

LANGTREE PP AND PANATONI

FORMAL APPLICATION FOR ADJOURNMENT BY THE APPLICANT

TUESDAY 9 JANUARY 2024.

1. The Applicant wishes to make an application for an adjournment of today and this weeks proceedings.
2. This is due to the fact that this morning the applicant was allowed to disclose to the inquiry for the first time the fact that a claim under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash the Warrington Local Plan adopted on the 4 December 2024.
3. The Claim relates to the Fiddlers Ferry allocation and MD3 which allocates 101 hectares of land to be used for employment land and will affect both the employment and housing chapters of the plan.
4. This issue goes to the heart of the plan frankly.
5. This is highly material and consequential for this inquiry.
6. Obviously this issue has very significant consequences for this inquiry and the status and weight in this decision which should be given to the Warrington Local Plan.
7. This is fundamental in law because of Section 38(6) of the PCA 2004 and Section 70 (2) of the TCPA 1990.
8. Currently and understandably both Mr Groves and Mr Rolinson give full weight to the Plan in their planning evidence which will be cross examined by both parties.
9. It is the position of the Applicant that the existence of a challenge is a highly material matter for the Secretary of State and you in your recommendation to him.
10. The consequence of this is that the following might happen:
 - 10.1. The Claim does not receive leave and therefore effectively dies.
 - 10.2. The Claim does get leave and goes for substantive determination:
 - 10.2.1. The Claim succeeds and then the LPA will have to reconsider those parts of the plan.
 - 10.2.2. The Claim fails and then the Secretary of State will have to consider the weight to be given to the plan.
11. It is the position of the Applicant that the inquiry cannot sensibly proceed with examination in chief, cross examination and your questions of the two planning witnesses in the current uncertainty.
12. It is also grossly prejudicial to the applicant to have to close the case this week when there is a possibility that the pertinent parts of the plan may be quashed in the near future and vast tracts of the closing will be superseded by events in the next few months.
13. The Applicant cannot see any material prejudice to the LPA and the Rule 6 party.
14. It is inevitable if we proceed today that the applicant will seek the re-opening of the inquiry due to the material change of circumstances and to amend its closing.
15. The evidence and the closing heard today will effectively be superseded by the challenge and the weight of the plan will need to be re-addressed.
16. The proceedings cannot effectively be closed this week with this material uncertainty.
17. The public purse is much better served by not repeating the evidence.
18. Therefore the Applicant formally asks:
 - 18.1. For the adjournment of the inquiry today till May/June when there will be certainty that the leave application will be determined one way or the other.
 - 18.2. That will enable the planning evidence to be heard which is up to date and accurate.
 - 18.3. If leave has been granted and the matter is to be determined it may well be that another application is made to adjourn until final determination of the claim but the applicant reserves its position on this.

SASHA WHITE K.C. – 9/1/2024.