



Redrow Homes Ltd

WARBURTON LANE, TRAFFORD APPEAL BY REDROW HOMES

Appeal Ref: APP/Q4245/W/19/3243720

LPA Ref: 98031/OUT/19

Rebuttal Evidence by Doug Hann, BA (Hons), MIPL, MSC, MRTPI

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Land at Warburton Lane, Trafford

Appeal by Redrow Homes Limited

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**Planning Rebuttal Evidence by Doug
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1. Rebuttals

1.1. This rebuttal is prepared to respond to points raised by Trafford Borough Council (TBC) witnesses which are either wrong, misapply policy or do not accurately reflect the situation.

It responds to planning matters raised in the evidence of:

- Sarah Todd (TBC-7);
- Rebecca Colley (TBC-8);
- Bethany Brown (TBC-9); and
- Murray Lloyd (TBC-5).

1.2. I comment on specific paragraphs in order to address matters and save Inquiry time. For ease of reference the paragraphs I refer to are highlighted in bold. If I have not commented on a particular paragraph it does not mean that I agree with the points raised.

2. Rebuttal to Evidence of TBC Sarah Todd (TBC-7)

- 2.1. The strategic planning proof is internally conflicting, places weight incorrectly on the draft Greater Manchester Spatial Framework (GMSF) and its evidence base (contrary to the agreed Planning Statement of Common Ground (SoCG)), and seeks to apply a brownfield first approach to planning, a concept long abandoned in national guidance in favour of supporting sustainable development.
- 2.2. The proof ostensibly runs the case that the proposal is premature ahead of the GMSF. This cannot be sustained as Paragraph 49 of the National Planning Policy Framework (NPPF) advises that:
- “arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.” (my emphasis)*
- 2.3. It is clear that the proposal is not so substantial, individually or cumulatively when considered in the context of a 6,100 dwelling proposed allocation, and one where it aligns with the masterplanning work undertaken to date by Himor (Todd Appendix B2) and what we have seen of that undertaken by AECOM for the Council to date . The location and nature of development accord. However, it must be recognised that the Himor masterplan has been prepared by Himor (the landowner for a large part of the proposed allocation, not the Council, and without the involvement of other landowners). Further, all masterplanning work and the next draft GMSF is yet to be consulted up.
- 2.4. The prematurity argument also fails as the proposal would not undermine the plan making process (GMSF) which is at an early stage, subject to objections, and yet to be examined. The council accepts it is of limited weight as agreed in the planning SoCG.
- 2.5. The proof repeatedly alleges the site is isolated from Partington. This is at complete odds with **paragraph 1.1** which correctly states the site is *“immediately to the south of Partington”*. Indeed, as shown on the Himor Masterplan ‘Future Carrington, delivering a vision’ provided at Appendix 2 (Page B35) and on which (Todd) evidence seeks to rely, the site comprises land where development is proposed to create the Partington South Gateway on Warburton

Lane the main road and public transport route into Partington from the south. Development is envisaged on the site to create a new entrance to Partington, functionally and physically, to aid its regeneration. The fact the site straddles and fronts both sides of Warburton Lane, and immediately adjoins the Partington urban area, clearly dispels any myth that the site is isolated.

- 2.6. **Paragraph 1.9** suggests that there has been substantial improvement in the Housing Delivery Test (HDT). This is misleading and must be considered in context. 58% is a very low score and clearly demonstrates that Trafford is falling well short of the 100% minimum requirement. The fact that a delivery plan is required is testament that action is required to urgently get more homes delivered.
- 2.7. **Paragraph 2.1** alleges that the site has limited links to Partington. This is wrong. The site has existing public footpath and cycle links, direct bus provision along Warburton Lane and Moss Lane, and of course direct highway access. The Himor Masterplan (Appendix B – B38) states that the proposed GMSF allocation has a strong base upon which to build excellent transport links, which include “*frequent and well establish bus services to a range of destinations*”. This does not support Ms Todd’s assertion that the site and area has limited links.
- 2.8. **Paragraph 2.4** refers to NPPF paragraph 139 with regards safeguarded land and its support to policy R4 for only releasing the site as part of a plan review. What this point omits to set out is that the planning context in which the policy and allocation were made in the Local Plan Core Strategy (LPCS) 2012 has significantly changed, with the housing requirement now substantially greater. As the council has agreed this renders the policy out of date and the weight to be afforded to it reduced with regards the timing/trigger for release.
- 2.9. **Paragraph 2.6** makes some misleading assumptions about the Unitary Development Plan (UDP) 2006 Inspector’s report. What it fails to do, which is a significant failure, is to take the comments at face value without considering the wider policy framework and circumstances in which the Inspector made his comments. This is critical as the Inspector was faced at that time with a very different planning regime (brownfield first) and much lower housing requirement. To continue to apply comments made almost 20 years ago, without calibration and reflection on current requirements is misleading. To state that the issues are the same today is plainly wrong. I set out in my proof the many ways in which the site, policy and context have changed which warrants a fresh consideration and leads to a different view.
- 2.10. The proof has a recurring theme, first rehearsed at **paragraph 2.6**, that if the site is brought forward without the required infrastructure in a way not coordinated with New Carrington and the spatial strategy, that it will form unsustainable development, isolated from infrastructure and on a limb. This is an overly simplistic assertion and one which plainly runs at odds with the council’s own case for the GMSF allocation (and indeed that run for the old SL5

allocation). In essence, development is nearly always phased alongside infrastructure delivery. You do not pay for and build all the infrastructure at the start of the development. Development must be phased to allow an early start on site and also to generate the capital (and need) for the delivery of the infrastructure. Indeed, infrastructure is generally phased alongside phases of development. I have significant experience of promoting major development sites and this is without fail the way all schemes logically progress. Indeed, I note I am not alone in taking this approach as Ms Todd's evidence refers to the phasing of SL5, with consents granted but their delivery linked to contribution/delivery of highway infrastructure improvements. The same approach is advocated in the emerging GMSF allocation, with the Himor Masterplan (Appendix B) with its section 6 setting out a phased approach to development making best use of existing capacity, then future phases linked to delivery of various infrastructure. Therefore, the appeal site can come forward for development now, making an early and much needed start to development in Partington. The Appellant's evidence has set out that it can be accommodated in the highway network and can make contributions to such wider highway and public transport infrastructure which will contribute to the wider infrastructure of the area. On this basis it will facilitate wider development, not prejudice it.

- 2.11. **Paragraph 2.7** highlights a fundamental flaw in the council's case, *"the requirement for a plan review is crucial in demonstrating the potential of the site to deliver sustainable development"*. This is fundamentally not true. The application process provides a perfectly suitable means to assess the scheme's sustainability and suitability. This has been done and the application and Environmental Impact Assessment (EIA) have demonstrated that sustainable development can be achieved on site, with contribution to wider infrastructure which will allow for, and not prejudice, the delivery of further development. Development has to start somewhere and inevitably as the scale of development increases, the gravity of development allows for increased sustainability. That the area could be more sustainable in the future is not a reason to prevent development which is sustainable now from commencing to kick start the regeneration. Indeed, the LPCS Strategic Objectives note that where a location is less sustainable for development, it should be made accessible through improved transport links. The proposal does this through the measures set out in the S106.
- 2.12. Ms Todd refers in her **section 4** to policy SL5 and the *"very strong spatial logic in ensuring the main SL5 area is progressed first"*. This is not explained, but plainly runs contrary to the current approach being taken in the GMSF allocation which will supersede SL5. Progress in implementing SL5 has been slow and despite consents being granted for development on much of the sites, its delivery has been slowed by the delivery of the infrastructure identified in the policy, particularly the new relief road (CRR). It is clear that the sites in SL5 are largely brownfield and contaminated, and that the cost of infrastructure cannot be borne by the 1,560 units allocated. This is evidenced by the £15.6m funding gap left after the council has secured funding towards the cost of the road (see Coley paragraph 5.24). The main sites in SL5 already have approval (Carrington Village) or are minded to approve (Heath

Farm). Indeed, the council's suggested new approach to funding the CRR (letter dated 9 September 2020) whereby they seek a contribution from the appeal site to the CRR (when it does not lie in SL5), clearly shows that for the infrastructure to be delivered to allow the bulk of SL5 to be built out, other development is required to fund the infrastructure. Therefore, the suggested approach of developing SL5 first is not sustainable or achievable, and is now acknowledged as such by the council.

- 2.13. Indeed, the same infrastructure is included in the much larger (6,100 homes plus employment land) proposed in GMSF allocation GM45 (which incorporates the existing SL5 area), testament that a greater scale and phasing of development is required to deliver the infrastructure to serve New Carrington. This entirely undermines the "*very strong spatial logic in ensuring the main SL5 area is progressed first*" on which Ms Todd places weight and uses to underpin her veiled prematurity argument that the appeal site must wait until the GMSF is adopted and detailed masterplan agreed. Indeed, the emerging GMSF and New Carrington masterplan accept that development must be phased and certainly do not advocate a brownfield first approach.
- 2.14. **Paragraph 4.17** propagates the myth that SL5 must come forward first and any development to the south (the appeal site) would lead to an illogical form of development not well connected to existing residential and employment areas. The rationale behind the emerging New Carrington masterplan is that development ought to come forward in different locations across the larger area to meet the needs of the different settlements; Carrington, Partington and Sale West. This logic underpins the phasing proposed. The SL5 sites will largely meet Carrington's needs, set some distance from Partington. The appeal site will meet the needs of Partington and therefore it is entirely logical that in a larger development area, the development is spread to meet the needs of the area, rather than start at one end and work your way to the other.
- 2.15. The criticism at **paragraph 4.17** is that the development comprises "*ad hoc development parcels*" which will lead to piecemeal development that will not deliver required infrastructure or contribute to the wider whole and result in a disjointed development pattern. However, Ms Todd sets out that the GM45 development will be phased alongside phased infrastructure. When considering the appeal site, she fails to consider it in light of the acceptance that the area will be built in phases, and the appeal scheme represents a phase. The Himor Masterplan shows the site as integrated into the proposed New Carrington allocation, which is proposed to be delivered in phases alongside infrastructure. The appeal scheme proposes improvements to wider highway infrastructure and public transport. These form part of the jigsaw of infrastructure required to meet the wider development needs of the area. The appeal development is an early phase that can be integrated into Partington as Mr Roberts demonstrates. This is entirely consistent with **paragraph 5.6** where Ms Todd clearly sets out that the council envisages the infrastructure being phased alongside development "*development should come forward as part of a wider masterplanned scheme*

which over time would deliver the necessary wide ranging infrastructure, including the CRR, as well as other highway and public transport schemes”.

- 2.16. **Paragraph 4.19** unfairly criticises the site for paying little regard to integrating the site with Partington. This is based on not providing connections over Red Brook which it is suggested prevent the site making any meaningful contribution to the regeneration objectives of L3. This is an oversimplification and misrepresentation of the site and the lack of a crossing over Red Brook does not render the site incapable of integrating and helping regenerate Partington. Regeneration has many aspects, social, environmental and economic. If building a bridge was all it takes, then it would make achieving regeneration a much more straightforward endeavour. Sadly, it takes much more and that is where the appeal scheme focuses in meeting wider needs across the three pillars of sustainability. These are targeted at those identified in L3.4 where I note provision of family homes, improvements to open space, contribution to public transport, access to education and training and access to open space and healthier lifestyles are priorities. The appeal scheme achieves these through its S106 offer, its nature and enhanced links to Partington. Residents will have road, path and bus connections straight to Partington and its local centre. They will send their children to the local schools. The new open space will provide opportunities for new and existing residents to exercise, meet and socialise. These aspects will allow the proposal to integrate help regenerate Partington. We must not be blinded by the ability to provide new bridge connections across Red Brook, not least as there are already two; one along Warburton Lane and one from Site 1.
- 2.17. **Paragraph 5.8** indicates that the council sees New Carrington as a sustainable neighbourhood, not an isolated community. This might imply that, with its new local centre, it will form a new settlement and look to meet its own needs as opposed to integrating and supporting the existing centres like Partington. By phasing development with the appeal site coming forward now it will increase integration chances with the existing area of Partington as residents will be reliant on its shops and facilities and develop a behaviour of using those rather than visiting the new local centre.
- 2.18. **Paragraph 5.9 and 5.10** refer to the as yet unpublished masterplan and evidence base for the proposed GMSF allocation. This information is not in the public domain, has not been consulted and forms part of the GMSF which the council accepts is of limited weight. Paragraph 5.10 boldly states that the draft policy sets out the high level requirements that *“will overcome the barriers that currently prevent development on the appeal site from coming forward”*. It then provides no evidence. The application and EIA, and consultee feedback received (in particular highways) do not identify any infrastructure barriers to development on the appeal site now. Rather, the barriers are policy based and as I have set out a misunderstanding and application of policy at that.
- 2.19. **Paragraph 5.10** alleges that the uncoordinated development of the site could threaten the

wider integration of the site into New Carrington or preclude the delivery of a key infrastructure route. This is highlighted as the proposed 'southern relief road'. This is not substantiated or evidenced. It is also incorrect. As Mr Roberts and Mr Haralambous set out last east of Warburton Lane (Site 1) provides an access point to Warburton Lane which is accepted by the highway authority and at the only logical place it could be put to create a southern link road. Further the access itself is of sufficient specification to accommodate such a link. The parameters plan shows a link through the site which can accommodate a link of sufficient specification to have a wider role. Mr Roberts at his Appendix 2 shows such a potential route. Indeed, the key point is that the wider GMSF masterplan is somewhat of being adopted, and then more detailed work done to precisely define an alignment for the SLR. Against this delay, the proposal is in outline so development can be agreed through reserved matters which will allow the more detailed road to be agreed which will allow an SLR to be created. They proposed access and development spine road are consistent with the emerging plans. The proposal thus does not prejudice the delivery of a southern link road, rather it would actually see its junction and a considerable stretch of it delivered.

- 2.20. Indeed, were the southern link and development to the east of Partington and the new local centre built before the appeal site, it would provide a bypass for residents to drive around Partington to the new centre and beyond, thereby reducing their chance of using Partington and its services. The current appeal will see development linked and reliant on Partington for schools, shops and other services, therefore increasing the integration, regeneration and chance to develop supportive patterns of social and economic behaviour.
- 2.21. **Paragraph 5.14** is unduly emotive and disingenuous in referring to inward looking estates 'shipwrecked' on the periphery of settlements. It provides no evidence for this assertion. Indeed, the site is agreed as immediately adjoining Partington. The site as expressed through the Himor Masterplan will form a new gateway to Partington (which I note is a key aspiration of the emerging GMSF). The parameters plan, Design and Access Statement (DAS) and Transport Assessment (TA) show that the site can actively engage the road (on both sides), enhance footpath/cycle links, enhance and improve the bus stops and services, and provide extensive public open space accessible to all. It is plainly not inward looking or shipwrecked. Such emotive language merely demonstrates the council's myopic approach that development on the site (which they support through the GMSF allocation) can only come forward as part of the allocation. The application dispels this view, demonstrating through the EIA, TA, DAS that it can be developed in a way which can be accommodated within and contribute to wider infrastructure, and create a form of development which can respect the site and its context, integrate with Partington and allow for future links to the wider New Carrington. It can form a deliverable early phase to kick start development.
- 2.22. In a borough with a poor 5 Year Land Supply (YLS) and HDT, and in the face of a delay of some years before adoption of the GMSF and the future Trafford Local plan, the council and community simply cannot continue to wait for site to be allocated and then a detailed

masterplan and applications approved to allow development to commence. This will in my view will see no housing delivered on the site for at least 5 years. This will perpetuate the chronic undersupply and see Partington starved of much needed new family housing and all the other significant benefits that I outline the scheme will deliver. This scenario and unnecessary delay is precisely why NPPF sets the presumption in favour of sustainable development to address out of date plans and boost the supply of homes where the plan process (for whatever reason) is failing to bring sites forward to meet the housing needs of the area. The proof of Ms Coley (which I deal with separately) merely sets out excuses for not applying government policy, which will only perpetuate undersupply and see the housing needs of Partington remain unmet.

- 2.23. With the time it will take to get GMSF adopted (if it can be progressed by the 10 authorities), and masterplans prepared and agreed for strategic sites like New Carrington, then detailed applications approved, there is a very real risk that the site and indeed much of the New Carrington proposed allocation will not be able to play a role in meeting housing needs for 5-10 years.
- 2.24. **Paragraph 6.3** states that Trafford will be able to demonstrate a 5YLS when the GMSF is adopted. This is factually correct, but fails to point out that given the nature and stage of the plan, there is some significant uncertainty surrounding the plan, and its adoption is some years away. This means the council is not engaging in the urgent need to address the current chronic undersupply of homes.
- 2.25. **Paragraph 7.3** refers to the site not meeting brownfield land objectives. This does not reflect NPPF which focuses on sustainable development not brownfield first. Interestingly, Ms Todd confirms that the GMSF seeks to use greenfield/green belt land to assist in bringing forward brownfield land at Carrington. This again undermines her point that logically SL5 (i.e. the largely brownfield area of Carrington) should come forward first. Greenfield sites such as Warburton Lane can assist in bringing forward the more challenging brownfield sites, in particular by contributing to infrastructure (as the appeal scheme does). To do this they inevitably must come forward early on to play this enabling role. Back ending them until after the SL5 brownfield sites are developed will stymie development overall by starving the council of the CIL and S106 contributions that will fuel infrastructure delivery. It is a matter of phasing, with some development brought forward now, as this appeal proposes, to kick start the process. Providing that development can be accommodated within the infrastructure capacity (or contribute to its enhancement to make head room for it and other development) as is proposed in this appeal, then that is a more logical way of delivering the early and wider development. This is a tried and tested approach applied across many sites and boroughs.
- 2.26. The allegation at **paragraph 7.3** is that the proposal is somehow jumping the gun or not paying its fair share to infrastructure, thereby placing an undue burden on the brownfield

land at Carrington. This is plainly unfounded and wrong. The appeal scheme is paying its fair share and contributing to wider infrastructure including £40,000 towards bus stop improvements on Warburton Lane, over £1 million towards public transport improvements including upgrades to bus routes, works to Flixton crossroads (or CRR contribution) and over £260,000 towards improvements to the changing facility and playing pitch improvements at Cross Lane Playing Fields, Partington.

- 2.27. **Paragraph 7.4** suggest that the approach of SL5 coming forward first to redevelop brownfield land within the urban area is sound. It fails to acknowledge that this was the logic some 8 years ago against a climate of brownfield first and with a significantly lower housing requirement. The policy framework has changed since then so the approach to delivery in Carrington/Partington must also change. Indeed, the need for this is recognised by the emerging GMSF allocation which significantly expands the scale of New Carrington (1,650 under SL5 to 6,100) and includes greenfield and greenbelt land. This new approach being advocated by the council, clearly shows the direction of travel has changed and the SL5 approach can be afforded less weight.
- 2.28. **Paragraph 7.7** intimates that the emerging GSMSF allocation and masterplan, which is not in the public domain or been shared with the Appellant (despite repeated requests), might suggest a lower density of development for the appeal site, and phasing its delivery back in the development programme. Firstly, whatever the allocation might suggest is of limited weight as the plan is at consultation stage, subject to objection and yet to be tested independently. Secondly, if it were to stipulate a reduced density and delayed development, it would only serve to limit the ability of the site to provide infrastructure contributions, contribute to regeneration objectives and also enable the redevelopment of brownfield sites in Carrington.
- 2.29. **Paragraph 7.8** states that the emerging GMSF/masterplan shows how the infrastructure constraints and suggested physical isolation can be overcome. It does not set out how or share the policy/masterplan, and thus if being relied on ought to be provided in the proof. From what I have seen, the southern link road alignment (which the appeal scheme can accommodate and provide in so far as it crosses the appeal sites) is the key infrastructure affecting the appeal site..
- 2.30. **Paragraph 7.9** alleges the appeal scheme fails to offer an acceptable public transport solution. This is strongly resisted as Mr Roberts sets out in his evidence.

3. Rebuttal to Evidence of TBC Rebecca Colley (TBC-8)

- 3.1. Overall this proof seeks to set aside national policy enshrined in the NPPF and Planning Practice Guidance (PPG), and reinvent the presumption in favour of sustainable development. The basis for this, in synopsis, is that it is not the council's fault that it has a 2.4 year land supply, it is the fault of landowners, developers and the land market. This is used to justify not applying the correct weight to the presumption in favour, the tool policy used to boost supply. The argument is thus perverse.
- 3.2. The 5YLS and HDT are enshrined and a central plank of NPPF and PPG as two measures to make sure sufficient deliverable land is available to meet local needs, adding buffers where appropriate, and to test the actual delivery and allow corrective measures. Their very purpose is to boost housing delivery and meet local needs. Not having a 5YLS sees buffers added to make sure additional land is identified to boost development. Likewise, the HDT is staged to place greater emphasis on action where the performance is worst. The relationship to the paragraph 11 presumption is very deliberate and clear, that where there is not a 5YLS or the HDT is below 100%, that the plan policies for the supply of housing are out of date and the presumption in favour is engaged. This is to encourage up to date plans or where there are policies that are not delivering sufficient houses, the weight to be afforded to such policies is reduced to allow applications to be approved for sustainable development.
- 3.3. Against this context, to suggest that Trafford is an exception which should be allowed to have a significantly low land supply (2.4 years) and a very poor HDT (58%) and not apply national guidance deliberately designed to address such situations and boost supply, is perverse. It is also contrary to S36(6); that determination is in accordance with the development plan unless material considerations indicate otherwise. The planning SoCG confirms at paragraph 5.3 that the parties accept that NPPF is of significant weight. The alternative option being offered is that the borough should be allowed to wait until the plan making processes identifies sufficient land, which in this case will be two or more years away at the earliest, and then progress masterplans, then welcome planning applications, before moving to condition discharge and start in site. This will mean development is unlikely to commence for 4-5 years, and all this against a backdrop of the council's acceptance that its strategic locations will deliver homes, but not at the pace required to meet the requirements. This is not an option and will merely perpetuate the undersupply position. Rather applying national guidance as intended (NPPF paragraph 11), and giving the correct full weight to the presumption, will allow approval of sites such as the appeal site which can come forward and support the strategic locations in delivering homes and meeting need now.
- 3.4. **Paragraph 1.3** alleges that an adjustment in land values is required to solve the suggested

entrenched supply problem, and as this is outside the council's control, the weight to be afforded to the lack of 5YLS should be reduced. It also alleges the appeal scheme will exacerbate the problem if approved. This rebuttal and my proof clearly show the former is not a planning matter for a S78 appeal and the latter contrary to national guidance.

- 3.5. At **paragraph 3.2 and 3.3** the council suggests that it has granted recently far more consents than is required to meet its annual housing requirement, however gross completions do not reflect the permissions granted. This is hardly surprising, not least when dealing with large strategic sites, especially when the council itself suggests a 35 dpa delivery rate on sites. It is common practice that to deliver their annual requirement council's need to grant far in excess of the number to create a supply.
- 3.6. The purported reasons for this lack of delivery, which is suppressing the 5YLS, are set out in **section 4**. The headline reasons suggested are; land ownership and speculation, land valuation, and infrastructure provision. I disagree for the reasons set out below, and also consider that the case misses some fundamental other reasons for poor delivery. Ms Coley's case is blinkered and self-serving.
- 3.7. The first allegation is that Trafford is somehow different from other boroughs (including neighbouring Greater Manchester boroughs who can more than adequately meet their 5YLS) because much of the land is under the control of major landowners and so the borough is vulnerable to their investment decisions. Various unsubstantiated assertions or opinions of the author are made around these being related to matters such as the '*whim of individuals*', companies with land elsewhere, absentee owners who hold out for the best price, or even companies expecting a south east return on a north west asset. These are all unsubstantiated assertions and conjecture and therefore cannot be afforded weight. Furthermore, they distract the case from its consideration against development plan and planning policy.
- 3.8. Landownership in the control of a few landowners (Paragraph 4.1) is an advantage as it makes them simpler to deliver than if they were in multiple fragmented ownership of a range of landowners and companies with different interests. It is equally an advantage when they have expertise and a track record in delivering large scale development either via themselves or with their partners, as do the Landowners Ms Coley refers to (Peel, Himor).
- 3.9. Paragraph 4.2 is mere unsubstantiated conjecture. For example, the major landowner Peel (with interests in three of the five strategic sites) is based in Trafford and has a full and realistic understanding of the local property market and an excellent track record of delivery. The assertion that Trafford, as a whole, is an area of high land value expectations is misleading. Like most authorities, Trafford has a mix of affluent and deprived areas where land values vary considerably. At **paragraph 4.3** the allegation is that landowners seek outline permission with no intention of developing out but just to increase book value. No

evidence is provided. Outline applications are a long established type of application to allow the principle of development to be considered and established, before detailed reserved matters are sought. It is an entirely appropriate means to seek planning consent. As a consultant who has spent the last 20 years preparing applications for major developments, I can confirm that the officer view is not correct. Outline consent, as in this case, supported by a full EIA and application documents, promoted with extensive public consultation and pre application, is far from cheaper and other than application fee (which is a minor component of the overall cost) has a comparable cost to full applications. They are a significant investment that applicants treat very seriously.

- 3.10. Sweeping and unsubstantiated assumptions about landowners and their motives are not relevant to this appeal. The Appellant has approached the planning process seriously over a period of three years and with a strong commitment to develop. It represents a substantial financial investment.
- 3.11. **Paragraph 4.4** alleges that planning permissions are used for land speculation, rather than to deliver development. This is plainly incorrect as the officer's own proof suggests that between April 2017 and March 2020 over 2,000 dwellings were delivered. Clearly applicants seek permission in Trafford to build. In the case of this appeal, Redrow as a national house builder, who's business is building and selling houses, is very keen to develop the site. Their business model is to acquire sites and build out and exit as soon as possible. They they will look at every possible way in which delivery can be accelerated. In this instance, whilst not a matter for consideration as part of this appeal, the Planning SoCG explains how the Appellant originally sought full planning permission for each of Sites 1 and 2 alongside submission of the outline application (the subject of this appeal). The justification for this approach was grounded in their objective of being able to facilitate delivery of the sites as quickly as possible. This was explained at paragraph 1.3 of the submitted Planning Statement (CD A16, Pg61).
- 3.12. Paragraph 4.6 shows a complete misunderstanding of the land market for which hMr Nesbitt explains more. This is an essential part of how land supply works, without which sites would not come forward for development at all.
- 3.13. **Paragraph 4.7** suggests that landowners/developers are often happy just to receive a resolution to grant and are not interested in completing a S106 agreement. I fundamentally disagree, as a resolution is just that. It is not a permission and provides little comfort that consent will be achieved. Indeed, I have advised clients on sites where protracted negotiations on a S106 have been overtaken by other planning matters and the council has been forced to reconsider the application and even change its recommendation. Indeed, from a landowner perspective, an increased land value is only crystallised when consent is formally granted.

- 3.14. **Paragraphs 4.9 to 4.15** stray into valuation and surveying matters, which as a chartered town planner I can only provide opinion on and not professional evidence. I defer to Mr Nesbitt in this respect. The officer comments in my view are mere one sided conjecture into landowner or developer motives which are not helpful to the specifics of this case. For the avoidance of doubt, Redrow as applicants are very keen to develop the site as soon as possible.
- 3.15. **Paragraph 4.16** suggests that the council has no practical means to remedy the alleged market failure. Firstly, I do not agree it is a market failure, but will leave that to Mr Nesbitt to respond on, however the council does have Compulsory Purchase Order (CPO) powers available to acquire land to achieve its plan objectives. Furthermore, granting planning permission for sustainable development proposals such as the appeal scheme would help increase the 5YLS and ensure that the Council is not as reliant on a small number of larger and/or strategic developments to meet its five year housing land requirements.
- 3.16. The allegations at **paragraph 4.18-4.21** again are merely unsubstantiated opinion, albeit if Homes England are providing grant funding, then there will be an independent assessment on viability as part of the grant process. I also note that recent land supply in Trafford is dominated by brownfield land and difficult sites that have significant remediation and/or abnormal costs. It has also been in less established housing markets.
- 3.17. **Paragraph 4.24 and 4.25** refer to completions increasing under the suggested tougher regime of viability scrutiny. The rate of completions cannot be treated on face value and must be considered in the context of wider economic and planning matters. Indeed, it relates to 2017-20, comparing it to an earlier period, when it is commonly accepted that since the impact of the 2008/2009 financial crisis there has been a slow return to development activity, which has only really picked up in more recent years. This must be factored into consideration, alongside the growth in office to residential PD conversions (which has benefitted Trafford). After the financial crisis national completions dropped to less than 30,000 in 2009/2010 and only returned to approximately 30,000 per year in 2015. Since then national completions picked up and as of 2019 / 2020 were approximately 45,000 (MHCLG, Mach 2020).
- 3.18. **Section 5** considers the five Strategic Locations in Trafford, highlighting the limited completions. The proof here makes various allegations that poor delivery is variously based on landowner motives or shortfalls in infrastructure funding. This is prayed in aid of for making the case the council should not be penalised for not having a 5YLS.
- 3.19. This is somewhat missing the point. The government has been very clear that the 5YLS and HDT are not punishments for local authorities, but rather provide a framework and action plan to help them make positive steps to increase performance and housing delivery. It is the boosting of housing to meet needs that it's the ultimate goal.

- 3.20. In terms of the specifics cited for each of the five Strategic Locations, I have contacted Peel to ascertain whether the claims made by Ms Coley (in so far as they relate to their land interests) are representative of the current position and in countering the case she has made.
- 3.21. Peel have been very surprised by the officer's allegations. They are not involved in this appeal and are considering their position as to whether they make independent submissions.
- 3.22. Peel has confirmed the following:

SL1: Pomona

- 3.23. The Pomona site forms part of Peel's 'Manchester Waters' scheme and as noted by Ms Coley (paragraph 5.10), a revised Masterplan has recently been approved by the Council (March 2020) which seeks to deliver a residential led development, including 3,620 homes across the site in addition to retail, leisure and commercial uses. Peel intends to submit an outline planning application for those parts of the site yet to come forward, late 2020/early 2021.
- 3.24. However, Ms Coley fails to reference the fact that the Manchester Water's scheme involves not only the development of the Pomona site (i.e. land in Trafford) but also land at Cornbrook, located within the administrative boundary of Manchester City Council (MCC). Indeed, the site is reliant on creating gateways into the site, one at Cornbrook where Peel has had to address multiple third party land ownerships. Consequently, Peel has been working in partnership with both Trafford and MCC for nearly 15 years, to assemble the significant land required (and which has been in fragmented ownership) to bring forward the overall vision and regeneration proposals for this key gateway site into Trafford. This has included the development of a Cornbrook Hub Development Framework, which was agreed by both Trafford and MCC in June 2015, setting out the vision and regeneration plans for this area.
- 3.25. In terms of delivery to date, the timing and backdrop to the approved proposals is also important. Whilst planning permission was first granted in 2007, like many schemes within Trafford and indeed across GM and other parts of the country, the 2007 to 2013 financial crisis rendered development undeliverable. Additionally, reflective of the nature and location of the site, it has taken time to establish a market. Nevertheless, development has been successful and the first scheme to come forward (164 Build to Rent apartments) was consented in November 2015 (ref: 85822/FUL/15) and completed by November 2017. Two further applications (ref: 90799/FUL/17 and 93779/FUL/18) shortly followed for a further five blocks (742 apartments) and the first block (Block 1 – 75 units) completed in May 2020, with Block 2 due for completion in early 2021. We understand that there is an agreed delivery strategy in place for the remaining blocks, thereby demonstrating that the Council accepts that a phased approach to delivery is required and thus appropriate if the scheme (as a

whole) is to be achieve the desired objectives of the Council.

- 3.26. In terms of the overall consented position, Table 3 of Ms Coley's evidence recognises that the consented developments at Pomona already achieve a higher quantum of development than Core Strategy Policy L1 envisaged, with the remainder of development in this area underpinned by a wider masterplanning framework being jointly promoted by Trafford and MCC. I note that completions stand at 239, with a further 130 due in early 2021 (exceeding the 164 completions figure cited in Table 3).
- 3.27. Therefore, it is misleading of Ms Coley to suggest that because the Council has subsequently agreed to support and promote a much larger scale development in this broad location, that in proportionate terms, development of the Pomona site is in anyway lagging or indeed a contributing factor as to why the Council's absence of a 5YLS should be attributed any less weight. Clearly, the Council is working in partnership with Peel (and MCC) to bring forward development as quickly as possible, and Peel has delivered far more uniots to contribute to the land supply than policy envisaged.
- 3.28. Despite this, the Council remains unable to demonstrate a 5YLS. As I identify at paragraph 3.13 above, the remedy to this is to grant additional planning permissions to increase the supply of sites available to deliver much needed housing.

SL2: Trafford Wharfside

- 3.29. Paragraphs 5.14 to 5.17 of Ms Coley's evidence asserts that there are no significant meaningful development proposals being advanced to support development of this Strategic Location.
- 3.30. My discussions with Peel have confirmed the following:
- Peel has a history of delivering development in this location (Quay West office building and the ITV development that houses Coronation Street);
 - It gifted the site of the Imperial War Museum North;
 - The existing dry docks remain in operation and land adjacent houses operational communication infrastructure for MediaCityUK;
 - The Wharfside allocation has been impacted by many years of design, development, CPO/assembly and construction associated with Metrolink which has sterilised and delayed certain sites within the area from coming forward. The Council has been fully aware of this work and therefore is fully aware as to the challenges associated with bringing forward this strategic location to date.
 - Notwithstanding, Wharfside remains an attractive proposition with the new Metrolink having opened in March 2020. Peel also remains keen to work with the Council to bring

forward a masterplan led strategy and has already offered to part fund the development of a masterplan to accelerate development in this area. Additionally, Peel has formed a Joint Venture with Transport for Greater Manchester (TfGM) following their successful CPO of former Peel land (which was at the time, required to support delivery of Metrolink) and is already in consultation with the Council as to future proposals.

- 3.31. Therefore, it is clear that Peel is taking decisive action to help the Council and TfGM to deliver a future development strategy for the area. Nevertheless, development will not happen overnight, and this is a complex site which will need strategic delivery pursuant to an agreed phasing programme.
- 3.32. In the meantime, the Council is required to seek ways in which to deliver housing to meet evidence of need. Support for development of the appeal proposal is one such tool that the Council has at its disposal in helping address short term housing requirements, particularly when the appeal sites are intended to come forward for development in the future in any event and on the basis that the emerging plan is eventually adopted.

SL3: Lancashire County Cricket Club Quarter

- 3.33. This area is one where there are multiple land ownerships, and some consents have been granted for development, reflecting its highly sustainable location. A masterplan is being progressed, but this has yet to be progressed through examination and is some way from adoption. Further, given the nature of the area, the housing being and likely to be delivered is focused on smaller apartment led development, at high density. This is entirely appropriate to the location, but plainly will not deliver family homes with gardens as the appeal scheme will.

SL4: Trafford Centre Rectangle

- 3.34. Ms Coley's evidence at Table 3 demonstrates that the Council has granted permission for 3,000 homes in a location originally identified in Policy L1 to accommodate 1,000 homes. Nevertheless, the Council accepts that its development is contingent upon:

'several restrictive but necessary highway phasing conditions – requiring various parts of the extremely substantial Western Gateway Infrastructure Scheme (WGIS) to be in place prior to commencement, occupation of 250 units and occupation of 1,050 units.'

- 3.35. I am aware of the significant infrastructure costs associated with delivery of WGIS in particular, given my involvement (on Peel's behalf) in the Port Salford development proposals over the past 17 years. I was involved in securing the original planning permission for the Port Salford and WGIS development and therefore understand the complexities involved in delivering this major infrastructure scheme. In short, it involves a

multi-modal freight interchange comprising rail served distribution warehousing (154,500 sqm), rail link and sidings, inter-modal and ancillary facilities including a canal quay and berths, vehicle parking, hardstanding, landscaping, re-routing of Saltey Brook, a new signal controlled access to the A57 and related highway works including realignment of the A57 and improvements to the M60 (Port Salford).

- 3.36. To date, Peel has delivered a new bridge crossing over the Manchester Ship Canal (MSC) at a cost of £48m and which officially opened December 2017. Whilst this was in part delivered with the assistance of grant funding from Salford City Council (£4m) and £15m (Regional Growth Fund), Peel funded the balance and borrowed some £11m from Salford City Council on commercial lending terms to fund the construction and which is to be paid back shortly (and linked to facilitating delivery of the City of Salford Stadium north of the MSC in Salford). As a result, Peel will have incurred 58% of the overall cost of the infrastructure to date and at significant risk, given it is yet to unlock any major development within Trafford Waters in particular. Ms Coley rightly identifies that there remain discussions between the parties as to the future management and maintenance of the bridge in particular, which will impact on the ability to bring forward future development in the short term.
- 3.37. Longer term, Peel has invested significantly (financially and in land terms) in unlocking some of the infrastructure required to support delivery of the Trafford Waters site and remains committed to its future development. However, continued partnership working will be required, not just with Trafford Council but also SCC and Highways England, if the full infrastructure requirements are to be realised.
- 3.38. Therefore, as with the other strategic locations referred to by Ms Coley, these are demonstrably strategic and complex sites which require partnership and, in some instances, cross border working to deliver. Contrary to the assertions made in Ms Coley's evidence, this situation is not unique to Trafford and I have sought to demonstrate here that there are a multitude of complex reasons why the strategic locations have been unable to contribute as significantly to the Council's 5YLS to date. Nevertheless, this should not detract from the fact that the Council cannot demonstrate a 5YLS and in short, that there is no quick remedy to addressing this other than by granting planning permission for development proposals (such as the appeal scheme) that represent sustainable development and meet the requirements of the Framework.

SL5: Carrington

- 3.39. I note with specific regard to **paragraphs 5.24 to 5.48** of Ms Coley's evidence that the Council identifies a £15.6m funding gap for the SL5 allocation at Carrington. This only serves to emphasise the inconsistency of the council's case as Ms Todd makes the case SL5 should come first, but with 1,560 dwellings on contaminated brownfield land, and despite other funding streams, the significant shortfall to deliver the CRR demonstrates that SL5 cannot be delivered on its own, and a different approach is required i.e. infrastructure

supported by development of other sites outside SL5 such at the appeal site.

- 3.40. I also note that Ms Coley expresses concern that the Carrington Village and Heath farm sites will not come forward, other than their initial phases. This reemphasises the need for other sites to come forward in the Partington area to meet local needs. The appeal site can deliver.
- 3.41. Section 6 focusses on Peel. This is not relevant to the appeal, however I counter the opinions provided to show they are unfounded, as typified by the proof as whole. By example, paragraph 6.1 suggest that Peel concentrate on one major residential scheme at a time. This is entirely wrong and does Peel a huge disservice. Indeed, Peel are active in delivering housing across the UK on many major schemes. Indeed, I speak from personal experience as I and my team at WSP are currently acting for Peel on major residential schemes delivering homes and seeking to deliver more homes in the short term at: Ellesmere Port (Rossfield Park); Chatham Waters, Kent; Bailrigg garden vilage, Lancaster; and advising on major commercial development in Trafford.
- 3.42. **Section 7** sets out Ms Coley's view that granting the appeal scheme will exacerbate the suggested problem. I fundamentally disagree, and at the outset consider the council is using this appeal as some test case to re write national policy on land supply. This is not helpful in distracting from what is a relatively simple case of the Appellant seeking consent for housing on a sustainable site that can meet local needs, assist in regeneration and fundamentally deliver homes in an underperforming authority. The application of paragraph 11 and the adequacy of the strategic locations are matters for local plan examination and not S78 appeals.
- 3.43. The proof makes a number of key omissions. Firstly, **paragraph 7.2** does not acknowledge that the appeal scheme will make infrastructure contributions and is not seeking to deflect the requirements on to others. The S106 package supports my point.
- 3.44. Secondly, **paragraph 4.7** makes the unfair and unsubstantiated allegation that the development costs are vastly exaggerated. Mr Bushell rightly and with evidence rebuts this separately.
- 3.45. **Paragraph 7.5** is interesting in revealing the council's ambition in this appeal to create a precedent to "*reasonably reset land values to obtain developer contributions*". This wider endeavour is not a purpose of planning. The case must be judged on its own merits.
- 3.46. **Paragraph 7.6** returns to planning matters but asserts the scheme will do nothing for the 5YLS as the appeal is in outline. I fundamentally disagree. The Appellant, Redrow, has been promoting the site for over 3 years, having undertaken pre application consultation with the council and then submitted an outline and two full applications for the site. They very much want to develop. The full applications were withdrawn after conflicting feedback was

received from the council which made agreement of detailed layouts impossible. The outline application has been pursued to establish the principle and allow subsequent negotiation on layout to proceed once the principle has been established. On receipt of outline consent, Redrow will quickly move to submit reserved matters.

- 3.47. In timing terms, if consent is granted on appeal at the end of 2020, Redrow would undertake the relevant site investigations to allow reserved matters to be submitted likely at the end of 2021. Approval and condition discharge would take place during 2022, such that a start on site would be achieved and dwellings yield 2023 onwards. The Appellant envisages a yield of 35 dwellings per annum on each site, with both sites brought forward together with their own sales outlets. The site overall would therefore deliver in years 4 and 5 of the current supply period, and make a meaningful contribution of at least 150 dwellings to the 5YLS. The site would yield over around a 6-7 year period and thus make a valuable contribution to improving the land supply over the rolling five year supply. The approach to seek condition discharge to allow each site to be discharged separately is made to support this delivery approach, rather than see the whole site held up.
- 3.48. **Paragraph 7.8** alleges that development cannot proceed without footbridges across Red Brook, and that based on feedback to the withdrawn footbridge applications (Environment Agency, Heritage Conservation Officer and Local Highways Authority) that the likelihood of the objections being lifted quickly, if at all, is low. Firstly, the Appellant made the applications for the footbridges during the application process in order to respond to comments received from the council around improving connectivity. The Appellant did not deem them necessary to the application's acceptability, not least as site 1 already has a footbridge link and site 2 benefits from good access across Warburton bridge. They were however considered beneficial and the applications were made in an attempt to confirm their achievement. It was always accepted that whilst works in the site could be delivered, that the bridges and links required third party land outside of the Appellant's control. It was also envisaged that the links would be additional links to improve connectivity, not required to achieve connectivity, as this is already provided for and deemed appropriate as Mr Roberts sets out in his evidence.
- 3.49. **Paragraph 7.10** assumes that the suggested condition wording proposed to allow conditions to be discharged for each site separately is designed to slow development and allow it to come forward sequentially. This assumption is wrong. The approach is to reflect that the sites lie in separate ownerships and therefore flexibility will assist in bringing development forward quicker if reserved matters can be based on each specific site. Redrow remain open to developing the site's concurrently, with each having its own sales outlets.
- 3.50. The council sets out its assertive action at **section 8**. It is encouraging that they are seeking to bring forward a new Housing Delivery Test plan. It is however perverse that resisting a consent, and one which can also support strategic site delivery, is being pursued, in favour

of waiting for the GMSF to be formally adopted and a detailed masterplan prepared. As I have set out earlier, this will only 'kick the can down the alley' and see housing delivery in Partington delayed.

- 3.51. Indeed, it also runs counter to the approach set out at **paragraphs 8.9/8.10** where the council is now seeking to unlock the CRR through developer contributions from sites in the area and Community Infrastructure Levy to allow earlier delivery of the link road. This strategy relies on granting consents for development now. The appeal site can make its contribution, but must be consented now.
- 3.52. The proof conclusion seeks to justify the down grading of the 5YLS and HDT in the presumption in favour of sustainable development. No evidence has properly been provided for this, and indeed it would be contrary to NPPF and unsound. NPPF policy is long established with the clear purpose, not to punish local authorities for poor delivery, as Trafford seem to take it, but to encourage and provide a clear framework for boosting delivery. To accept Ms Coley's approach would be disregarding national policy and thwarting its ambitions of boosting housing delivery. That cannot form a sound basis for refusing the appeal.

4. Rebuttal to Evidence to TBC Bethany Brown (TBC-9)

- 4.1. The proof overall is based on some fundamental misunderstandings of policy which have a direct and material impact on the proper application of policy and therefore the weight that can be applied to Mrs Browns case.
- 4.2. Firstly, and fundamentally, underlying the evidence is a complete mis-understanding of Ms Todd's evidence. Mrs Brown states at paragraph 2.3 that "*the evidence of Ms Todd states that the appeal site is in the wrong location for housing*". It does not. Quite the contrary, the case Ms Todd makes is rather one of timing, that the application is in effect premature ahead of consideration as part of the wider proposed GMSF allocation. This mis-understanding plainly colours Mrs Brown's assessment of the scheme.
- 4.3. Secondly, and equally fundamental, underlying Mrs Brown's evidence is a failure when approaching the site's sustainability to properly apply weight and consider the 2003 UDP Inspector's comments. Paragraph 2.3 and 4.1 report that, with regards the RTUDP Inspector's comments, that "*nothing has changed since the RTUDP Inspector gave his observations in 2003*". This is plainly wrong. I have properly reconsidered the Inspector's comments and the context in which they were made as I set out in detail in my proof. I have also considered the last 17 years of planning policy at a national and local level. There have been seismic changes in the material planning considerations relevant to the site and which the Inspector based his comments in 2003, including:
- The NPPF has changed the approach to housing from one of brownfield first to support for sustainable development;
 - The housing requirement for Trafford has increased significantly which has and is leading to the authority proposing substantial Green Belt release;
 - The housing supply position has deteriorated to one of acute undersupply and unmet need; and
 - Partington has undergone a sustained period of regeneration, which whilst accepting it still has some way to go, has had a material impact on the availability of shops and other services.
- 4.4. Had these matters been facing the Inspector in 2003, I believe he would have come to a different conclusion with regards the site and plan. Therefore, the sentiment underlying Mrs Brown's assessment of the site starts in the wrong place, without properly testing and recalibrating the RTUDP Inspector's comments. They cannot be taken at face value. The proof thus fails to properly take account of the current relevant material considerations.

- 4.5. Overall, Mrs Brown covers a lot of ground in her proof, in various places misreporting the evidence of other witnesses, embellishing and adding her own view on matters. She strays beyond her professional competencies in a number of cases. I rather stay within my professional area of expertise and rely on the professional judgment of the Appellant's design, landscape, heritage, highways and viability witnesses.
- 4.6. I now turn to more detailed matters.
- 4.7. To clarify **paragraph 1.4**, the Appellant has accepted the financial contribution only on the basis the Inspector considers it meets the relevant tests.
- 4.8. **Paragraph 2.7** reports on errors and flaws in the Appellant's viability work. My Nesbitt and Mr Bushell set out in their rebuttal that there are no errors.
- 4.9. At **paragraph 2.11** Mrs Brown reports that the site has limited public transport infrastructure. This is at odds with the transport SoCG which agrees there is a range of bus services providing services to some of the prime destinations for residents in the area including Manchester, Warrington, Altrincham, Sale, Trafford Centre and Lymm.
- 4.10. At **paragraph 2.20** the 'collection of evidence' based on Ms Coley's proof and Ms Todd's is prayed in aid of for reducing the weight to the lack of 5YLS. Mrs Brown goes one step further however and alleges that but for the above practices (referring largely to Ms Coley's proof) the undersupply would not exist. She provides absolutely no evidence for this assertion. The factual position is that as set out in the SoCG the Council cannot demonstrate a 5YLS, with it standing at only 2.4 years.
- 4.11. **Section 4** sets out the suggested failings of the proposed development. Comment is made on design in **paragraphs 4.2 to 4.18**, which Mr Haralambous addresses in his qualified capacity. Comment is made on accessibility in paragraphs 4.19 to 4.39, for which I defer to Mr Roberts. I do however note from a planning capacity that there are conflicting criticisms of the scheme, such as **paragraph 4.23** which criticises the length of the proposed access road, yet elsewhere refers to the site needing to accommodate the Southern Relief Road (SLR) which follows the same alignment.
- 4.12. **Paragraphs 4.26 to 4.36** discuss the matter of Red Brook crossings. At **4.17** it alleges the Appellant's acceptance of a Grampian condition relating to preventing development until the crossings would be provided. This is wrong and misleading. Paragraph 9 of the Case Management note from February (CD C8) actually states:
- " b) The Appellant responded that the bridges would not be a determinative matter and would be linked by means of a Grampian style condition.*
- c) The Council was satisfied that this clarified the matter".*

- 4.13. The Grampian condition was referred to as a mechanism of linking the bridge applications to the main application, but there was no further discussion regarding the trigger/timing of delivery versus the bridges. Indeed, the bridges were proposed to improve connectivity, not provide the main means of connectivity, and it has never been the case that they are essential. Since, the applications have been withdrawn and the Appellant does not rely on the bridge links.
- 4.14. **Paragraph 4.30** is incorrect in suggesting the Appellant acknowledges the proposed links were a central requirement for sustainable development. They were identified as potential links, but the application has always been predicated, as it was submitted and assessed through the EIA and TA as being a sustainable site with suitable access by all means. Mr Robert's evidence confirms this.
- 4.15. **Paragraph 4.34** asserts that the means to achieve the necessary integration is through a much wider masterplanning exercise, which has not been replicated in this standalone development. No evidence is provided to support this comment, especially on how the site being looked at as part of the New Carrington allocation would lead to any different a position with regards linkage to Partington. With regards the draft masterplan which Ms Todd refers to, the proposed SLR is the only link shown to integrate the site to other new development to the east of Partington. Indeed, given Mrs Brown's view on the technical hurdles required to be overcome for a crossing over Red Brook (if they even could in her eyes), it is difficult to see how the masterplan could do anything differently. I return to the Appellant's evidence that the current and proposed linkages as part of the appeal are appropriate.
- 4.16. **Paragraph 4.35** suggests that the lack of a pavement on one side of Warburton Lane makes the access problematic. This is of course incorrect as the application provides a new pedestrian crossing and footpath improvements to ensure safe and commodious access, as set out in the transport SoCG.
- 4.17. **Paragraph 4.37** suggests that the only possible scope for integration is over Red Brook. This is plainly wrong, and a one dimensional approach to integration. The site's successful integration and ability to deliver sustainable development must be considered with far more sophistication. It is not all about a footpath. The site as set out through the proof of Mr Roberts is more than adequately linked via existing footpaths, roads, and bus services. Further, as I set out, integration will be achieved in wider social, economic and environmental terms through providing new homes, strategic open space and play areas where residents can mingle, children to support the local primary and nearby secondary school, residents to visit and spend time in the local centre's shops and cafes. Ironically, integration will be easier and more successful with the development taking place before the wider development and SLR is in place, which would see residents more likely to use the southern bypass and look to the new local centre, not Partington. Early delivery on the

Redrow site will allow a more focused integration to build real relationships over time.

- 4.18. **Section 5** is misleading. **Paragraph 5.2** intimates that the application relies solely on a parameters plan. This is not the case. The parameter plan must be read in conjunction with the Design and Access Statement (DAS) and accompanying ES. Mr Haralambous addresses the suitability of the parameters plan in his rebuttal, however from a planning perspective the plan shows sufficient information, accepting that detailed reserved matters will follow. Criticisms at **paragraph 5.3** paint a picture that the parameter plan is somehow deficient, cannot be measured from and shows insufficient detail. This is incorrect. The plan is scaled and when read in conjunction with the DAS provides more than sufficient detail. I strongly refute the allegation that the plan is under prepared and unclear.
- 4.19. **Paragraphs 5.3 to 5.20** allege inadequate baseline information has informed the proposal. This is refuted as demonstrated through the ES and supporting documents and Appellant's proofs. The site's sensitivity is considered to render an '*unembellished outline application unsuitable*'. Unembellished is not clarified and indeed is not a technical planning phrase. However, I have addressed in evidence that the outline application sought is appropriate to consider the site.
- 4.20. **Paragraph 5.9** states that the design detail in the full applications confirms that the underlying masterplan did not support a well designed development. This comment is misleading as the two full applications represented one way in which the site could be developed. Criticism of them cannot be levelled at the current outline application the subject of this appeal. Those layouts are not before this inquiry.
- 4.21. **Paragraph 5.20** states that the withdrawal of the full applications must be taken as acceptance that they provided an ill-thought out and poorly designed scheme. This assumption is completely wrong and without foundation. The full applications were withdrawn due to conflicting feedback from the council, so as to allow the principle of development to be established and then detailed design to be progressed through reserved matters.
- 4.22. **Paragraphs 5.21 and 5.22** allege that the applicant's approach would be inappropriate if the development were to take place as part of New Carrington, alluding to what it might show. Again, the emerging masterplan is referred to in evidence but not included as an Appendix which makes it impossible to understand the Council's case. If they are to rely on it, they must include it now. Based on the masterplan prepared by Himor, the parameters sought are fully compatible and in no way prejudice delivery of the wider infrastructure and SLR, rather the proposal plays its part in providing the infrastructure.
- 4.23. **Paragraph 5.23** requires clarification, as my reading of this is that the council would want an outline application masterplan to show layout, scale and relationship to key constraints. This level of detail is more that required for a full application and is thus not necessary. I have

explained in my evidence why the outline application submitted is fully compliant with the regulations and appropriate.

- 4.24. In making the planning balance, Mrs Brown is inconsistent in her placing of weight to policy. For the Inspector's benefit the council accepts that policy L1 and R4 are out of date and of reduced weight as there is not a 5YLS. It therefore follows that the conflicts that are cited with regards L1 and spatial strategy (**Paragraph 6.5**) must be of reduced weight, even if they were accepted.
- 4.25. **Paragraph 6.20** overplays the point and in a misleading manner. It infers that the site has never been allocated for development because of its alleged severance from the urban area, remote location, greenfield nature, and significant constraints. This exaggerates the situation as it has only been promoted once through a local plan as an allocation, not repeatedly. It has been safeguarded with that allocation carried over. The picture painted of a site consistently failing to secure allocation is thus not true. Further, the site constraints noted in paragraph 6.20 which are deemed to cumulatively prohibit the site from being a sustainable location, is again misleading, overstated and an exaggeration, not least as the authority is seeking to promote the site for allocation for housing in the GMSF. Mrs Brown's evidence conflicts with that of Ms Todd.
- 4.26. The theme of over exaggeration is again displayed at **paragraph 6.21** which states the site is "*so stranded from existing development and what policy SL5 sets out to achieve will not rectify this in a location as far removed as the appeal site*". I note that policy R4 is clear in describing the site as 'immediately adjoining' Partington.
- 4.27. **Paragraph 6.22** is contradictory as it seeks to place considerable weight on the basic strategic planning logic in policy L1 and R4. However, Mrs Brown has accepted that given the lack of 5YLS the policies are out of date and of reduced weight. Given the strategic locations have not been delivering, as Ms Coley sets out, it questions whether L1 does still set out "*an entirely appropriate distribution of housing to support the growth of Trafford*".
- 4.28. **Paragraph 6.25** seeks to rely on the GMSF future intentions for the site which we are led to believe are so far removed from the appeal scheme. The GMSF, as is agreed in the SoCG is of limited weight, and therefore its intentions are of little help to determining this application. There is great uncertainty over whether the GMSF will proceed, whether the policies and allocations will be endorsed and in what form. This appeal must be determined in accordance with the development plan.
- 4.29. **Paragraph 6.27** in discussing the scheme benefits, suggest that there is a significant need for affordable housing in the area, making the lack of affordable provision in the scheme a reason to reduce the weight to be afforded to housing delivery. It must be clarified that the suggested significant affordable need is a borough wide statistic and not related specifically to Partington. As outlined in the Trafford Housing Needs Assessment 2019, only 5.7% of the

households in need within the borough are located within Partington and Carrington. This is the lowest affordable housing need within the borough with just 22 units required per year. Indeed, this is reflective of Partington having a large amount of social housing, as set out in the council's evidence, and is rather in need of market housing to diversify the offer.

- 4.30. **Paragraph 6.28** seeks to diminish the weight to be attached to the strategic open space as it is alleged to have off site connectivity problems. This misrepresents the position, as the strategic open space on both sites is linked to existing footpaths and readily accessible for leisure purposes.
- 4.31. **Paragraph 6.29** states that Greater Manchester Ecology Unit (GMEU) has advised that the area is too small to be sustainable in the long-term. Whilst GMEU do acknowledge this they also state that the areas are welcomed, and the creation of Skylark plots is worth attempting. Furthermore, and fundamentally, they do not object to the proposals.
- 4.32. **Paragraph 6.34** states that Mr Morley has identified some practical difficulties with the new bus stop locations and new bus stop infrastructure proposed. I am not aware of this and do not understand how Mr Morley has raised difficulties with the locations as they have not yet been fixed or agreed.
- 4.33. **Paragraph 6.47** states that the council will be in a position to demonstrate a 5YLS on adoption of the GMSF. Whilst this is true, the context must also be provided that the GMSF is surrounded by considerable doubt over its progress, content and timing. It is somewhat off being adopted, at least 2 years, with their significant political and technical issues to consider.
- 4.34. **Paragraph 6.48** suggests that the Appellant seeks a phased consent in order to slow delivery. This is not the case. The phasing of conditions is to reflect the site is in two parts with two landowners and thus allowing conditions to be discharged for each site will make it easier and quicker to progress development. Redrow are committed to delivering the site as soon as possible.
- 4.35. **Paragraph 6.57** states that the site can only come forward as part of development plan review. That is plainly not correct, as the whole premise of NPPF paragraph 11 and the presumption in favour is to apply in situations like this where chronic undersupply of housing and poor delivery render the plan out of date and the presumption engaged to boost housing. To state that in such a circumstance a borough like Trafford can disregard policy and wait until a local plan review takes place before addressing its housing needs is plainly contrary to NPPF. Sustainable development can and should come forward now. The proposal constitutes sustainable development. I note Mrs Brown accepts at paragraph 6.58 the pressing need for more housing.

5. Rebuttal to Evidence to TBC Murray Lloyd (TBC-5)

- 5.1. Mr Lloyd at his paragraph 2.1.1 makes the assertion that Redrow in pre application discussions said they would be offering 5% affordable housing, as a 'reasonable offer'. This comment must properly be recorded in context that the Appellant's position was that the site, but for an administrative boundary will form part of Partington, where policy sets out (as a cold location) that 5% affordable housing is required. It must also be noted that in 2018 the Appellant was still developing their proposals for the site and completing site assessment work. It was after all a pre applications meeting.



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