samples submitted by housing associations, registered providers, local authorities, and some smaller private developments. National housebuilders tend not to submit their schemes for confidentiality reasons. In order to adjust for this, it is normal practice to apply discounts to the headline BCIS average prices.
- 2.22. The first discount to be applied BCIS average prices is to adjust for the cost of main contractors' profit and overheads embedded in the BCIS data. In February 2020, I assumed a deduction of 10% and in her proof of evidence, Ms Sandford has assumed 5%. I am inclined to agree that since Covid-19 impacted in March 2020, the level of contractors' profit margins has reduced and Ms Sandford's discount of 5% is reasonable.
- 2.23. The second discount to be applied to BCIS average prices is to adjust for the size of the development and the national housebuilders' efficiencies. In February 2020, I assumed a deduction of 20% and in her proof of evidence, Ms Sandford has assumed 15%. I am inclined to agree that since Covid-19 impacted in March 2020, the unavailability of resources has reduced the buying and operating efficiencies enjoyed by national housebuilders. For these reasons, it is my opinion that Ms Sandford's discount of 15% is reasonable.

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<sup>5</sup> Appendix 6 (CD B3) and Para 5.1.13.1 of Expert's report dated 20 February 2020

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- 2.24. **KS 2.06.** With regards to the estimated costs of standard site wide infrastructure, roads, sewers, plot related external works, and plot service connections, Ms Sandford explained that she would prefer to apply a percentage of 15% to the base build cost. Ms Sandford further stated that this percentage is widely accepted by the industry.
- 2.25. I have seen Ms Sandford's suggested approach used before but if it is used, the percentage must be selected to provide a realistic cost to allow a developer to deliver the works required. The percentage will be influenced by the housing types and mix, as well as the density. In appendix G of Ms Sandford's proof, based on her allowance of 15% of the base build cost, her external works cost is £11.33 per ft<sup>2</sup>. This equates to an average cost of £12,592 per plot.
- 2.26. In my experience, 15% is sometimes adopted by valuers when the BCIS headline average price is used. In this case, Ms Sandford has applied the 15% to her discounted BCIS lower quartile average price. In my opinion, it is not appropriate to adopt Ms Sandford's methodology when the BCIS lower quartile average price has been significantly discounted.
- 2.27. It should be noted that both experts have used the BCIS lower quartile average price which, using Ms Sandford's methodology of adding 15%, depresses her external works allowance still further.
- 2.28. In my opinion, it is not logical to include the standard plot service connection charges in the 15% addition. The reason for this is that the plot service charges are generally the same for all houses (2,3 and 4 bed) and in my experience they are always costed on a plot by plot basis. The plot service connection charges include electricity supply and meter, gas supply and meter, water supply and meter, telecoms, and broad band services. Applying a percentage to the base build cost per ft<sup>2</sup>, which includes plot service connections, means that houses of differing floor areas will have differing plot connection charges, which is not the case in practice.
- 2.29. Once the plot connection charge of £2,750 per plot is deducted from Ms Sandford's cost of £12,592 per plot, we are left with £9,842 to construct the standard site wide



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infrastructure, roads, sewers, and plot related external works. The scope of this works is defined in my February 2020 report<sup>6</sup> and is summarised below.

- 2.29.1. Standard gravity drainage and service connections from back of adoptable footpath without reinforcement or diversion;
  - 2.29.2. Standard surface treatment to the remainder of the plot curtilages of the dwelling including standard flag pathways, standard 240mm private drive construction including 90mm thick tarmac finish (standard allowance of 25m<sup>2</sup> drive per plot), topsoil to rear gardens and front gardens, landscaping and turf, and standard 1.8m high timber close boarded fencing with single gate;
  - 2.29.3. Standard 340mm shared drive construction with tarmac finish;
  - 2.29.4. Level plots with no cut and fill, retaining walls, steps or under build;
  - 2.29.5. Standard roads and sewers fronting plots, only half of a 5.5m wide 450mm deep tarmac road and one 2m wide 230mm deep tarmac footpath to current adoption standards excluding any verge or landscaping;
  - 2.29.6. 150mm diameter foul water sewers at a depth of 2.5m, 225mm diameter surface water sewers at a depth of 2.5m, FW and SW manholes 1200mm diameter, 2.5m deep;
  - 2.29.7. Standard preliminary and running costs.
- 2.30. I have not previously seen an external works cost as low as that proposed by Ms Sandford and in my opinion, it is not possible for a developer to construct this work for an average allowance of £9,842 per plot, including the cost of preliminaries. The reason for this is that the allowance must be sufficient to cover the cost of all the site works within the curtilage of the dwellings (such as drainage, drives, gardens, fencing, and pavings), and the cost of half of the width of the adoptable road and sewers, together with the footpath fronting the full width of the dwellings. The definitions of these works are clearly set out in my report and repeated above.

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<sup>6</sup> Para 5.1.34 of Expert's report dated 20 February 2020

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- 2.31. In addition to the works defined above, Ms Sandford has asserted in her proof of evidence that the cost of some abnormal works should be included in the standard external works cost. Examples of this are surface water drainage **KS 3.2.1**, the foul water on-site rising main **KS 3.3.1**, and the play areas **KS 3.6.2**. The costs of these items in my February 2020 report are £1,293,425, £125,500, and £410,000 respectively. This would further reduce Ms Sandford's assessment to £5,269 per plot as shown in the table below, which is clearly unrealistic to deliver the standard plot site works and estate infrastructure.

Description	Total cost £	Cost per plot £	Cost per plot £
Ms Sandford external works cost per plot			9,842
Less SW drainage from abnormals	1,293,500	3,234	
Less FW rising mains from abnormals	125,500	314	
Less play areas from abnormals	410,000	1,025	4,573
			<b>5,269</b>

- 2.32. At **KS 3.10.2**, Ms Sandford has further asserted that a proportion of the utility cost should be included in the standard build cost which would make her assessment even more unrealistic and unsustainable.
- 2.33. **KS 2.06**. Ms Sandford stated that my approach of applying £18,000 per plot for plot external works and roads and sewers in my February 2020 report represented circa 24% on the base build cost which was in her opinion unjustified for a greenfield site.
- 2.34. Based on my extensive experience dealing with the construction costs of a large number of greenfield and brownfield residential sites, it is my opinion that my assessment made in my February 2020 report was reasonable and adequately reflected the external works defined above. The fact that this is a greenfield site is irrelevant because the abnormal works are specific to the site.
- 2.35. In my work as a cost expert, I am privy to the standard construction costs of many developers in viability cases in the northwest and my allowance in my February 2020

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report of £18,000 per plot (£16.20 per ft<sup>2</sup>) for plot external works and roads and sewers is within the range that I would expect to see.

- 2.36. As a sense check, I refer to appendix 5 of my May 2019 report for the whole site<sup>7</sup> where I derived the costs of the standard plot related site works and the standard estate infrastructure works from the cost models prepared for the east and west sites by Stone. In my appendix 5, my standard costs at 2Q2019 were £9.84 per ft<sup>2</sup> for plot external works and £12.21 per ft<sup>2</sup> for roads and sewers respectively. When added to the plot service connections cost this equated to circa 33% of the base build cost at that time. This was significantly higher than the cost that I included in my February 2020 report because there was more technical detail to inform my costs.
- 2.37. For further evidence to support my allowances for standard external works costs, I refer to the Examination of Cheshire West and Chester Council for CIL in 2017 when I acted as cost expert witness for a consortium of house builders, including the Appellant. I refer to a copy of the signed joint statement for the Wrexham Road site agreed by the council's reviewer, WYG (**Appendix 2**). The total cost of the external works, roads and sewers, and the plot connections was £18.05 per ft<sup>2</sup> (£4.05 + £10.84 + £3.16) based at February 2017. This equated to over 23% of the base build cost of £78 per ft<sup>2</sup>, which is broadly in line with the percentage that Ms Sandford has derived from my assessment in my February 2020 report.
- 2.38. **KS 3.1.1.** Ms Sandford asserted that I have allowed for full site strip to all open areas. In fact, I have only allowed for stripping the vegetation and debris to open spaces. The topsoil remains undisturbed.<sup>8</sup>
- 2.39. **KS 3.1.1.** Ms Sandford asserted that my rate of £0.50 per m<sup>2</sup> for stripping vegetation and debris to the open space areas is excessive. Ms Sandford did not dispute the quantity that I used which is shown on the Parameters Plan.

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<sup>7</sup> CD A23

<sup>8</sup> Para 5.2.7 of Expert's report dated 20 February 2020

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- 2.40. In my opinion, this a typical example of an item where the cost experts could have arrived at a range of costs with reasons for disagreement as requested by the Inspector.
- 2.41. **KS 3.1.2.** Ms Sandford asserted that my rate of £4.00 per m<sup>3</sup> for stripping topsoil from the development area is excessive. Ms Sandford did not dispute the quantity that I used which is shown on the Parameters Plan.
- 2.42. **KS 3.1.3.** Ms Sandford stated that I have allowed for removing topsoil and subsoil from the entire site. This is not correct. I have only allowed for removing the surplus topsoil and subsoil from the development area. For clarity, I have allowed abnormal costs for:
- 2.42.1. Stripping the vegetation and debris from the open space areas.
  - 2.42.2. The removal of the excess topsoil (average 391mm deep in accordance with trial pits and bore holes<sup>9</sup>, less 150mm deep standard) from the development area.
  - 2.42.3. The excavation of average 300mm thick subsoil across the development site to adjust the levels from existing to finished.<sup>10</sup>
  - 2.42.4. Removal from site of surplus topsoil less reuse in gardens.
  - 2.42.5. Removal from site of surplus subsoil from the cut and fill exercise. I have assumed that spoil arising from foundations and drainage excavations (including the ponds) can be used on site for filling under topsoil in gardens.
- 2.43. **KS 3.1.3.** Ms Sandford confirmed that I did not mention contamination or remediation in my February 2020 report. This is because the ground investigation report suggests a low risk therefore I have not included any costs for remediation.
- 2.44. Ms Sandford asserted that there will be an opportunity to spread the surplus topsoil over the open areas or sell the material. There is limited opportunity on this site to spread the topsoil over the open areas due the site constraints such as the flood plain in the vicinity of Red Brook, the existing gas main with 26m easement., existing trees and hedgerows,

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<sup>9</sup> Appendix 17 (CD B3) and Para 5.2.4.2 of Expertqs report dated 20 February 2020

<sup>10</sup> Paras 5.2.8 and 5.2.9 of Expertqs report dated 20 February 2020

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and the existing properties and roads at the boundaries. In any event the raising of any levels in the non-developed areas will have to be agreed with the local planning authority.

- 2.45. The actual rate for removing topsoil will depend on the quality of the topsoil, the availability of a willing buyer, and the haulage charges to the recipient site<sup>11</sup>. I am told by developers that there is currently a glut of topsoil being generated from greenfield sites in the northwest which makes it harder to sell. I have allowed for the surplus topsoil to be removed to a registered tip.
- 2.46. **KS 3.1.3.** Ms Sandford asserted that my assumption that all topsoil and subsoil was to be removed to a licensed tip was “*conceptually wrong*”. As previously explained, I have not assumed that all topsoil and subsoil is to be removed from site.
- 2.47. **KS 3.1.4.** Ms Sandford agreed that tree root protection is an abnormal cost but asserted that there is insufficient detail at this stage to accurately cost the works. I disagree. The areas of tree root protection are clearly shown on the Parameters Plan and on the plans in the TBA Tree Survey Report dated February 2018<sup>12</sup>. The total area was measured from the Parameters Plan and the rate of £12 per m<sup>2</sup> is my reasonable estimate<sup>13</sup>.
- 2.48. **KS 3.1.4.** Ms Sandford agreed that removal of bedrock is an abnormal cost but asserted that there is insufficient detail at this stage to accurately cost the works. The presence of siltstone is referred to in the Betts Geo Ground Investigation Report dated November 2019<sup>14</sup> and is recorded in a number of exploration hole logs in appendix C of the report. I have estimated an extra over cost of £105,000 (1,400m<sup>3</sup> @ £75) to extract the stone by mechanical means and remove it from site.
- 2.49. **KS 3.1.5.** Ms Sandford asserted that my estimate for bedrock is unreliable, it is wrong in principle to assume that a developer will not seek to work around bedrock issues, she would expect the costs to be designed out, and significant savings could be made to the costs. I refute these assertions. The presence of bedrock is clearly identified in the site investigations and there will be a cost for removing it.

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<sup>11</sup> Para 5.2.6 of Expertqs report dated February 2020

<sup>12</sup> CD A21

<sup>13</sup> CD A32 and Para 5.2.10 of Expertqs report dated 20 February 2020

<sup>14</sup> CD A56 and Para 5.2.11 of Expertqs report dated 20 February 2020

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- 2.50. **KS 3.2.1.** Ms Sandford asserted that the full cost of the surface water attenuation<sup>15</sup> is not abnormal on a greenfield site and should be included in the standard external works costs. The ponds are shown on the Parameters Plan and details of wet ponds are shown on drawing 111A in Appendix O of Betts Hydro FRA and Drainage Management Strategy dated December 2019<sup>16</sup>. The attenuation storage quantities are site specific and are taken from Table 5 at 5.6.8 of the Betts FRA.
- 2.51. It is not possible to standardise the cost of surface water attenuation because it will depend on the allowable discharge rate and rainwater run off quantities for each particular site.
- 2.52. On greenfield sites, the maximum allowable rate that storm water can discharge from the site into a sewer or watercourse is limited by the local authority. It is normally based on the existing agricultural discharge rate. On this site, the run off rates have been calculated by Betts and they have identified the requirement for the attenuation of water on site and controlled discharge chamber at the outfalls. They have allowed for the predicted effects of 30 year and 100 year storm events.
- 2.53. My costs in my report were based on the recommendations in the Betts report.
- 2.54. Ms Sandford has disputed the whole of the surface water drainage and attenuation cost and has made no mention of the abnormal costs associated with the drainage pipework crossing the existing gas main and 26m easement<sup>17</sup>. In my opinion, this work is clearly abnormal and cannot be classed as a standard cost.
- 2.55. The fact that this is a greenfield site is irrelevant when it comes to scope of the site specific drainage works. In my experience, it is greenfield sites that generally require greater surface water attenuation because the water discharge rate is limited to the agricultural run-off rate. Brownfield sites often have existing drainage systems and are then able to discharge a higher volume of water based on their historic discharge rate.
- 2.56. **KS 3.3.1.** Ms Sandford has accepted that the two foul water pumping stations are abnormal works and the cost of £300,000 is acceptable. Mr Sandford stated that she

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<sup>15</sup> Paras 5.2.12 to 5.2.16 of Expertqs report dated 20 February 2020

<sup>16</sup> CD A58

<sup>17</sup> Para 5.2.17 of Expertqs report dated 20 February 2020

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would expect the rising mains to form part of the standard external works costs. A standard site would have a standard foul water connection into a nearby sewer. The east and west sites have a total of circa 1,000m of on-site pumped rising main associated with the two pumping stations which is clearly abnormal works. Ms Sandford made no mention of the cost of the CCTV surveying, jetting and testing work<sup>18</sup>.

- 2.57. **KS 3.4.1.** Ms Sandford agreed that the cost of the off-site rising main shown on Betts drawing 111A<sup>19</sup> is abnormal but she made no comment on my quantities or my rates. My costs are based on the rising mains for the east and west sites being laid in separate trenches. I concur with Ms Sandford that it may be possible for the rising mains to be laid in a single trench but this will depend on the exact routes, details of existing pavings, the positions and nature of all underground services, the rising main size, and the combined trench width and depth<sup>20</sup>.
- 2.58. Ms Sandford made no mention of my costs for connections to the United Utilities sewage works (£50,000) and the legal costs (£20,000)<sup>21</sup>.
- 2.59. **KS 3.5.1.** Ms Sandford has asserted that my inclusion of a capping layer to all spine and estate roads and shared drives is “*worst case scenario*”. This is not the case. My assumption is based on the fact that the Betts Geo Ground Investigation Report dated November 2019<sup>22</sup> anticipated a CBR value of 3%. My quantities are based on the areas shown on the Masterplan.
- 2.60. **KS 3.6.1.** Ms Sandford suggested that my landscaping and play area costs were based upon my interpretation of what the design might be. My costs were derived from the TEP Design & Access Statement dated December 2019, Parameters Plan, Illustrative Masterplan, Betts Hydra drawing 111A, and TBA Tree Survey Report February 2018. The rates are my estimates based on the information provided and my professional experience of the costs of similar developments<sup>23</sup>. The open space area of 11.31

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<sup>18</sup> Para 5.2.18 of Expertqs report dated 20 February 2020

<sup>19</sup> Appendix 18 (CD B3) of Expertqs report dated 20 February 2020

<sup>20</sup> Para 5.2.21 of Expertqs report dated 20 February 2020

<sup>21</sup> Paras 5.2.22 to 5.2.23 of Expertqs report dated 20 February 2020

<sup>22</sup> CD A56 and Para 5.2.24 of Expertqs report dated 20 February 2020

<sup>23</sup> Para 5.2.30 of Expertqs report dated 20 February 2020

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hectares is shown on the Parameters Plan. The green infrastructure, planting buffers, cycle and footways, and play areas are all clearly shown on the Parameters Plan and Illustrative Masterplan.

- 2.61. **KS 3.6.1.** Ms Sandford stated that it was highly unlikely that the developer would seek to spend circa £1.23m on landscapes costs. The extent of the abnormal landscaping works is influenced by the fact that the development area of the combined site (13.66ha) is only 55% of the gross site area (24.97ha) and the density of the development site is 11.85 plots per acre. This low coverage and density means that the cost of abnormal landscaping to open spaces is significantly higher than on a site with greater coverage and higher density.
- 2.62. **KS 3.6.2.** Ms Sandford asserted that the cost of the play areas (2 LEAPS and 6 LAPS) should be included in the standard external works build costs. I disagree with this because, in my experience, play areas are always treated as abnormal works and they are not mentioned in my definition of standard external works in my report. Further, as stated earlier, when the cost of such abnormal works as the play areas is deducted from Ms Sandford's standard external works cost, it becomes more unsustainable.
- 2.63. The quantities of the play areas are stated on page 91 of the TEP Design & Access Statement dated December 2019 and the play provisions are shown on the Illustrative Masterplan. The rates are my estimates based on my professional experience of the costs of play areas on similar developments<sup>24</sup>.
- 2.64. **KS 3.6.3.** Ms Sandford stated that the lack of information relating to boundary treatments indicates that these could be designed out at detailed design. In my opinion, it is highly unlikely the local planning authority will allow this to happen. My allowance for abnormal boundary treatments includes such items as timber fencing, screen walling, metal railings, gates, and timber knee rails. An example is the Cheshire fencing to the edge of the open spaces show on page 85 of the TEP Design & Access Statement dated December 2019. My quantities are derived from the Illustrative Masterplan and I have used an aggregated rate to reflect a mix of likely specifications<sup>25</sup>.

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<sup>24</sup> Para 5.2.34 of Expertqs report dated 20 February 2020

<sup>25</sup> Para 5.2.35 of Expertqs report dated 20 February 2020



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- 2.65. **KS 3.7.1.** Ms Sandford has agreed that the S278 highway works are an abnormal cost and she has accepted my rates. My cost estimate was based on SCP drawing F09E<sup>26</sup>
- 2.66. **KS 3.8.1.** Ms Sandford has questioned my key assumptions with regards to the abnormal foundations and retaining structures. My cost estimate is based on the following assumptions extracted from my report<sup>27</sup>:
- 2.66.1. In the absence of finished floor levels, I have based the quantity on an allowance of 8m of 800mm high retaining wall to 33% of the plots.
- 2.66.2. 6 m deep driven piling and reinforced concrete ring beams to 25% of the dwellings.
- 2.66.3. Betts Ground Investigation Report<sup>28</sup> states that based upon existing ground levels, strip and trench foundations may be suitable across most of the site. This statement takes no account of the finished levels.
- 2.66.4. The finished levels are likely to be raised to accommodate the drainage design which would lead to the foundations becoming deeper to reach the bearing strata and standard foundations may not be suitable.
- 2.66.5. Betts Report states that where ground water is found in conjunction with granular and silt, the allowable bearing pressure can be expected to be halved.
- 2.66.6. According to Betts, where groundwater is very shallow, consideration to be given to vibro or piled foundations.
- 2.66.7. Organic silts have been noted in the exploratory holes along the boundary with the stream and localised deepening in these areas may be required (circa 85 dwellings adjoin Red Brook according to the Illustrative Masterplan).

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<sup>26</sup> Appendix 15 (CD B3) and 5.2.36 of Expertqs report dated 20 February 2020

<sup>27</sup> Paras 5.2.37 to 5.2.46 of Expertqs report dated 20 February 2020

<sup>28</sup> CD A56

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- 2.66.8. 6 m deep driven piling and reinforced concrete ring beams to 25% of detached garages.
- 2.66.9. Reinforced strip footings or deep trench fill foundations to the dwellings to 25% of the dwellings.
- 2.66.10. Deeper foundations may be required due to the influence of existing trees. According to the TBA Tree Survey Report dated February 2018 and the Illustrative Masterplan, there are 40 to 50 dwellings in the vicinity of trees.
- 2.66.11. Reinforced strip and deep trench fill foundations to 25% of detached garages.
- 2.66.12. Underbuild will be required to 33% of the plots.
- 2.66.13. Although the Betts Report records that some trial holes are stable, there are a significant number where the sides collapsed. Where trenches are unstable, it is likely that the developer would choose piling as its preferred foundation solution.
- 2.67. As a sense check, I have referred back to appendix 15 of my May 2019 report<sup>29</sup> which was based on a designed scheme for 364 dwellings on the same site. The estimated cost of the retaining walls and abnormal foundations for the whole site was £2,895,948 (the east site was £1,354,204 and the west site was £1,541,744). This equated to an average of £7,956 per dwelling. The equivalent cost in appendix 3 my February 2020 report<sup>30</sup> was £2,211,167 for 400 dwellings which equated to an average of £5,528 per dwelling.
- 2.68. The reason why my assessment in February 2020 is lower than my assessment in May 2019 is because my earlier costs were based on a specific scheme for 364 units with some technical design, whereas my February 2020 costs were based on the more generic outline scheme for 400 units shown on the Illustrative Masterplan in the outline planning application documents.

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<sup>29</sup> CD A23

<sup>30</sup> CD B3

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- 2.69. **KS 3.9.1.** Ms Sandford asserted that my estimate for pumping ground water during construction was significantly over estimated and she correctly pointed out that at 5.2.47 of my February 2020 report there is a typographical error. £284 per month should be £2,840 per month which equates to circa £328 per week each for the east and west sites. This includes plant hire, maintenance and repair, labour and fuel. In my opinion, my allowance is realistic taking account of the site investigation information.
- 2.70. **KS 3.9.2.** Ms Sandford agreed that the ecological mitigation, acoustic mitigation and archaeology works are abnormal works and she accepted my costs.
- 2.71. **KS 3.9.3.** Ms Sandford agreed that the roundabout works are abnormal works and accepted my costs.
- 2.72. **KS 3.9.4.** Ms Sandford agreed that the footpath cycleway connections and bridge links to the east and west sites are abnormal works and accepted my costs.
- 2.73. **KS 3.9.5.** Ms Sandford disagreed with my rate of £4,500 per plot for PV solar panels or other renewable energy and she proposed £2,500 per plot. Although the specification is not known at this stage, I have not previously seen a cost per plot as low as Ms Sandford's suggestion. Ms Sandford did not comment on the quantity and she made no allowance for the cost of builders work and electrical connections associated with the PV panels.
- 2.74. **KS 3.10.2.** Ms Sandford asserted that the budget utility costs provided by UCML in its Level 2 Utility Study dated February 2019<sup>31</sup> could vary significantly. In my experience, the costs of site specific utility capacity upgrades and diversions are always budget costs until a developer actually obtains fixed quotations and places orders (with pre-payment) with the utility companies. It is not normal for a prudent developer to do this until planning permission is awarded and the developer legally owns the land. In my experience, it is normal for a Level 2 Utility Study, such as UCML's, to be relied upon by developers for viability purposes, even where the application is for full planning permission.

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<sup>31</sup> Appendix 21 in CD A23

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- 2.75. Specialist companies, such as UCML, obtain the existing service records around the site and send enquiries to the utility companies to establish the scope of any the works required in order to provide mains services to a particular development. UCML has also identified the likely costs of diverting any existing services that are affected by the proposed development works. Examples of this would be the diversion of the overhead electricity cables and the lowering of existing services across the new site accesses.
- 2.76. Ms Sandford further asserted that a proportion of this utility cost should be included in the standard base cost. I have allowed a separate cost for standard plot service connections and as far as I am aware there is no duplication with the costs derived from the UCML Study in the abnormal works section.
- 2.77. **KS 4.01.** Ms Standard alleged that I have relied on limited information to develop my costs and that my costs are "*often based on worst case scenario*". I refute this allegation. I have based my costs on the planning application documents and I have provided details in my report and appendices.
- 2.78. **KS 4.02.** I have adjusted my BCIS base build cost to reflect the Trafford location and for reasons given earlier, it is my opinion that in this case the BCIS average price for Estate Housing Generally is more appropriate than the average price for two storey housing.
- 2.79. **KS 4.03.** As previously explained, it is not appropriate for me to use costs from the developer as this would contravene Box 10 of the RICS Financial Viability in Planning (2012) Guidance Note.
- 2.80. **KS 4.06.** Ms Sandford has opined that the abnormal costs for this site are extremely high for a green field site based on a cost per net acre. Further, Ms Sandford has listed three examples of brownfield developments in the Trafford area with abnormal costs per acre that are apparently lower than the subject site. In my opinion, it is not possible to compare abnormal costs between sites because all abnormal works are site specific and every site is different. I have relied on specific costs for specific works relating to the subject site as opposed to any for form of comparison with other sites.
- 2.81. Ms Sandford has opined that greenfield sites would have lower abnormal costs than brownfield sites. In my experience this is not generally the case because greenfield sites

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often have no existing infrastructure to support them. In my report<sup>32</sup>, I have listed the reasons why this site has relatively high abnormal costs and I summarise them below.

- 2.81.1. The developable area of the site is 13.66 hectares out of a gross site area of 24.97 hectares (equating to approximately 55%).
- 2.81.2. The site density is less than 12 plots per development acre.
- 2.81.3. High infrastructure costs such as surface water attenuation, foul pumping stations and rising mains, abnormal roads and sewers, landscaping, play areas, nature conservation areas, public open spaces, cycle ways, public footpaths, and a planting buffers.
- 2.81.4. There is a surplus of topsoil and subsoil to be removed from site.
- 2.81.5. There are trees and hedgerows to be retained necessitating extensive tree protection and arboricultural works.
- 2.81.6. Costs due to abnormal ground conditions, such as water control, capping layers, and abnormal foundation solutions.
- 2.81.7. There is earthworks cut and fill, retaining walls and under build due the sloping topography of the site and elevated finished levels.
- 2.81.8. There is approximately 1 km of on-site rising main and approximately 2 km of off-site rising main in the public highway to be connected directly to the existing UU sewage works.
- 2.81.9. An existing high pressure gas main runs through the site with a 26 m wide easement.

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<sup>32</sup> Para 5.2.3 of Expertqs report dated 20 February 2020

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- 2.81.10. The northern part of the site is within the Red Brook flood plain.
- 2.81.11. There are a number of utility service capacity upgrades and diversions required, including 160m of overhead cabling.
- 2.81.12. There is a requirement to provide new entrances to sites 1 and 2, necessitating significant off-site highways alterations to Warburton Lane.
- 2.81.13. There is a requirement to upgrade the Moss Lane and Central Road roundabouts.
- 2.82. Many of these abnormal costs are required **because the subject site is a greenfield site**<sup>33</sup> and would not be required on brownfield sites. On page 19 of her proof, Ms Sandford stated, "*When compared to the Warburton costs this demonstrates how high Mr Bushell's costs are.*" I reject this entirely.
- 2.83. **KS 4.08.** Ms Sandford has provided no grounds for her assumption that it will be possible for a developer to mitigate the costs through detailed design and cost management.
- 2.84. **KS 4.09.** Ms Sandford stated, "*I do not consider the costs reported to be a credible basis for input into a robust FVA*". My costs are based on the outline planning documents and in my report I have provided support and reasoning for my costs. As far as I am concerned, Ms Sandford's statement is subjective and unsubstantiated.
- 2.85. In her **appendix G**, Ms Sandford has produced a comparison of the standard costs in my February 2020 report and her standard costs based at 4Q2019. Ms Sandford's base build cost was £75.54 per ft<sup>2</sup> and the base build cost in my report was £76.57 per ft<sup>2</sup>. In my proof of evidence, I have since adjusted my cost for the Trafford location and corrected it to £75.02 per ft<sup>2</sup> based at 4Q2019.

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<sup>33</sup> Bold added by author

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- 2.86. Based on the fact that Ms Sandford's base build cost at 4Q2019 was £75.54 per ft<sup>2</sup>, there is no reason why she should not agree my adjusted base build cost of £75.02 per ft<sup>2</sup>. This cost has been indexed to 4Q2020 in my proof.
- 2.87. Ms Sandford's **appendix G** demonstrated that the primary difference between us relates to the costs of the external works and the garages. Ms Sandford has used an arbitrary addition of 15% to the discounted base build cost, including all external works, plot service connections, and associated preliminary costs. I have demonstrated earlier that Ms Sandford's allowance is unrealistic to deliver the works required.
- 2.88. As explained in my report and my proof of evidence, I have used average costs per plot for the external works and service connections which are in line with my experiences on similar sites. For the reasons given earlier, I am satisfied that my allowances are realistic and reflect the likely cost of delivering the works required.
- 2.89. I have used £11,250 for the build cost of a single garage and Ms Sandford has used £7,000. My cost is evidenced in my report<sup>34</sup>. Ms Sandford's cost equates to £36 per ft<sup>2</sup>. This is clearly too low to build a good quality single brick and tiled garage with an electricity supply.
- 2.90. From her **appendix G**, Ms Sandford's all-in standard build cost before contingency and fees was £91.11 per ft<sup>2</sup>. This all-in standard build cost is unrealistically low and is insufficient for a national housebuilder to deliver the housing on this site. My adjusted all-in standard build cost at 4Q2019 in my proof of evidence was £100.50 per ft<sup>2</sup> which in my experience is a reasonable estimate of the all-in standard build cost.
- 2.91. The methodology used by both experts to calculate the all-in standard build cost associated with the subject site is essentially the same.
- 2.92. Firstly, the base build cost is built up using the appropriate BCIS average price which is then discounted to reflect the fact that, under normal market conditions, national housebuilders do not pay main contractor's profit and overheads and they enjoy the benefits of certain operating and cost efficiencies. These normal market conditions have

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<sup>34</sup> Para 5.1.22 of Expert's report dated 20 February 2020

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changed since the emergence of the Covid-19 pandemic. Albeit we arrived at our respective base build costs using different data, Ms Sandford and I are in broad agreement about the base build cost.

- 2.93. Secondly, the estimated costs of the external works, roads and sewers, plot service connections, and garages are added to the base build cost. It is in this area that we differ significantly. I have used lump sums and Ms Sandford has used a percentage addition on the discounted base build cost.
- 2.94. Regardless of the methods used, it is my opinion, for reasons given earlier, that Ms Sandford's estimated all-in build cost of £91.11 per ft<sup>2</sup> is unrealistically low to deliver the site and that my estimated all-in build cost of £100.50 per ft<sup>2</sup> is reasonable when compared with the build costs that I see from other developers in my extensive work as an expert.



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### 3. Response to Mr Lloyd's proof of evidence

- 3.1. I have reviewed Mr Lloyd's proof of evidence and my responses are restricted to issues that affect the construction costs.

#### **ML Summary proof of evidence**

- 3.2. **ML 1.1 and ML 1.6.** Mr Lloyd stated that the site is flat and has good road access. This is misleading. In fact, the site is not flat and there are S278 requirements for two new site entrances, upgrading Warburton Lane, improvements to two roundabouts, and the improvements to the Flixton crossroads.
- 3.3. **ML 1.3.** I concur with Mr Lloyd's statement that, "*The details pertaining to abnormal costs are site specific*".
- 3.4. **ML 1.4.** I disagree with Mr Lloyd's statement that, "*Through a detailed review of information relating to abnormals by Ms Sandford, it is clear that the level of detail required to develop a robust cost for the abnormals does not exist.*" I have provided a fully reasoned expert report (**CD B3**) setting out my estimated costs based on the planning application documents submitted by the Appellant. I have made my assumptions clear in my report and stated the facts upon which my opinions are based.
- 3.5. **ML 1.5.** Mr Lloyd stated that in conjunction with Ms Sandford, he has concluded, "*that a benchmarking approach to abnormal costs is the only logical way forward*". I disagree with Mr Lloyd's conclusion because abnormal costs are site specific and cannot be benchmarked to other sites in any meaningful way. I have provided detailed costs and it is those costs that should be reviewed and commented on by the Council's experts.
- 3.6. **ML 1.7.** Mr Lloyd confirmed his approach for benchmarking abnormal costs and external cost. I prefer to rely on the costs in my report relating to this specific site.

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### **ML Main proof of evidence**

- 3.7. **ML 2.2.** Mr Lloyd acknowledged that the key issue is the development costs and he continued by stating that it is normal for the developer and its advisors to provide an indicative design and credible cost estimates for the project. The Appellant has provided a Parameters Plan, an Illustrative Masterplan, and credible cost estimates in the form of my expert report and supporting information.
- 3.8. **ML 2.21.** Mr Lloyd refers to the “*cost consultant’s view as to what might be built*”. This appeal relates to an outline planning application for 400 dwellings. The housing mix is based on the Illustrative Masterplan and the average plot sizes are taken from the accommodation schedule in Table 1 of my report<sup>35</sup>. My cost report was prepared in accordance with RICS viability guidance and my costs were industry wide as opposed to being developer specific.
- 3.9. **ML 3.1.** Mr Lloyd summarised the three FVAs produced by Mr Nesbitt. I note from Mr Lloyd’s figures that the abnormal costs in the February 2020 FVA (based on the 400 plot outline scheme) were £2,125,796 lower than those in the May 2019 FVA (based on the 364 plot designed scheme). This equates to a reduction of 10.42%, despite the February FVA including the costs of a pedestrian crossing and the footbridge connections to the east and west sites. This demonstrates to me that once the scheme is fully designed, the abnormal cost is likely to increase due to the additional risks identified by the technical and planning requirements.
- 3.10. **ML 3.2.** In his final three bullet points, Mr Lloyd highlighted some key differences in the assumptions in the February 2020 appraisal when compared to May 2019. These related to external works, standard build cost, and abnormal costs. All three costs reduced significantly, despite being for more plots and being based to a later date. The reason that they reduced was not because either set of costs were wrong but because they were prepared in different circumstances using different supporting documents and evidence.

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<sup>35</sup> Paras 2.2.4 and 2.2.5 of Expertqs report dated 20 February 2020

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- 3.11. In my opinion, the estimated costs to deliver the abnormal site wide and plot specific infrastructure works to the east and west sites for the May 2019 and the February 2020 schemes would not be materially affected by the housing mix because the bulk of the abnormal cost are site wide and they are not generally plot related.
- 3.12. **ML 6.1.** My Lloyd described the site as “*an uncomplicated greenfield site*”. In my opinion, the subject site is complex and this fact is reflected in the high level of abnormal costs.
- 3.13. **ML 6.1.** Mr Lloyd states, “*there is a lack of detail on costs (specifically abnormal) to allow for the consultants acting on both sides of the argument to reach an objective conclusion*”. I disagree. The costs submitted in my report are detailed and the reason that Ms Sandford and I were unable to arrive at an objective conclusion was because she was instructed not to do so.
- 3.14. In his **appendix 13**, Mr Lloyd tabulated his input assumptions for his appraisal. My comments on the cost items are below.
- 3.14.1. The costs adopted by Mr Lloyd are based at 4Q2019. They will need to be index linked to 4Q2020.
- 3.14.2. The C&W base build cost of £76.57 per ft<sup>2</sup> has been reduced to £75.02 in my proof of evidence.
- 3.14.3. For reasons given previously, I am of the opinion that Mr Lloyd’s adopted cost of £11.33 per ft<sup>2</sup> for standard plot externals, roads and sewers, and plot connections, is unrealistically low to deliver the works required.
- 3.14.4. The cost of £7,000 adopted by Mr Lloyd for a detached single garage is unrealistically low.
- 3.14.5. The abnormal cost of £9,097,035 adopted by Mr Lloyd has been benchmarked by Ms Sandford from her review of three other unrelated sites. For reasons previously given, it is my opinion that it is not possible to benchmark abnormal costs on one site against to those on a different site because all abnormal works are site specific.

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- 3.15. In his text within his **appendix 13**, Mr Lloyd repeats Ms Stanford's assertions that my assessment of the abnormal costs is "*worst case scenario and extremely high*". For reasons given previously, I refute this assertion and I reiterate that my costs for abnormal and extra over work are quantified and evidenced in my report and in my proof of evidence.

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## 4. Declaration

4.1. I, Gary A Bushell FRICS, MAE, QDR, APAEWE, declare that:

- 4.1.1. I understand that my duty in providing written reports and giving evidence is to help the Inquiry, and that this duty overrides any obligation to the party to whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
- 4.1.2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
- 4.1.3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
- 4.1.4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
- 4.1.5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 4.1.3 and 4.1.4 above.
- 4.1.6. I have shown the sources of all information that I have used.
- 4.1.7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this proof.
- 4.1.8. I have endeavoured to include in my proof those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
- 4.1.9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.

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- 4.1.10. I will notify those instructing me immediately and confirm in writing if, for any reason, my proof requires any correction or qualification.
- 4.1.11. I understand that;
- 4.1.12. My proof will form the evidence to be given under oath or affirmation;
- 4.1.13. Questions may be put to me in writing for the purposes of clarifying my proof and that my answers shall be treated as part of my proof and covered by my statement of truth;
- 4.1.14. The Inquiry may at any stage direct a discussion to take place between the experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
- 4.1.15. The Inquiry may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
- 4.1.16. I may be required to attend Inquiry to be cross-examined on my proof by a cross-examiner assisted by an expert.
- 4.1.17. I am likely to be the subject of public adverse criticism by the Inspector if the Inquiry concludes that I have not taken reasonable care in trying to meet the standards set out above.
- 4.1.18. I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.

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- 4.1.19. I confirm that this proof complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement ‘Surveyors acting as expert witnesses’.

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## 5. Statement of Truth

- 5.1. I confirm that I have made clear which facts and matters referred to in this proof are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signed by G A Bushell FRICS, MAE, QDR, APAEWE

Date: 25 September 2020

Signed:

