



APPEAL REF: APP/C4235/W/23/3325351

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 CONFERENCE SUMMARY

1. The Case Management Conference (CMC) was led by the Inquiry Inspector, Caroline Mulloy. The Inquiry is to be held at Fred Perry House, 1 Edward Street, Stockport SK1 3UR, opening at 1000 am on Tuesday 31 October 2023. The Inquiry will commence at 0930 on subsequent days.
2. The Inquiry is scheduled for 8 days: 31 October – 2 November; 7-10 November; and 14 November 2023. It was agreed that the closing day will be held physically.
3. The advocates were confirmed as Giles Cannock KC and Piers Riley-Smith for the appellants and Mr John Hunter, of Counsel for the Local Authority.
4. Yvonne Parker is the Programme Officer (PO) for the Inquiry. Mrs Parker is an impartial officer working under the Inspector's direction and will be the first point of contact for any queries regarding the event. All documents such as the Statements of Common Ground; Proofs of Evidence etc should be sent to her. She will put all documents onto the inquiry website and ensure that the case officer receives them. The contact details for the PO and a link to the Inquiry website are set out below:

Email: yvonneparker@programmeofficers.co.uk

Telephone: 01282 450522

Mobile: 0781 3334305

Inquiry website: [Programme Officers - Simply Planning Ahead \(https://programmeofficers.co.uk/mirrleesfields/\)](https://programmeofficers.co.uk/mirrleesfields/)

5. The Inspector will liaise with the Council, via the PO regarding the arrangements for the Inquiry including such matters as retiring rooms.

Main Issues

6. The Council confirmed that the planning obligation is likely to address several outstanding matters relating to open space provision/contributions/management and maintenance; affordable housing; education contributions; contributions to fund three Climate Action Now projects; and a work and skills agreement.

Consequently, the parties agreed that 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).

7. 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.

Dealing with the Evidence

8. It was agreed by the parties that the first main issue (open space) will be dealt with by evidence in chief. The second main issue (housing) will be dealt with by a round table session which the Inspector will lead. Parties are requested to work together in advance to prepare a draft agenda for the session, to ensure that all relevant matters are properly aired and interrogated.

9. The third main issue (planning balance) will be dealt with by evidence in chief, including any outstanding matters, matters raised by interested parties, planning policy and any benefits.

10. Statements of Common Ground (SoCGs) are required for each of the main issues. The general planning SoCG should include an agreed list of drawings and a list of conditions. It should also include the relevant policies and the weight to be attached to them.

11. The indicative content for the Open Space SoCG and the Housing Land Supply SoCG is set out in the Pre-Conference Note. These lists are not exhaustive, and parties are urged to include any further technical evidence which they consider relevant to the case. The SoCGs should set out areas of agreement and disagreement.

12. A number of other SoCGs are being prepared relating to ecology; highways; social infrastructure; arboriculture; design; and affordable. It was agreed that the deadline for most of the SoCGs will be no later than 20 September.

13. In terms of the Housing Land Supply SoCG it was agreed that the Council will provide the necessary information to the appellant by 20th September. The final draft will be prepared by the appellant by 27th September. The Inspector urges the parties to seek to narrow the list of sites of sites which are in dispute, in order to save valuable Inquiry time.

14. It was agreed that a single Statement of Common Ground will be prepared by the appellant with the Rule 6 party(s). The PO will make available the Rule 6 Party statement to facilitate this. The appellant should prepare a draft of the SoCG to

share with the Rule 6 party by 27 September 2023. Ideally, the SoCG should be finalised by 4 October; however, a degree of leniency will be afforded to the Rule 6 party in this regard.

15. As discussed at the CMC it may be necessary to update Statements of Common Ground. If so, these should be provided by 17 October 2023.
16. The Rule 6 Party requested the submission of video evidence at the Inquiry; however, it was suggested that the evidence should be encapsulated within a written proof utilising photographs etc instead.
17. In terms of documents, the Inspector can work with electronic versions of the evidence/core documents etc. However, where documents contain detailed plans; a hard copy would be required at the appropriate scale. The Inspector may require some documents as hard copies and will liaise with the PO in this regard.

Conditions

18. The Council will prepare a schedule of planning conditions and the reasons for them, including references to any policy support in consultation with the appellant. The list shall be included in the general planning SoCG or as a separate document no later than 3rd October. 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 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 Annex attached to the Pre-Conference Note sets out the preferred format and content of proofs and other material, which should be observed. Any documents submitted once the Inquiry has opened will be recorded as Inquiry documents.

The PO will keep the list and Inquiry website updated during the course of the Inquiry.

Inquiry Running Order

23. In general, the Inquiry is expected to finish each day no later than around 1700 hours and with the exception of the first day, will resume on subsequent days at 0930 hours.
24. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, she will invite opening statements from the main parties (appellant first and then the Council, followed by the Rule 6 party) 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.
25. 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.
26. 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.
27. 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.
28. 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.
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. It is likely that this will be towards the end of the Inquiry. The purpose is for the Inspector to simply see the site and its surroundings. She cannot listen to any representations/discussion/argument during the visit, but parties can point out

physical features, so it is important that you give some thought as to where you wish to see the site from. As such, it would be useful if the parties could agree an itinerary for the site visit in advance. If a draft of this could be made available in advance of the Inquiry, it would assist the Inspector to undertake an unaccompanied visit to the site prior to the event.

32. As discussed at the CMC, the Inspector should be able to see the majority of the site from public footpaths; however, the presence of locked gates may prevent access to some areas. The appellant would be content to grant the Inspector permission to access the land if so required.

Document Submission Dates

33. The majority of the SoCG should be submitted no later than 20 September bearing in mind that this is the second extension of time. In any event, it is important that these are prepared in sufficient time to inform the Proofs of Evidence (PoE). Where necessary, any updated SoCG should be provided by 17 October. It is likely that they may be updated during the course of the Inquiry, particularly the Housing Land Supply SoCG and any final versions should be provided no later than the close of the Inquiry.
34. The exception to this is the Housing Land Supply SoCG which should be submitted 27 September. A greater degree of leniency will be afforded for the SoCG between the appellant and the Rule 6 party.
35. As set out in the start letter, all PoE are to be submitted no later than 3 October. Details of the preferred format and content of the proofs and other material were annexed to the pre-conference note.
36. As discussed at the CMC the Core Documents list should be finalised before submission of PoE to ensure that documents are properly referenced. A final version should be submitted alongside the PoE for the benefit of the Inspector.
37. The early draft of the proposed planning obligation, accompanied by the relevant office copy entries and a CIL Compliance Statement, prepared by the Council is also to be submitted 3/4 October, with a final agreed draft no later than 17 October.
38. The Council is to ensure that a copy of the Inquiry notification letter and a list of those notified is sent to the Planning Inspectorate, via the PO no later than 10 October.
39. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than 17 October. It is important that rebuttal proofs do not

introduce new issues. As an alternative to a rebuttal, it may be that the matter could be more succinctly addressed through an addendum SoCG.

40. The advocates are to work collaboratively on the time estimates for each of their respective cases, with final timings for openings and closings, evidence in chief and cross-examination to be submitted no later than 17 October. A draft timetable would also be useful. A final programme will be issued by the Inspector prior to the event. 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. A summary of the timetable is set out below.

Date	Document
20 September 2023	<ul style="list-style-type: none"> • SoCGs • Council to provide updated Housing Land Supply information to appellant.
27 September 2023	<ul style="list-style-type: none"> • Housing Land Supply SoCG • Appellant/Rule 6 Party (ideally)
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/agenda for Housing Land Supply round table session.
10 October 2023	<ul style="list-style-type: none"> • Inquiry Notification Letter (Council)
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

Costs

41. The Inspector is not aware of any applications for costs at this stage. However, 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. You are also reminded in this regard, that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the ability to initiate an award of costs, although hopefully she won't have to use it.

Conclusion

42. The Inspector would like to encourage the close and continuing collaboration in advance of and during the Inquiry to ensure the efficient running of the event.

Caroline Mulloy
INSPECTOR
14 September 2023