

APPEAL REF: APP/C4235/W/23/3325351
Mirrlees Fields, Stockport

Case Management Conference to be held 10.00 Wednesday 13 September 2023

(Details for logging in to the case conference are set out in a separate note)

Agenda

1. Introduction by Inspector
2. Purpose of the conference
3. Confirmation of advocates
4. Format of the event
5. Likely main issues
6. How the main issues will be dealt with
7. Conditions
8. Planning Obligation
9. Core Documents
10. Inquiry Venue
11. Inquiry running order/programme
12. Timetable for submission of documents
13. Costs
14. Any other procedural matters



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Mirrlees Fields, Stockport

Outline planning application with all matters reserved proposing the erection of a residential development for up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space.

**CASE MANAGEMENT TELEPHONE CONFERENCE TO BE HELD AT 10.00 ON
Wednesday 13 September 2023**

INSPECTOR'S PRE-CONFERENCE NOTE

1. The case management conference (CMC) will be led by Mrs Caroline Mulloy, a chartered town planner and Inspector. The invitation letter sets out instructions for joining the conference and the conference etiquette which will be observed during the meeting.
2. There will be no discussion as part of the conference as to the merits of your respective cases and the Inspector will not hear any evidence. Rather the purpose is to give a clear indication as to the ongoing management of this case and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
3. The Inquiry is scheduled to open at 10.00am on Tuesday 31 October 2023. It will be conducted by Caroline Mulloy, an Inspector appointed by the Secretary of State (SoS) to determine the appeal. It is expected to sit for no more than 8 days.
4. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly.

Format of the Event

5. The event will be held at Fred Perry House, 1 Edward Street, Stockport SK1 3UR. The Inspector understands that the main parties have now confirmed their availability for the closing day on Tuesday 14th November 2023. The Inspector will discuss the format of the closing day (physical or virtual) at the CMC. Parties should give this matter consideration prior to the CMC.

Main Issues

6. The Council's decision notice states that the reason for refusal is on the basis that in the event of a planning appeal, the appellant and other interested parties enter into a legal agreement prior to the appeal to address a number of outstanding matters relating to open space provision/contributions/management and maintenance; affordable housing; education contributions; contribution to fund three Climate Action Now projects; and a work and skills agreement.
7. It seems likely that an obligation is to be submitted to address the Council's concerns in this regard. Furthermore, the main parties agree that paragraph

11d of the National Planning Policy Framework (the Framework) is engaged. On that understanding, in the absence of agreed Statements of Common Ground; a final section 106 obligation; and based on the material currently before me, the main issues in this case are likely to relate to:

- i. The effect of the proposal on the supply of open space;
 - ii. The supply of housing land; and
 - iii. Whether or not any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits (the planning balance).
8. The Inquiry will also consider issues raised by interested parties. It is essential that all parties communicate effectively with one another to seek to narrow the issues for consideration at the Inquiry. This should be an on-going conversation. You are, therefore, requested to give consideration in advance of the CMC as to whether the identified matters encapsulate those most pertinent to the outcome of the appeal.

Dealing with the Evidence

9. The Inquiry will focus on areas where there is disagreement. With that in mind, the conference will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible.
10. The Inspector proposes to deal with the first main issue (open space) by evidence in chief. In order to avoid unnecessary repetition a dedicated topic-specific statement of common/uncommon ground is necessary. This should include:
- Formal designations of open space within the site in terms of type and quantity. The inclusion of maps/Local Plan extracts in the SoCG would be useful.
 - Whether the open space currently contributes to the quantity and quality of open space identified in the open space study.
 - The degree to which the development would result in the loss of existing protected open space in terms of type, quantity (ha) and quality.
 - Previous and existing use of open space; whether the open space use has been abandoned.
 - Whether the loss of open space would contribute to a quantitative/qualitative shortfall in the administrative area (council area; ward; sub-area level etc).
 - Quantum and type of open space required by policy and SPD as a result of the proposed development.
 - Provision of new open space (ha) as part of the proposal broken down into types of provision.
 - Net provision of open space overall (-/+) categorised by types of provision.
 - Proposed mitigation for any loss of open space or to meet the need arising from the development, including on-site or off-site provision or financial contributions.
11. The above list is not exclusive, and parties are urged to consider any further technical evidence which could be included in the SoCG in advance of the CMC. The SoCG should set out areas of agreement and disagreement.

12. The second main issue (housing land supply) will be dealt with by round table discussion. A dedicated, signed Statement of Common Ground is required setting out the current position with regards to the need for the development in terms of:
- The Housing Requirement (including the approach to the backlog and buffer)
 - The agreed five-year supply period
 - Supply in relation to each source of supply:
 - Completions.
 - Commitments (outline and detailed listed separately).
 - Planning permissions pending 106 obligation.
 - Existing allocations.
 - Proposed allocations.
 - Windfall.
13. The Statement of Common Ground should clearly set out areas of disagreement and areas of agreement and summary positions in terms of five-year land supply. This should be supported by detailed tables setting out the respective positions on the sites which contribute to the above sources of supply. These detailed tables should be grouped under the key sources of supply. The Inspector urges the main parties to seek to narrow the list of sites which are in dispute in order to save valuable inquiry time.
14. The third main issue will be dealt with by evidence in chief. A general planning Statement of Common Ground is required. An agreed list of drawings should be included in the general Statement of Common Ground. It should also include the relevant policies and the weight to be attached to them.
15. The Inspector understands that a number of other SoCGs are being prepared relating to ecology; highways; social infrastructure; arboriculture; design; and affordable housing. For all SoCGs, drafts should be provided by 12 September 2023 and can then be updated up to one week before the inquiry. The SoCGs should be updated throughout the Inquiry as the evidence evolves and agreements are reached.
16. Matters raised by interested parties will, initially, need to be addressed in a written proof on behalf of the appellant who may need to field a witness/witnesses at the Inquiry to take questions from local residents and/or the Inspector.
17. You are requested to give the above careful consideration in advance of the related discussion at the CMC. Any request for evidence to be heard other than as currently envisaged will need to be fully justified.

Conditions

18. An *agreed* schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted at the same time as the proofs. You will need to pay careful attention to the wording and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity. Any pre-commencement

conditions will need the written agreement of the appellant. Any difference in view on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

Planning Obligation

19. The Inspector is aware of the intention to submit a planning obligation. The Inspector will need an early draft of the obligation, with a final draft to be submitted shortly before the Inquiry opens, agreed by those party to it.
20. The final draft must be accompanied by the relevant office copy entries and a Community Infrastructure Levy (CIL) Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, in particular the test of necessity, and should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent.

Core Documents

21. You will need to discuss and agree a list of core documents in advance of preparing your proofs so they can be properly referenced. That list, and one hard copy of the core documents, must be submitted with the proofs.
22. The attached Annex sets out the preferred format and content of proofs and other material, which should be observed.

Inquiry Running Order

23. Following the Inspector's opening announcements, she will invite opening statements from the main parties (appellant first and then the Council, followed by the Rule 6 parties to help set the scene. She will then hear from any interested parties who wish to speak, although there is some flexibility in terms of timing should someone wish to speak later in the proceedings.
24. Pursuant to the discussion at the CMC, the presentation of evidence in chief and cross-examination will be dealt with on a topic-by-topic basis in the order set out in the above suggested main issues. For each main issue, the Council would present its case first, then the Rule 6 parties, followed by any remaining interested parties. The appellant will then present its evidence in the same manner but with the relevant witness (es) also addressing the other matters raised by interested parties.
25. Following conclusion of the first main issue, the round table session on main issue 2, housing land supply, will then take place, followed by main issue 3.
26. The usual round table discussion on conditions and the provisions of the planning obligation will follow, and the Inquiry will conclude with closing submissions, unless of course there are any costs applications which will be heard after closings.
27. Your closings will need to set out your respective cases as they stand at the end of the Inquiry. Closing submissions should be fully cross-referenced and the Inspector will require electronic versions in word format.

28.No applications for costs have been submitted at this stage. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. In order to support an effective and timely planning system in which all parties are queried to behave reasonably, you are reminded that the Inspector has the power to initiate an award in line with planning guidance.

29.The advocates are to work collaboratively on their time estimates for each stage of their respective cases and agree a draft Inquiry timetable based on the running order set out above, respecting the availability of witnesses.

30.Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

Site Visit

31.The Inspector will need to make an accompanied visit to the appeal site. Arrangements for the site visit can be discussed at the Case Management Conference. It would be useful if the parties could agree an itinerary for the site visit in advance.

Timetable for Submission of Documents

32.The following timetable sets out an indicative timetable for submission of documents to inform discussion at the CMC.

Date	Document
12 September 2023	<ul style="list-style-type: none"> • Statements of Common Ground
3 October 2023	Deadline for submission of: <ul style="list-style-type: none"> • all proofs • suggested planning conditions • core documents list • initial draft planning obligation • draft timings/timetable
17 October 2023	Deadline for submission of: <ul style="list-style-type: none"> • final draft planning obligation and relevant office copy entries • CIL Compliance Statement (Council) • any necessary rebuttal proofs • Updated statements of common ground where necessary • final timings/timetable
Tuesday 31 October 2023	Inquiry opens 10.00 am

Caroline Mulloy
INSPECTOR
7 September 2023

Annex

Content and Format of Proofs and Appendices

Content

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;
- where case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

Proofs **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
- recite the text of policies referred to elsewhere: the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals' merits need be referred to.

Format of the proofs and appendices:

- Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Appendices are to be bound separately.
- Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.