

CASE REF: APP/M0655/V/22/3311877

ADDRESS: Land at Bradley Hall Farm, Grappenhall Lane, Grappenhall, Warrington (Easting:365738 Northing:384562)

INSPECTOR'S SUMMARY AND DIRECTIONS FOLLOWING THE CASE MANAGEMENT CONFERENCE HELD ON 15 FEBRUARY 2023.

1. The case management conference, which only discussed procedural and administrative matters, was led by Dr Roger Catchpole who is the Inspector appointed by the Secretary of State to conduct the Inquiry.
2. The Inquiry will open at 10:00 hours on 9 May at The Base, Dallam Lane, Warrington WA2 7NG. It is expected to sit for no more than 8 days, resuming at 09:30 hours on subsequent days.
4. As confirmed at the case management conference, the main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect on the openness of the Green Belt;
 - if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - whether the proposal would preserve the setting and significance of a Scheduled Monument known as "Bradley Hall Moated Site";
 - whether the ES complies with Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 with regard to cumulative impact, the ecological baseline and risks of major accidents or disasters;
 - the effect of the proposal on the safe and efficient operation of the highway network, local air quality and landscape character; and
 - whether the site is appropriate for development having regard to local and national planning policies that seek to manage the location of new development.

The Inquiry Inspector will also look at any benefits to be weighed in the planning balance, including any implications of not proceeding with the scheme. The final wording of the main issues may change to better reflect the evidence that is heard during the course of the Inquiry.

5. The Council and the applicant shall submit an agreed Statement of Common Ground no later than 17:00 hrs on the **3 March 2023**.
6. Hard copies of all proofs (with appendices) shall be submitted in the proscribed format, as detailed in Annex A, no later than 17:00 hrs on the **11 April 2023**. These shall be accompanied by hard copies of all relevant plans and photomontages.
7. The Rule 6 party and the applicant, with the assistance of the Council, will publish an integrated, electronic core document library in the proscribed format, as detailed in Annex B, at the same time as the proofs.
8. The Inspector anticipates that any substantive concerns raised by interested parties that are not covered in the relevant proof to be addressed in the applicant's planning proof as well as in closing.
9. Issues relating to the green belt, transport, heritage, air quality, landscape and planning together with any outstanding matters and the planning balance, will be addressed through the presentation of evidence-in-chief by the appointed witness for the applicant and by Mr Groves for the Rule 6 party.
10. Evidence shall be heard sequentially with each side presenting its entire case in an order to be agreed between the main parties. The case for the Rule 6 party shall be heard first followed by the case for the applicant.
11. Whilst not encouraged, rebuttal proofs may be submitted in exceptional circumstances when they are capable of saving Inquiry time. Should this be the case then they should be provided in hard copy and electronically no later than **18 April 2023**. They must not introduce new issues or seek to evolve the position of any party otherwise they risk an award of costs.
12. An early draft of the proposed planning obligation, including the relevant office copy entries, shall be submitted with the proofs on **11 April 2023**. The final draft shall be submitted no later than the **25 April 2023** and must be accompanied by a compliance statement from the Council. This should contain a fully detailed justification for each obligation sought, how it complies with the necessary tests, any policy support and details of how any financial contribution has been calculated and exactly how it would be spent. The applicant should also submit a list of each amount payable and the associated trigger point along with a summary description of what the agreement would deliver.
13. An agreed schedule of suggested planning conditions and the reasons for them is to be submitted at the same time as the proofs. Careful attention will need to be paid to the wording and they will need to be properly justified having regard to the necessary tests. Any pre-commencement conditions not included in the SoCG will need to be accompanied by a written agreement from the applicant. Any difference in view on the suggested conditions, including suggested alternative wording, should be highlighted in the schedule with a brief explanation given.

14. As to the running order of the Inquiry, on the first day, following his opening, the Inspector will invite opening statements from the main parties. The applicant will be first and then the Rule 6 party and written transcripts will be required before the close of the Inquiry.
15. The Inspector will then hear opening statements from interested parties, although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking then.
16. If required, this shall be followed by a round table discussion on matters relating to the adequacy of the Environmental Statement. This shall be a structured discussion that the Inspector shall lead. The applicant should ensure that the relevant witnesses are present for this session to answer questions.
17. Lastly, the Inquiry will hear evidence-in-chief from the Rule 6 party followed by applicant. This shall comprise the customary cross-examination followed by any questions from the Inspector.
18. The round table discussion on potential conditions and the provisions of the planning obligation will follow, concluding with closing submissions from the Rule 6 party and then the applicant. These should be submitted in hard copy and electronically prior to being given.
19. The advocates should work collaboratively on their time estimates and agree a detailed Inquiry timetable based on the aforementioned issues, to be submitted no later than the **25 April 2023**.
20. If any application for costs is to be made, advance notice should be given, with any application and rebuttal submitted in writing before closings. The party against which the claim is made will be given the opportunity to make any final response orally, if required, after closings.
21. In order to support an effective and timely planning system in which all parties are required to behave reasonably, you are reminded that the Inspector has the power to initiate an award of costs. Unreasonable behaviour may include not complying with the prescribed timetables.

Pre-Inquiry Timetable

25 January 2023 6 wks	Deadline for submission of: <ul style="list-style-type: none"> • interested party representations • full statement of case (Applicant) • full statement of case (Council) • full statement of case (Rule 6)
3 March 2023	Deadline for submission of: <ul style="list-style-type: none"> • agreed statement of common ground between the Council and the applicant
11 April 2023	Deadline for submission of: <ul style="list-style-type: none"> • all proofs of evidence (hard copy)

	<ul style="list-style-type: none"> • plans and photomontages (hard copy) • agreed planning conditions • pre-commencement authorisation • electronic core document library • early draft planning obligation
18 April 2023	<p>Deadline for submission of:</p> <ul style="list-style-type: none"> • any rebuttal proofs • inquiry notification letter (Council)
25 April 2023	<p>Deadline for submission of:</p> <ul style="list-style-type: none"> • final draft planning obligation • compliance statement (Council) • list of payments & summary (Applicant) • draft timings (including openings/closings)
9 May 2023	Inquiry opens 10:00 hours

Roger Catchpole
INSPECTOR

16 February 2023

Annex A

Content and Format of Proofs and Appendices

Content

Proofs of evidence **should**:

- Focus on the identified issues and address all substantive areas of disagreement.
- Be proportionate to the number and complexity of issues and matters that each 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 avoiding repetition.
- Focus on what is necessary to make the case and avoid including unnecessary material or duplicating what can be found in other documents or the evidence another witnesses.
- Where case law is cited in the proof, include a statement of relevance summarising the relevant paragraph numbers and corresponding issues to which it pertains as well as a copy of the full court report/transcript in the core document library.
- Where appeal decisions are cited in the proof, include a statement of relevance summarising the relevant paragraph numbers and corresponding issues to which it pertains as well as a copy of the decision in the core document library.

Proofs **should not**:

- Duplicate information already included in other Inquiry material, such as the site description, planning history and relevant planning policies.
- Recite the text of policies referred to elsewhere - the proofs need only identify the relevant policy numbers, with extracts being provided as core documents.
- Refer to policies that are not directly relevant - only policies that are needed to understand the justification for the scheme which are fundamental to the appeal should be referenced.

Format of the proofs and appendices

- Proofs should be no longer than 3,000 words wherever possible.

- If longer than 1,500 words, then summaries should also be submitted and form the **first appendix** of the proof.
- All proofs and appendices shall be printed **double sided**. Single sided copies shall not be acceptable.
- The main proof shall be **spiral bound** with any substantial appendices provided either in a separate ring binder, lever arch file or spiral binding depending on the number of pages.
- Appendices may be included in the spiral binding of the main proof if they are not extensive and can be readily accommodated in a single binding.
- Ring binders and lever arch files shall have **no more than two rings** with the latter also having a compression bar.
- All ring binders, lever arch files and spiral bindings should not be over filled and must be clearly labelled with the appeal reference, name and topic area of each witness on the front covers.
- All appendices must be indexed using **projecting tabs** that are clearly labelled and **paginated**.
- A single hard copy of each proof and its appendices shall be sent to the relevant case officer by the deadline that has been set by the Inspector.
- Electronic copies of all proofs and appendices shall also be sent to the case officer by that deadline and included in the core document library.

Annex B

The Core Document Library

General points

- The following structure should include but not be limited to the information that has been specified.
- This structure is suggested to assist with the logical assembly of evidence and further information will, necessarily, need to be included according to the specific detail of each case.
- Whatever its final form, it is vital that the final structure and naming conventions are agreed between the parties prior to the production of proofs so that consistent referencing can occur.
- The electronic core document library shall reflect the final numbering, headings and document names that have been agreed rather than any *ad hoc* file names that have been applied to individual documents during their evolution.
- A core document index with hyperlinks to each document shall also be uploaded to the electronic library to aid navigation.
- All documents submitted to the Inquiry should be handed up as hard copy and then uploaded to the electronic library with an ID suffix. Both CD and ID numbering shall be in ascending order.
- **All** uploaded documents shall be **machine readable** so that searches using keywords can be undertaken and text can be copied.
- The Local Planning Authority shall be absolutely responsible for the curation of the electronic library before, during and after the event and shall maintain it until such time as a decision is issued.
- The Inspector shall require the submission of hard copies of all proofs and their appendices as well as relevant plans printed at the correct scale on paper no smaller than A2. This evidence bundle shall also contain a bound copy of any photomontages in an A3 landscape format.
- The appellant shall be responsible for providing a single hard copy of the CD library with plans for any interested parties who are unable to access the internet. This shall be conveyed to the venue by the appellant who shall also be responsible for its disposal after the event.
- The hard copy of the CD library shall be placed on a table at an appropriate location at the back of the meeting room and the appellant shall be responsible for its management during the event if the room needs to be cleared overnight.
- All physical evidence, including proofs and the CD library, shall be arranged in either ring binders or lever arch files with **no more than two rings** and a compression bar (in the latter).

- If the bar cannot be applied then the lever arch file is too full and the contents should be split.
- The front cover and spine of each file shall clearly show the core document numbers contained therein and be indexed using **projecting tabs** that are clearly labelled.
- Each file shall have an index at the front of the file detailing its contents and the associated core document numbers.
- Hard copies of plans should be printed on appropriately sized paper so that all drawings are at the correct scale. They should be folded so that the title and reference number for each plan can be seen.
- All plans and drawings larger than A3 should be folded and placed into clear document wallets with a ring binding margin. The plan itself shall not be hole-punched and each plan shall be indexed and have a projecting tab.
- If any party intends to rely on other drawings or visual evidence that are not included in the proofs of evidence, such as photomontages or artists impressions, then some consideration should be given to the production of an appropriately paginated, A3 spiral bound document for ease of reference.