



Mr J Brown
North Warwickshire Borough Council
Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Our Ref: let.015.DH.JB
8 November 2022
CONFIDENTIAL

Dear Jeff,

Application Ref: PAP/2020/0295 - Land at Marsh Lane, Curdworth

I write in relation to the above planning application ref: PAP/2020/0295 ('the J9 scheme') and further to representations made by WSP, on behalf of Hodgetts Estates (HE), in our objection letter dated 25 January 2021. WSP is the planning agent for proposals submitted by HE at Land North East of Junction 10 of the M42, North Warwickshire ('Land NE J10 M42' or 'the J10 scheme'), application ref: PAP/2021/0663.

This letter has been prepared in light of new information submitted by the applicant, including the Planning Statement Addendum (October 2022) and in response to the email correspondence from Oxalis Planning (the applicant's agent) to NWBC (dated 9 February 2021) that you have provided us with given that the subject of the correspondence was the aforementioned letter dated 25 January 2021.

Having reviewed the Planning Statement Addendum and the Oxalis Planning correspondence, we wish to make a number of important points and observations that NWBC must consider in the determination of the J9 scheme.

Need case

We agree with Oxalis Planning's statement that there is sufficient scope and need for both schemes to operate in close proximity (email correspondence dated 9 February 2021, **Appendix A**), especially given the significant quantum of logistics floorspace / logistics hubs in both locations. However, we disagree that the greatest need is at Junction 9. The Department for Transport's (DfT) National Survey of Lorry Parking 2017¹ identifies "*Hams Hall to Dordon (around Birch Coppice)*" (my emphasis underlined) as being a particular parking shortage 'hotspot'. The survey does not disaggregate areas of greater or lesser need within that hotspot. Furthermore, the survey identifies the utilisation rate at Moto Tamworth MSA as being 'critical', with a utilisation rate of 92% back in 2017².

¹ National Lorry Parking Survey (2017), page 39 - <https://www.gov.uk/government/publications/national-survey-of-lorry-parking>

² National Lorry Parking Survey (2017), page 94, Table 5.47: Onsite utilisation - <https://www.gov.uk/government/publications/national-survey-of-lorry-parking>

In terms of assessing need, the Oxalis Planning correspondence (dated 9 February 2021) points to anecdotal evidence from discussions with Members regarding the need at Hams Hall and only one night time lorry parking beat survey was conducted as part of the need case for the development, identifying a 89 HGVs parked inappropriately. By comparison, the J10 scheme is supported by an HGV Parking Facility Need Assessment which comprised, amongst other qualitative and quantitative evidence, parking beat surveys being undertaken on three consecutive nights to align with the methodology adopted by the DfT in the National Survey of Lorry Parking 2017 identifying an average of 114 HGVs parked inappropriately each night. We also dispute the contention that the parking beat survey for the J9 scheme demonstrates that the situation regarding a shortage of HGV parking was worst around Hams Hall, given the beat survey did not survey north of Kingsbury Link and therefore did not assess the Junction 10 area.

The J9 scheme also relies on a letter of support from the Road Haulage Association (RHA) (dated 22 July 2020). The letter from DfT appended to the RHA letter, which refers broadly to the problems with the supply of and demand for lorry parking as indicated in the DfT National Survey of Lorry Parking, equally applies to the J10 scheme and so cannot be cited as justification for Green Belt release, unless NWBC categorically confirms there is a need for both sites.

The J10 scheme also benefits from a letter of support from the RHA and, furthermore, has received letters of support from Logistics UK, National Vehicle Crime Intelligence Service (NaVCIS) and Warwickshire Police, among others, all pointing towards the significant opportunity that the J10 scheme presents in terms of addressing the chronic issues of inadequate lorry parking provision and facilities and the associated criminal and anti-social behaviour and, more broadly, the negative perception of the freight industry. Indeed, the letter from the RHA notes '*The A5 in particular is one of the Midlands' most important east-west road corridors*' and goes on to state that '*The importance of appropriate lorry parking facilities on this road corridor cannot be understated.*' Furthermore, the letter from NaVCIS states that '*the site is uniquely located on Junction 10 M42 (north to south) and with direct access onto the A5 trunk road (east to west)*' and that '*The specific location is identified as having a critical undersupply of lorry parking provision*'.

Additionally, the Environmental Statement associated with Phase 2b of the HS2 scheme³ confirmed that Tamworth Moto services is '*in a unique location based on the volume of traffic and its ability to integrate with the road network at Junction 10*'. This uniqueness of Junction 10, the close access to both the M42 motorway and A5 trunk road, applies equally in relation to the J10 scheme as far as the proposals for an overnight lorry parking facility is concerned.

The ability for the J10 scheme to meet the need for large-scale overnight lorry parking provision is therefore clearly established.

Alternative sites assessment

It is an established principle in planning that strategic policy making authorities, in considering whether to take land out of the Green Belt to allow development, should only do so where exceptional circumstances have been demonstrated. The National Policy test in NPPF paragraph

³ High Speed Rail (Crewe to Manchester and West Midlands to Leeds) Working Draft Environmental Statement Volume 2: Community Area report LA01: Lea Marston to Tamworth (paragraph 12.4.12, page 188) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745209/HS2_Phase_2b_WDES_Volume_2_LA01_Lea_Marston_to_Tamworth.pdf

141 requires authorities to be able to demonstrate that it has fully examined all other reasonable options of meeting the identified need before releasing Green Belt land. Given the status of Green Belt and its permanence, the authority must be fully satisfied that all reasonable alternatives have been considered.

At planning application stage, as with the Marsh Lane site, to allow development in the Green Belt, very special circumstances must be demonstrated to justify development. Underpinning such a case is an 'alternative sites assessment', discounting all sequentially preferable sites which could accommodate the need outside the Green Belt. Failure to conduct such an exercise should normally result in refusal of planning permission. Where such an exercise identifies an available and suitable alternative site outside the Green Belt, very special circumstances cannot be relied on.

The requirement for an alternative sites assessment involving proposals for development in the Green Belt is a significant material consideration and is also supported by the combination of Secretary of State decisions and appeal decisions summarised below (also appended to this letter):

- APP/V4250/V/20/3253242 – Tritax Symmetry, Land at Junction 25 of the M6 Motorway, Wigan (**Appendix B**)
 - The Secretary of State noted that there is '*broad consensus [between applicant and Council] that there are no suitable alternative sites in the Borough that could accommodate the proposed development*' – a position only reached because an alternative sites assessment was undertaken in support of the application.
- APP/M0655/W/19/3222603 – Liberty Properties & Eddie Stobart Ltd, Land at Barleycastle Lane, Warrington (**Appendix C**)
 - The Secretary of State again notes that the applicant has demonstrated that no other sites can be deemed suitable and available alternatives to the appeal/application site – as above, a position that could only have been reached because of the alternative sites assessment being undertaken in support of the application.
 - Furthermore, the Inspector's Report associated with the appeal notes that "*the Council accepts that the availability of alternative sites is, in principle, capable of amounting to a material consideration*" (Inspector's Report, paragraph 272).
- APP/A0665/W/18/3203413 – Castleoak Care Development Ltd, Beechmoor Garden Centre, Chester (**Appendix D**)
 - The Inspector notes and comments on the alternative sites assessment that supported the applicant/appellant's assertion that there are no alternative non-Green Belt sites that could accommodate the development, concluding that '*substantial weight is given to the evidence relating to alternative available sites*' (Inspector's Report, paragraph 50).

Considering the above, it must be demonstrated through an alternative sites assessment that there are no reasonable alternatives available to meet the need if Very Special Circumstances are to be made for releasing Green Belt land. If alternative sites are available to meet a demonstrable need, there cannot be Very Special Circumstances to justify the use of Green Belt land. In such a scenario the only case would be if the need required more than one site.

Oxalis Planning in its alternative sites assessment (completed 2021) has discounted Land NE J10 M42 not because it is unsuitable for lorry parking, rather as they considered the site to be providing replacement lorry parking for Tamworth MSA. This was on the basis that, at the time, it was envisaged that HS2 Phase 2b would cut through the current MSA, requiring the facility to be relocated. Land NE J10 M42 has since been subject to application ref: PAP/2021/0663 which includes proposals for a 150 space overnight secured lorry parking facility. As such, Oxalis Planning's alternative sites assessment must be reconsidered in light of the above which clearly confirms there is an alternative site available. The latest planning statement update for the J9 scheme does not update the alternative sites assessment and does not refer to the J10 scheme. As the Council must make a planning decision based on up to date information, for a sound recommendation to be made the applicant for the J9 scheme must address the J10 scheme in its alternative sites assessment, even if they conclude that it is available but there is need for both sites.

Fundamentally, Land NE J10 M42 must be considered as an alternative site as it is being promoted as a suitable and available site for the same lorry parking use sought by the J9 application. Furthermore, the J10 scheme cannot be discounted simply because it forms part of a mixed use planning application as that does not preclude the site from being available for a dedicated overnight lorry park in the future.

Cumulative impact on the Green Belt

In addition to the requirement for a thorough alternative sites assessment, the LPA should give consideration to the cumulative impact of the J9 scheme and other nearby schemes on the openness and permanence of the Green Belt. The applications set out below are material to determination of the J9 scheme:

- Application ref: PAP/2021/0562 – Solar PV scheme - Applicant: Department for Environment, Food and Rural Affairs (DEFRA)⁴
- Application ref: PAP/2021/0473 – Battery Storage Facility – Applicant: Welbar Energy Storage⁵
- Application ref: 2019/00108/PA (submitted to Birmingham City Council) – Peddimore – Applicant: IM Properties & Birmingham City Council⁶

Given the scale and proximity of these consented schemes, which would result in significant portions of the Green Belt being released, NWBC must fully consider the cumulative impact of the J9 scheme on the Green Belt, particularly when considering the existence of a suitable and available alternative site located outwith the Green Belt.

⁴ PAP/2021/0562 - <http://planning.northwarks.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122441>

⁵ PAP/2021/0473– <http://planning.northwarks.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122050>

⁶ 2019/00108/PA - <https://eplanning.birmingham.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=982186&XSLT=/Northgate/PlanningExplorer/SiteFiles/Skins/Birmingham/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer/SiteFiles/Skins/Birmingham/Menus/PL.xml&DAURI=PLANNING>



Summary

Ultimately, as Land NE J10 M42 is an available alternative site, the J9 alternative sites assessment must be revised to address this before the Council can properly determine that application.

If the council accepts there is only a need for one lorry parking facility, then given the above, both planning applications must be determined at the same time in order to properly establish whether VSC exist. If Land NE J10 M42 is not properly considered in the alternative sites assessment as Secretary of State decisions require, it would cut to heart of the lawfulness of any decision.

If the Council accepts there is a need for two lorry parking facilities, then if it takes the J9 scheme to Planning & Development Board (P&DB) in advance of J10 scheme, to ensure that Members are fully informed of all relevant material considerations, the Board report must explicitly state that:

- the Council accepts the need for both sites;
- then notes that Land NE J10 M42 is an alternative site outside the Green Belt; however
- the weight to be afforded to the need case for the J9 scheme amounts to the Very Special Circumstances based on the weight applied to the need. This weight would equally apply to the J10 scheme.

Application ref: PAP/2021/0663 at Land NE J10 M42 has been processing for almost one year and the limited technical matters still to be resolved are likely to be resolved in the next few months, which would allow it to proceed to determination at P&DB within a reasonable timeframe.

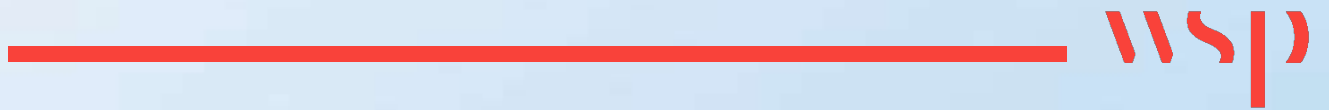
I trust you will give the contents of this letter full consideration and would be grateful for a response at least two weeks prior to the J9 planning application ref: PAP/2020/0295 being taken to P&DB for determination, to allow time for your response to be considered in advance of the publication of any P&DB agenda and report and to allow us sufficient time to prepare for the P&DB meeting, where we reserve our right to speak.

Yours Sincerely



Doug Hann
Director

Appendix A



Jeff Brown

From: Jonathan Protheroe <[REDACTED]>
Sent: 09 February 2021 15:33
To: Jeff Brown; Steve Harley
Subject: RE: PAP/2020/0295 - Land at Marsh Lane, Hams Hall - Representations on behalf of Hodgetts Estates

Hi Jeff,

Many thanks for bring this letter to our attention the contents of which are duly noted.

The first thing to point out in response to this letter is that the site 'land to the north-east of Junction 10 of the M42' was intentionally not included in the alternative sites assessment. The reason for this was because we did not consider that this site was an alternative to the site at Marsh Lane. At the time the assessment was carried out we were conscious that the land was being promoted as the reserve site allocation for the Tamworth Motorway Service Area (in the event that HS2 Phase 2b requires the Tamworth MSA to be relocated to this site). On this basis this site was not considered as an alternative as it was being promoted for use as a replacement for the motorway services area (albeit with lorry parking facilities) and not a stand-alone truckstop, therefore the two were not viewed as like-for-like facilities. In addition to this, the site was not considered likely to be available given the active promotion by others.

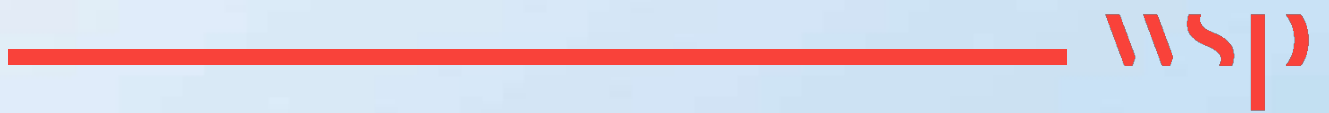
However, in our opinion the crucial point is that our proposed facility at Marsh Lane and the site at land to the north-east of Junction 10 of the M42 should not be viewed as two sites that are in conflict with each other in terms of meeting the demand for lorry parking. They are not mutually exclusive, and there is clearly a context for both. In that context, we find the defensive tone of the representation surprising, but also agree with the assertions made that there is scope (and need) for more than one facility to operate successfully in relatively close proximity. Although both the application site and the Junction 10 site do fall within the 'Hams Hall to Dordon (around Birch Coppice)' 'Parking Shortage Hotspot' identified in the National Survey of Lorry Parking 2017 the source of demand for each facility is not the same. The letter makes it very clear that the demand for additional lorry parking for the land north east of Junction 10 of the M42 arises from Birch Coppice industrial estate, the high rate of utilisation of lorry parking facilities at Tamworth MSA and the potential loss of lorry parking facilities due to the construction of HS2 Phase 2B. On the other hand, the demand for additional lorry parking for the site proposed through our application is principally from lorries entering and exiting Hams Hall industrial estate and the associated existing fly-parking around this area.

As you are aware, from our meetings with North Warwickshire's Planning Committee and the meetings with yourself and the Chair of the Planning Committee we understand that it is the area around Hams Hall where the need for additional HGV spaces is most pronounced. The survey work (as described in full in the submission of the application) undertaken as part of our application submission reaffirms this position revealing that the situation regarding a shortage of HGV parking was worst around Hams Hall at the time of the survey. The letter of support from the Road Haulage Association written specifically in support of our application confirms this position. For these reasons there is no reason there cannot be two facilities which each serve the demand and need arising from different sources co-existing in separate locations along the M42 motorway. In that context we remain comfortable that our assessment of alternatives was appropriate, and remain of the view that there is no preferable alternative within or out with the Green Belt to address the localised challenges, and wider strategic need, for HGV parking close to Hams Hall.

Kind Regards,

Jonathan

Appendix B





Ministry of Housing,
Communities &
Local Government

Chris Argent
CBRE
10th Floor, One St Peters Square
Manchester
M2 3DE

Our ref: APP/V4250/V/20/3253242
Your ref: A/18/85947/MAJES

21 June 2021

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY TRITAX SYMMETRY LTD.
LAND AT JUNCTION 25 OF THE M6 MOTORWAY, WIGAN, BOUNDED BY THE M6
SLIP ROAD AND A49 WARRINGTON ROAD JUNCTION TO THE EAST,
AGRICULTURAL LAND TO THE NORTH AND THE M6 MOTORWAY TO THE WEST,
WIGAN.
APPLICATION REF: A/18/85947/MAJES**

1. I am directed by the Secretary of State to say that consideration has been given to the report of D M Young JP BSc (Hons) MA MRTPI MIHE and B J Sims BSc (Hons) CEng MICE MRTPI, who held a public local inquiry between 1 December 2020 and 4 December 2020 into your client's application for planning permission, reference A/18/85947/MAJES dated 16 August 2018 for the demolition of existing buildings and re-profiling of the site for development comprising:
 - Full planning permission for the erection of 27,871 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), comprising two units and the provision of associated infrastructure including sub-station, car parking, landscaping, access from the A49 roundabout and internal estate road; and
 - Outline planning permission for the erection of up to 106,095 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), including car parking, internal estate road and landscaping. All matters except for access are reserved, with access proposed from the A49 roundabout.
2. On 21 May 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Ministry of Housing, Communities & Local Government
Phil Barber, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 42853
Email: PCC@communities.gov.uk

Inspector's recommendation and summary of the decision

3. The panel of Inspectors recommended that the application be approved and planning permission granted.
4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions and agrees with their recommendation. He has decided to approve the application and grant planning permission, subject to conditions and the planning obligations of the Section 106 agreement. A copy of the Inspectors' report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry. Having taken account of the Inspector's comments at IR1.11, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. Details of the representation received since the Inquiry is at Annex A. The representation is also referred to at paragraph 7 of this decision letter. Copies of this may be obtained on request to the email address at the foot of the first page of this letter.
7. The Secretary of State notes that on 17 February 2021 Wigan Metropolitan Borough Council ('the Council') provided the Planning Inspectorate with consultation versions of the Council's emerging Development and Air Quality Supplementary Planning Document (SPD) and emerging Landscape Design SPD. The Secretary of State notes that the Council's stated position is that the emerging SPDs make no material difference to its assessment of either the landscape design or air quality impacts of the proposal.
8. The Secretary of State is satisfied that the emerging SPDs do not affect his conclusions on these matters. He is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the Wigan Local Plan Core Strategy 2013 (CS), the 'saved' Wigan Replacement Unitary Development Plan 2006 (UDP), the Greater Manchester Joint Minerals Plan 2013 and the Greater Manchester Joint Waste Development Plan Document 2012. The Secretary of State considers that relevant development plan policies include those set out at IR4.15-IR4.18.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Regulations 2010 ('the CIL regulations') and those policy documents set out at IR4.25-4.29.

Emerging plan

12. Following the decision of 3 December 2020 by Stockport Metropolitan Borough Council to withdraw from the Greater Manchester Spatial Framework (GMSF) the Association of Greater Manchester Authorities (AGMA) has decided not to progress the GMSF. The Secretary of State thus gives no weight to the provisions of the GMSF. However, noting that the AGMA intends to use the same evidence base to underpin its Development Plan Document 'Places for Everyone', the Secretary of State agrees with the Inspectors for the reasons given in IR4.24, that the evidence base underpinning it is a material consideration in this case.

Main issues

13. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR10.2.

Green Belt

Inappropriate development in the Green Belt

14. The Secretary of State notes that the entire application site is located within the Merseyside and Greater Manchester Green Belt. As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR10.3-10.22.

15. For the reasons given at IR10.3-10.4 the Secretary of State agrees with the Inspectors that the proposal constitutes inappropriate development in the Green Belt. He further agrees that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations (IR10.5).

Openness of the Green Belt

16. The Secretary of State concurs with the Inspectors' analysis of landscape evidence at IR10.6-10.11. He agrees with the Inspectors for the reasons given at IR10.6-10.11 that the scale of development would substantially erode the spatial openness of the Green Belt in this location (IR10.7), but that the harm to Green Belt openness would be localised and moderate upon completion and that structural landscaping would mitigate the impact on openness in the medium-long term (IR10.12).

Green Belt Purposes

17. For the reasons given at IR10.13-10.14, the Secretary of State agrees with the Inspectors at IR10.15 that the combination of existing and proposed features would provide the Green Belt with coherent and defensible boundaries which would be sufficient to prevent the unrestricted sprawling of Wigan. For the reasons given at IR10.16-10.17 he further agrees that while the proposed development would undeniably erode elements of the open space between the two settlements, the separate identities of Wigan and Ashton would be safeguarded and they would remain distinguishable from one another.

18. However the Secretary of State also agrees, for the reasons given at IR10.18, that in terms of Green Belt purpose (c), the scheme would undeniably encroach into the countryside and that the level of harm would be 'moderate'.
19. For the reasons given at IR10.19 he agrees that there would be no conflict with Green Belt purpose (d). He similarly agrees, for the reasons given at IR10.20, that there would be no harm caused to Green Belt purpose (e).

Overall Impact on the Green Belt

20. For the reasons given at IR10.3-10.20 the Secretary of State agrees with the Inspectors at IR10.21 that there would be definitional harm to the Green Belt by virtue of the development being inappropriate. He further agrees that there would be limited and localised harm to openness and moderate harm to Green Belt purpose (c). He further agrees that collectively, these harms must carry substantial weight in the overall Green Belt balance in accordance with paragraph 144 of the Framework. He notes that it is not disputed that the proposed could not be accommodated on a preferable site in Wigan either within or outside the Green Belt (IR10.22), and that it is therefore material that a loss of spatial and visual openness and associated landscape harm would result in Green Belt and other harm as a consequence of any large B8/warehouse development in the Borough.
21. The Secretary of State agrees with the Inspectors that the proposal if approved would not formally change the Green Belt boundary (IR10.123). He further agrees that it would be inappropriate development within the Green Belt requiring justification by very special circumstances and hence the development would not amend the general extent of Green Belt as defined on the Proposals Map. The Secretary of State notes that CS Policy SP1 states that the full extent of the Green Belt in Wigan will be maintained. For the reasons given above, he considers the proposal is not in conflict with CS Policy SP1.

Need and Economic Considerations

Need for Employment Land

22. For the reasons given at IR10.23-10.25, the Secretary of State agrees with the Inspectors that there is an evident and compelling planning policy imperative for high-quality logistics floorspace regionally, sub-regionally and locally (IR10.26). The Secretary of State further agrees with the Inspectors' analysis of need for employment land at IR10.27-10.30.

Employment Land Supply

23. The Secretary of State agrees with the Inspectors' finding that due to the attraction of the M6 corridor for logistics operators, employment land supply has been unable to keep pace with demand and is now critically low (IR10.31). He further agrees with the Inspectors' finding that the supply rate of employment land within Wigan Borough itself since 2011 is even lower (IR10.32) and that there is considerable uncertainty about the deliverability of around half of the supply due to factors including the need for significant transport infrastructure improvements and ground remediation (IR10.33). He agrees with the Inspectors that the evidence suggests that the low take-up levels of employment land in Wigan Borough are not symptomatic of an absence of demand (IR10.34-35). The Secretary of State agrees that CS Policy CP5 is now out of date in light of the latest evidence of employment land need contained in the GMSF evidence base (IR10.121).

However, apart from that, he agree with the Inspectors that the development plan relevant to this application remains up to date.

24. The Secretary of State notes that there is a broad consensus that there are no suitable alternative sites in the Borough that could accommodate the proposed development, for the reasons set out at IR10.36. He agrees that the other sites under consideration by the Inspectors would not address the shortage of employment land that exists in Wigan (IR10.36)
25. For the reasons set out at IR10.37-10.38, and given his conclusions on the GMSF at paragraph 12 above, the Secretary of State agrees the existing policy vacuum on employment land supply runs counter to the approach advocated in paragraphs 33, 81 and 120 of the Framework and is likely to result in valuable investment flowing into adjacent authorities of Bolton, Warrington and St Helens, to the detriment of Wigan's residents (IR10.38). He also agrees that another potential consequence is that existing businesses in the Borough who wish to expand will continue to leave, in order to find more suitable premises in neighbouring authority areas (IR10.38). For the reasons given at IR10.39-10.40, he agrees that it is material that the site is available now and that the detailed element of the scheme can be delivered relatively quickly to address known commercial and policy needs (IR10.40).

Economic benefits

26. The Secretary of State agrees that the development would deliver a range of other socio-economic benefits as set out at IR10.41. He agrees, for the reasons given at IR10.42, that these benefits carry significant weight in a Borough where, according to the CS, a 'high concentration of jobs are low skilled and within declining sectors of the economy'.

Economic Considerations Overall

27. For the reasons given at IR10.23-10.43 the Secretary of State agrees with the Inspectors that there is a demonstrable policy and market need for logistics floorspace on a regional, subregional and local level, and that with regards to Wigan, that need is particularly stark and cannot be met through existing or other non-Green Belt sites (IR10.44). He also agrees that the policy would accord with CS Policy CP5, by delivering much needed employment floorspace in a Borough that has consistently been unable to provide suitable and sufficient employment land (IR10.45). For the reasons given, the Secretary of State agrees with the Inspectors' conclusions at IR10.126-127 that Wigan has, and continues to, suffer from poor take up rates due to constraints on its supply of employment land. He agrees that in light of the current policy vacuum there is no imminent prospect of the supply issue being addressed. He further agrees that consequently, very substantial weight has to be accorded to the delivery of up to 133,966sqm of high-quality logistics floorspace.
28. The Secretary of State agrees the development would accord with the objectives of paragraphs 80 and 82 of the Framework by both creating the conditions in which business can invest and satisfying the need to support economic growth. He further agrees that the proposal would also address the specific locational requirement of the logistics sector and make provision for storage and distribution operations at an appropriate scale (IR10.45) For the reasons given, he agrees with the Inspectors'

conclusion at IR10.128 that these locational benefits carry further significant weight in favour of the application.

29. He further agrees for the reasons given that the proposal would deliver a substantial range of tangible economic benefits including well paid jobs for local people (IR10.44). He agrees with the Inspectors at IR10.129 that these socio-economic benefits would boost the local economy and would help to address economic inequalities in nearby communities. He agrees that these benefits carry substantial weight.

Highways – Impact of Development on the Road Network

30. The Secretary of State notes that neither the Council's Highway Department, Transport for Greater Manchester (TfGM), St Helens Council nor Highways England (HE) object, and all statutory consultees judge the development would be acceptable in terms of its impact on the strategic and local road network, subject to appropriate mitigation (IR10.46).
31. The Secretary of State agrees with the Inspectors' analysis of transport evidence at IR10.46-10.65. He agrees that the proposed improvement schemes at J24 and the Bryn Interchange would mitigate the impact of development and, in the latter case, would provide some incidental betterment to highway users (IR10.65). He further agrees that the site boasts excellent sustainability credentials with walking, cycling and the use of public transport all viable and realistic alternatives to the private motor car (IR10.65). Overall he agrees that the proposed development would comply with paragraphs 108 and 109 of the Framework.

Environmental Considerations

Landscape and visual impact

32. For the reasons given at IR10.66-10.73 the Secretary of State agrees with the Inspectors that while there would be some visual and landscape harm arising from the loss of the site's open character, the visual and landscape effects of the proposal could be satisfactorily mitigated within a reasonable period of time such that the overall level of harm due to the development would be moderate rather than significant (IR10.73). The Secretary of State considers that this visual and landscape harm carries moderate weight.

Ecology, Biodiversity and Arboriculture

33. The Secretary of State agrees with the Inspectors that, for the reasons given at IR10.74 to 10.81, overall, and notwithstanding the genuine concerns raised by local residents in respect of ecology matters, the impact of the development has been adequately assessed (IR10.81). He further agrees that the proposal would not result in harm to any designated nature conservation sites or loss of any irreplaceable habitats. The Secretary of State agrees that, subject to mitigation measures, the development would secure a 10% biodiversity net gain, consistent with the Framework and CS Policies CP9 and CP12 (IR10.81). The Secretary of State agrees, for the reasons given, with the Inspectors' analysis of biodiversity net gain at IR10.98-10.104. He further agrees that the biodiversity net gain obligation meets the statutory tests (IR10.104). He agrees

(IR10.130) that the biodiversity net gain and the highway benefits collectively attract moderate weight.

Air quality

34. The Secretary of State notes that part of the site is within a designated Air Quality Management Area (AQMA). For the reasons given at IR10.83-10.87 the Secretary of State agrees with the Inspectors at IR10.87 that air quality matters have been satisfactorily assessed and addressed in the evidence and that there would be no conflict with CS Policy CP17, UDP Policy EV1B, the Air Quality Supplementary Planning Document or paragraph 181 of the Framework.

Public rights of way

35. The Secretary of State notes the applicant's PRow Strategy Plan is considered acceptable to the Council (IR10.88). He agrees with the Inspectors that the PRow Strategy Plan removes the opportunity for local residents to undertake a circular walk. He agrees, however, that the finer details for the treatment of those public footpaths through the outline element of the development are not fixed and it might be possible to incorporate such a route at a later date (IR10.88).

Other matters

2013 Core Strategy Inspector's Report

36. The Secretary of State notes the Inspectors' observation that their overall conclusion is at odds with the examining Inspector at the 2013 Core Strategy examination (IR10.108). He agrees with the Inspectors at IR10.108 that based on the evidence the 2013 decision should not command any significant weight in this case.

Cross-boundary Matters

37. For the reasons given at IR10.109-IR10.110, the Secretary of State agrees with the Inspectors that cross-boundary issues do not arise and that the present application may appropriately be determined independently on the basis of this Inspectors Report alone (IR10.111).

Mineral safeguarding, living conditions, odours, hazardous chemicals, emergency vehicle access, publicity, flood risk, property values, localism

38. For the reasons given at IR10.112-10.120 the Secretary of State agrees with the Inspectors' analysis of impacts on minerals safeguarding, living conditions, odours, hazardous chemicals, emergency vehicle access, publicity, flood risk, property values or localism.

Planning conditions

39. The Secretary of State has given consideration to the Inspector's analysis at IR10.89-10.95, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with

the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B of this letter should form part of his decision.

Planning obligations

40. Having had regard to the Inspector's analysis at IR10.96-10.107, the planning obligation dated 08 February 2021, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR10.107 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

41. For the reasons given above, and in the light of his conclusion in paragraph 43 of this letter, the Secretary of State finds no conflict with development plan policies, and thus concludes that the application is in line with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
42. The material considerations weighing against the proposal are the definitional harm to the Green Belt by virtue of inappropriate development, the limited and localised harm to Green Belt openness and the moderate harm from encroachment into the countryside. The Green Belt harm carries substantial weight. Also weighing against the proposal is the moderate visual and landscape harm, which carries moderate weight.
43. Weighing in favour of the proposal are the delivery of logistics floorspace which he accords very substantial weight. The locational benefits carry further significant weight. The socio-economic benefits also carry substantial weight. The biodiversity net gain and highway benefits collectively attract moderate weight.
44. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development. As such he finds no conflict with CS Policy CP8 or Green Belt policy in Section 13 of the Framework.
45. Overall the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.
46. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

47. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

- Full planning permission for the erection of 27,871 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), comprising two units and the provision of associated infrastructure

including sub-station, car parking, landscaping, access from the A49 roundabout and internal estate road; and

- Outline planning permission for the erection of up to 106,095 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), including car parking, internal estate road and landscaping. All matters except for access are reserved, with access proposed from the A49 roundabout.

in accordance with reference A/18/85947/MAJES date 16 August 2018.

48. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

50. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

51. A copy of this letter has been sent to Wigan Metropolitan Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Regional Growth and Local Government on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

Annex B List of conditions

Annex A – Schedule of representations

General representations

Party	Date
Wigan Metropolitan Borough Council	17/02/2021

Annex B – List of conditions

CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED

Full Planning Permission

- 1) The development hereby approved in detail must be begun no later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Full & Outline application

- Location Plan, drawing number: B3968-AEW-XX-XX-DR-A-0501 (Rev. P10);
- Parameters Plan, drawing number: B3968-AEW-XX-XX-DR-A-0508 (Rev. P19);
- Hybrid Application Boundaries Plan, drawing number: B3968-AEW-XX-XX-DR-A-0511 (Rev. P12);
- Proposed Phasing Plan, drawing number: B3968-AEW-XX-XX-DR-A-0514 (Rev. P9);
- Proposed Access and Movement Plan, drawing number: B3968-AEW-XX-XX-DR-A-0516 (Rev. P9);
- Demolition Plan, drawing number: B3968-AEW-XX-XX-DR-A-0530 (Rev. P3);
- Proposed Public Right of Way Upgrade Plan, drawing number: B3968-AEW-XX-XX-DR-A-0536 (Rev. P5);

Full application only

- Proposed Site Plan (Phase 1 Detailed Application Area), drawing number: B3968-AEW-XX-XX-DR-A-0503 (Rev. P18);
- Proposed and Existing Site Sections, drawing number: B3968-AEW-XX-XX-DR-A-0512 (Rev. P3);
- DBS 1 – Ground Floor Plan, drawing number: B3968-AEW-B1-00-DR-A-0517 (Rev. P3);
- DBS 1 – First Floor Plan, drawing number: B3968-AEW-B1-01-DR-A-0518 (Rev. P3);
- DBS 1 – Roof Plan, drawing number: B3968-AEW-B1-RF-DR-A-0519 (Rev. P3);
- DBS 1 – Elevations, drawing number: B3968-AEW-B1-XX-DR-A-0520 (Rev. P3);
- DBS 1 – Sections, drawing number: B3968-AEW-B1-XX-DR-A-0521 (Rev. P2);
- DBS 2 – Ground Floor Plan, drawing number: B3968-AEW-B2-00-DR-A-0522 (Rev. P3);

- DBS 2 – First Floor Plan, drawing number: B3968-AEW-B2-01-DR-A-0523 (Rev. P3);
 - DBS 2 – Roof Plan, drawing number: B3968-AEW-B2-RF-DR-A-0524 (Rev. P3);
 - DBS 2 – Elevations, drawing number: B3968-AEW-B2-XX-DR-A-0525 (Rev. P3);
 - DBS 2 – Sections, drawing number: B3968-AEW-B2-XX-DR-A-0526 (Rev. P2);
 - Proposed Gatehouse Details (Security Gatehouses to DBS 1 and DBS 2), drawing number: B3968-AEW-XX-XX-DR-A-0527 (Rev. P2);
 - Proposed Sub-Station Enclosure, drawing number: B3968-AEW-XX-XX-DR-A-0535 (Rev. P1);
 - Phase 1 General Arrangement Plan – Rev B, drawing number: ENZ.XX.02.D.L.00.101 B;
 - Phase 1 Proposed Contours Plan, drawing number: SK-01 (Rev P9);
 - Phase 1 Drainage Layout, drawing number: 50-01 (Rev. P5); and
 - Phase 1 Offsite Foul Pump Main Route, drawing number: 50-03 Rev. P3.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, or any Order revoking or re-enacting that Order with or without modification, no development within Classes A and B of Part 2, Schedule 2 and Classes H and J of Part 7, Schedule 2 of the Order shall be carried out to the hereby approved units detailed as 'DBS 1' and 'DBS 2' and their associated external areas, as shown on the approved drawings.
- 4) Other than site clearance and investigation works, no development of the detailed element hereby approved shall commence until a report detailing the results of intrusive site investigations in relation to coal mining legacy issues, the scope of which to have been previously agreed in writing with the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. The report shall include the following:
- A layout plan identifying appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones identifying any necessary no build area for the high wall(s);
 - A scheme of proposed treatment for the mine entries on site;
 - A scheme of remedial works for the shallow coal workings; and
 - The detailed element of the development shall be implemented in full accordance with the approved details.
- 5) Prior to the commencement of any part of the development hereby approved in detail an investigation and assessment of the nature and extent of any contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- I. A site investigation scheme, based on the submitted Phase 1 Preliminary Risk Assessment Report Prepared by TIER (Reference: TE1036PRA Issue 1.3) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- II. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- III. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved options appraisal, remediation strategy, remedial measures and verification plan shall be implemented in full and a 'Verification Report' shall be submitted to, and approved in writing, by the Local Planning Authority before the occupation of either hereby permitted unit detailed as 'DBS 1' or 'DBS 2' on the approved drawings.

- 6) Notwithstanding the details hereby approved, prior to the first occupation of either unit detailed as 'DBS 1' and 'DBS 2', a detailed scheme of hard and soft landscaping works, in accordance with the approved plans, together with an implementation plan, shall be submitted to, and approved in writing by, the Local Planning Authority for the detailed application area as shown on the approved drawings. The scheme shall include details of:
 - Earthworks modelling for the relevant unit and any other associated landscaping;
 - Grading and mounding in relation to existing trees and vegetation;
 - Natural landscape features to be retained;
 - Details of the enclosures and retaining features along all boundaries and within the site;
 - Details of introduced wetland and marginal planting including landscape schedule; and
 - Schedules of plants and trees, noting species, plant sizes and proposed numbers/densities.

For the plot landscaping, the scheme as approved shall be carried out for the relevant unit in the first planting season following the completion of the unit in the respective development phase.

For the structural planting and wider planting outside of the plots, the scheme as approved shall be carried out prior to the first occupation of either unit.

Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced, and if necessary continue to be replaced, with planting of a similar size and

species in the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

- 7) Prior to the first occupation of either unit detailed as 'DBS 1' and 'DBS 2', a scheme for the improvement of existing Public Right of Way, path number: 002/04/10, insofar as it falls within the application red line boundary for the detailed part of the development hereby approved, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the applicant's proposals for the upgrading of the path to allow use by cyclists and pedestrians for its entirety, including details of surfacing, re-grading, drainage, lighting, signage, together with a timetable for the implementation of the works. The improvement works shall be implemented in full accordance with the approved details and the implementation timetable.

Outline permission

- 8) Prior to the commencement of any part of the development hereby approved in outline approval shall be obtained from the Local Planning Authority with respect to the reserved matters for the relevant phase, namely; appearance, landscaping, layout, and scale. Thereafter the development shall be carried out in accordance with the approved details.
- 9) No application for the approval of the reserved matters, in relation to the development hereby approved in outline, shall be made later than the expiration of seven years beginning with the date of this permission, and, each phase of the development hereby approved in outline must be begun no later than the expiration of two years from the approval of the final reserved matters relating to that phase.
- 10) Prior to, or concurrently with the submission of any of the reserved matters application(s) for development within the outline area, an 'Outline Area Phasing Plan' shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of:
 - Development parcels;
 - Investigation, assessment and remediation in relation to contaminated land and coal mining legacy issues;
 - Estate road and public rights of way routes within the site, including timing of provision and opening of construction and permanent access points into the site; and
 - Site wide electricity networks and other strategic utilities.

No development hereby approved shall commence apart from enabling works agreed in writing by the Local Planning Authority, until such time as the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the phasing contained within the approved 'Outline Area Phasing Plan', unless otherwise agreed in writing with the Local Planning Authority.

11) As part of the reserved matters submission(s), the following information relevant to that phase, shall be submitted to, and approved in writing by, the Local Planning Authority:

- A scheme of intrusive site investigations for mine entries on site;
- A scheme of intrusive site investigations for the shallow coal workings and in order to locate the high wall(s) (if present);
- A report of findings arising from the intrusive site investigations;
- A layout plan identifying appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones identifying any necessary no build area for the high wall(s);
- A scheme of proposed treatment for the mine entries on site; and
- A scheme of remedial works for the shallow coal workings.

Should remedial works be carried out a 'Verification Report' confirming completion of the works in full shall be submitted to, and approved in writing by, the Local Planning Authority before the occupation of any unit(s) within that phase of development.

12) As part of the reserved matters submission(s) an investigation and assessment of the nature and extent of any contamination of the site relevant to that phase shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i. A site investigation scheme, based on the submitted Phase 1 Preliminary Risk Assessment Report Prepared by TIER (Ref: TE1036PRA Issue 1.3) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved options appraisal, remediation strategy, remedial measures and verification plan relevant to that phase shall be implemented in full and a 'Verification Report' shall be submitted to, and approved in writing, by the Local Planning Authority before the occupation of any unit(s) within that phase of development.

13) Prior to, or concurrently with the submission of the first reserved matters, a 'Surface Water Drainage Strategy', covering the outline element of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be undertaken in accordance with the hierarchy of drainage options in the National Planning Practice Guidance, be compliant with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or

any subsequent replacement national standards and include the following details;

- An investigation relating to the existing land drainage of the outline site, which shall identify all ditches, watercourses, culverts, ponds etc. within the site. The strategy will be required to demonstrate that the flow of water within any of these existing features is not impeded by the development of the outline site and to demonstrate how the proposed development will provide for the existing land drainage of the outline site;
 - Evidence of an assessment of the outline site conditions; demonstrating that the strategy has been designed, unless an area is designated to hold and/or convey water as part of the design, so that flooding does not occur during a 1 in 100 year rainfall event in any part of the building(s);
 - An assessment demonstrating that there will be no overland surface flooding from any phase of development, including consideration of surface flooding caused from either the developable site onto existing adjacent land and properties or from existing adjacent land and properties onto the newly developed outline site; and
 - Details of how the development can be drained on separate foul and surface water systems, with no surface water being discharged to the public sewerage system either directly or indirectly.
- 14) As part of the reserved matters submission(s), details of foul and surface water drainage systems pertaining to that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage scheme proposed shall reflect the approved site wide 'Surface Water Drainage Strategy' as required under condition 13 of this permission and shall include the following details:
- Detailed cross-sectional drawings of all new attenuation ponds and proximity to retained semi-natural features;
 - Details of any new attenuation pond discharge arrangement to neighbouring watercourses; and

No unit that is forthcoming through the development hereby approved in outline shall be occupied, or brought into use, prior to connection to the completed approved foul and surface water drainage systems for the relevant unit.

- 15) Prior to, or concurrently with the submission of the first reserved matters, a 'Habitat and Landscape Creation and Management Plan', covering the outline element of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The 'Habitat and Landscape Creation and Management Plan' must cover at least the first ten years after project completion (of all phases) and include:
- Ecological trends and constraints on site that could influence management;

- Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions, including plant species, numbers and planting densities;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
 - Body or organisation responsible for implementation of the plan;
 - Monitoring and remedial measures; and
 - Funding resources and mechanisms to ensure sustainable long-term delivery of the proposed management.
- 16) As part of the reserved matters submission(s), a detailed 'Landscape and Biodiversity Plan' for the relevant phase, which accords with the principles and details set out in approved 'Habitat and Landscape Creation and Management Plan' and the principles provided within the 'Illustrative Landscape Masterplan - Rev A, drawing number: ENZ.XX.01.D.L.00.001.A', shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted plan/scheme shall include details of:
- Hard and soft landscaping;
 - Details of the enclosures and retaining features along all boundaries and within the site;
 - Earthworks modelling for the relevant unit and any other associated landscaping;
 - Grading and mounding in relation to existing trees and vegetation;
 - Natural landscape features to be retained;
 - Schedules of plants and trees, noting species, plant sizes and proposed numbers/densities;
 - Details of introduced wetland and marginal planting including landscape planting schedules;
 - Proposals for ecological mitigation and habitat creation; and
 - Proposals to incorporate features to enhance the biodiversity value with respect to roosting bats and breeding birds.

An implementation schedule for the 'Landscape and Biodiversity Plan' relevant to that phase of development that, unless otherwise approved in writing with the Local Planning Authority, shall accord with the 'Outline Area Phasing Plan' required through condition 10 of this permission and which shall align with the following timescales:

- For the plot landscaping, the scheme as approved shall be carried out for the relevant unit in the first planting season following the completion of the unit in the respective development phase.

- For the structural planting and wider planting outside of the plots, the scheme as approved shall be carried out for the relevant unit prior to the first occupation of the relevant unit.

The approved 'Landscape and Biodiversity Plan' to each relevant phase of development shall be completed in full accordance with the corresponding agreed implementation schedule.

Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced, and if necessary continue to be replaced, with planting of a similar size and species in the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Full and Outline Permission

- 17) No part of the development hereby approved shall be brought into use until the proposed highway improvements to Junctions 24 and 25 of the M6, details of which shall first have been submitted to and agreed in writing by the LPA and Secretary of State for Transport and being in general accordance with drawing numbers 1687- F05, Revision D and 1687-F08, Revision H, have been provided in full accordance with the approved details.
- 18) No development, other than site clearance and investigative works, shall commence unless and until the developer has submitted the following full design and construction details of the required improvements to Junctions 24 and 25 of the M6, such details to be agreed by the Local Planning Authority, in consultation with the Secretary of State for Transport, and shown in drawing numbers: '1687- F05, Revision D' and '1687-F08, Revision H' respectively. The details to be submitted shall include:
 - How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
 - Full signing and lighting details;
 - Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards); and
 - An independent Stage Two Road Safety Audit (taking account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.
- 19) No development shall take place until details of a Construction Training and Employment Management Plan (CT&EMP) relevant to that phase has been submitted to, and approved in writing by, the Local Planning Authority. The CT&EMP(s) will aim to promote training and employment opportunities for local people and include:
 - Measures to ensure the owner and contractors work directly with local employment and training agencies;

- Targets for employing local labour;
- Targets for work experience opportunities;
- Measures to provide training opportunities in respect of any new jobs created; and
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be carried out in accordance with the agreed CT&EMP(s) and any amendments to the CT&EMP(s) shall be agreed in writing with the Local Planning Authority.

20) No phase of the development hereby approved shall be occupied until details of a Training and Employment Management Plan (T&EMP) relevant to that phase, has been submitted to, and approved in writing by, the Local Planning Authority. The T&EMP(s) will aim to promote training and employment opportunities for local people and include:

- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour;
- Targets for work experience opportunities;
- Measures to provide training opportunities in respect of any new jobs created; and
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be occupied in accordance with the agreed T&EMP(s) and any amendments to the T&EMP(s) shall be agreed in writing with the Local Planning Authority.

21) Prior to the commencement of any phase of the development hereby approved, a 'Soil Management Plan' relevant to that phase, to be prepared in accordance with the Department of the Environment, Fisheries and Rural Affairs (DEFRA) Construction Code of Practice for the 'Sustainable Use of Soils on Construction Sites', shall be submitted to, and approved in writing by, the Local Planning Authority. The relevant phase of development shall be undertaken in complete accordance with the approved management plan.

22) Prior to the commencement of any phase of the development hereby approved, a programme of archaeological works relevant to that phase shall be secured. These works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) to be submitted to, and approved in writing by, the Local Planning Authority. The WSI shall include the following:

1. A phased programme and methodology to include:
 - Historic Building Survey (Historic England level 2) (as appropriate);
 - Additional detailed historic research;

- Archaeological evaluation trenching;
 - Subject to the findings of the above, a programme of more detailed archaeological excavation and recording; and
 - A targeted archaeological watching brief.
2. A programme for post investigation assessment to include:
- Analysis of the site investigation records and finds; and
 - Production of a final report on the significance of the heritage interest represented.
3. A scheme to disseminate the results that is commensurate with their significance.
4. Provision for archive deposition of the report, finds and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.
- 23) Prior to commencement of any phase of development, except for investigative works, but including the formation of temporary construction site access(es) where necessary, a scheme in the form of a Construction Environmental Management Plan (CEMP) relevant to that phase of development, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The CEMP shall include, as a minimum, the following details;
- Schedule of construction works and dates;
 - Hours of construction;
 - Construction Heavy Goods Vehicle routing;
 - Temporary construction site accesses;
 - Interface with Pedestrians;
 - Measures to control disruption;
 - Demolition Method Statement;
 - Methods to be employed to control and monitor noise, dust (based on a risk assessment in accordance with the latest Institute of AQM document 'Guidance on the assessment of dust from demolition and construction – 2014') and vibration impacts;
 - Health & Safety requirements;
 - Works to protect the utilities infrastructure;
 - Monitoring and Management;
 - Details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;

- A management plan to control surface water runoff during the construction phase and measures to be adopted to mitigate the risk to ground and surface waters from contaminated surface runoff;
- On-site parking capable of accommodating all staff and sub- contractor vehicles clear of the public highway
- On-site materials storage area capable of accommodating all materials required for the operation of the site.
- An ecological section to include measures for the control of invasive alien plant species, and the protection of nesting birds, amphibians and bats (if found to be present) during the course of any removal of trees or woody vegetation;
- A detailed scheme of protective fencing to demarcate a landscape buffer zone between any groundworks or construction activity and the Local Wildlife Site at 'Glead Wood and Tan Pit Slip Site of Biological Importance'; and
- An 'Operational Method Statement' to detail the phasing and timing of works to remove existing landscaping, where permitted by this permission, to avoid the time period 1 March to 31 August (bird breeding season), and identify those trees to be retained, including the method of protection from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause, in accordance with BS5837:2012.

The works associated with the approved CEMP shall be implemented before construction works commence in relation to that phase and shall be maintained for the duration of the relevant construction works, with these works undertaken in accordance with the approved CEMP at all times, unless otherwise previously agreed in writing with the Local Planning Authority.

24) Prior to occupation of any phase of the development, an external lighting scheme, to include the internal estate road and all other external lighting relevant to that phase, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be informed by the recommendations and conclusions in the 'Symmetry Park Wigan, External Lighting Impact Assessment (Date of issue: 15 August 2018, issue: 1.0, HM reference: 25314-RPSU- 001)' and shall provide details of:

- The proposed hours of use of the external lighting;
- The number, type and location of the proposed luminaires;
- The maintained average illuminance levels of the areas to be illuminated;
- The steps that will be taken to minimise stray light and glare from the lighting; and
- The steps that will be taken to minimise impacts on wildlife.

The lighting shall be installed, maintained and operated in accordance with the approved scheme.

- 25) No development above formation of slab for any particular phase shall take place until a report explaining how carbon dioxide emissions from that particular phase of the development will be reduced by providing at least 15% of the development's energy through low carbon sources, has been submitted to, and approved in writing by, the Local Planning Authority. The measures identified in the report shall exceed those required to comply with 'Part L' of the Building Regulations. The approved measures within the report shall be carried out before the use or operation of the respective building(s) commences and shall thereafter be maintained in an operated within the development.
- 26) Within six months of the occupation of each individual unit hereby approved, or within alternative timescales that have been previously agreed in writing with the Local Planning Authority, the relevant certification demonstrating that Building Research Establishment Environmental Assessment Method (BREEAM) 2014 'Very Good' has been achieved for each respective unit shall be submitted to, and approved in writing by, the Local Planning Authority.
- 27) Prior to installation, details of roof top solar PV panels shall be submitted to and approved in writing by the Local Planning Authority. The installation of such features within the development shall then only be undertaken in accordance with the approved details.
- 28) Prior to the commencement of any phase of development hereby approved, an 'Electric vehicle infrastructure strategy and implementation plan' associated with the relevant phase shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the number, location and maintenance of the electric vehicle charging points for that phase. The electric vehicle charging points shall be implemented in accordance with the approved details and timescales for implementation, with the agreed details maintained in a working manner thereafter. Parking or servicing areas not provided with charging points shall be installed in a manner to allow the future installation of electric charging points associated with that phase.
- 29) No part of the development hereby approved, shall be brought into use until the vehicle access, footway and/or footpath connections (excluding public rights of way connections), parking, manoeuvring and turning areas have been constructed in accordance with the respective details associated with the individual unit. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 30) Prior to the first occupation of each individual unit of the development hereby approved, a scheme detailing the siting and design for internal and/or external secure and covered cycle parking facilities at the site for that relevant phase shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed facilities shall be implemented in full prior to the first use of the respective phase of the development and thereafter maintained at all times.

- 31) Within three months of the first occupation of each unit within any phase of the hereby approved development, or in accordance with a timeframe that has been previously agreed in writing by the Local Planning Authority, a Travel Plan for the respective unit shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall detail measures to reduce the need to travel to and from the site by private transport, detail the timing of such measures and accord with the submitted 'DB Symmetry (Wigan) Limited Framework Travel Plan (Dated: October 2018, job number: 1625). The operation of each unit shall be undertaken in accordance with the respective approved Travel Plan and shall be maintained and kept up to date at all times, and shall also take into account any change in circumstances, such as a change to the occupier of the site.
- 32) Prior to the occupation of any phase of the development hereby approved, a 'Sustainable drainage management and maintenance plan' for the lifetime of the relevant part of the development shall be submitted to, and agreed in writing by, the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by an estate management company; and
 - Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

All phases of the development shall subsequently be completed, maintained and managed in accordance with the approved management and maintenance plan.

- 33) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 34) Prior to the above ground construction of any phase of development hereby approved, details of appropriate crime prevention measures associated with the relevant unit(s) and external area(s) within that phase, shall be submitted to, and agreed in writing by the Local Planning Authority. The details shall be informed by the recommendations within the 'Crime Impact Statement, Junction 25 M6 Wigan (Version C: 16th August 2018, reference: 2018/0162/CIS/01)' and shall accord with the principles of 'Secure by Design' accreditation. The development shall be constructed in accordance with the approved details and also maintained and operated as such at all times thereafter.
- 35) Prior to the first occupation of each unit in any phase of the development hereby approved, a noise assessment that shall detail any mitigation measures to control noise emanating from the development to a rating

level (as defined in British Standard BS4142: 2014 A1:2019 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas) measured in free field that does not exceed a level based on a criteria of LA90,T+0dB(A) at noise sensitive receptors (at any time), shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be carried out and completed in full before the respective unit is brought into occupation and shall be retained thereafter.

- 36) Following the first use of any unit in any phase of the development hereby approved, no additional externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted, on an individual unit basis, unless full details thereof, including design, acoustic emissions data and any mitigation measures required to meet the noise rating level in condition 35 of this permission, have first been submitted to, and approved in writing by, the Local Planning Authority.
- 37) Prior to the first use of each unit in any phase of the development hereby approved, a Noise Management Plan (NMP) relevant to that unit shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures within the NMP shall be carried out and completed in full before the respective unit is brought into use and shall be retained thereafter.



Report to the Secretary of State for Housing, Communities and Local Government

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

and

B J Sims BSc (Hons) CEng MICE MRTPI

Inspectors appointed by the Secretary of State

Date 2 March 2021

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY

TRITAX SYMMETRY LTD

MADE TO

WIGAN METROPOLITAN BOROUGH COUNCIL

Inquiry Held on 1-4 December 2020

Symmetry Park, Junction 25 of the M6, Wigan

File Ref: APP/V4250/V/20/3253242

Contents **Page No.**

1	Procedural Matters	3
2	The Site and Surroundings	5
3	The Proposal	6
4	Planning Law, Policy and Guidance	8
5	Agreed Facts	12
6	The Case for Wigan Council	14
7	The Case for Tritax Symmetry	24
8	The Case for Interested Persons	30
9	Witten Representations	33
10	Inspectors' Conclusions	36
13	Inspectors' Recommendations	57

Appendices

- A** **Appearances**
- B** **Inquiry (Hearing) Documents**
- C** **Core Documents**
- D** **Conditions**

GLOSSARY

AQA	Air Quality Assessment
AQMA	Air Quality Management Area
BNG	Biodiversity Net Gain
BREEAM	Building Research Establishment Environmental Assessment Method
CD	Core Document
CEMP	Construction and Demolition Environmental Management Plan
CIL	Community Infrastructure Levy
CS	Core Strategy
EIA	Environmental Impact Assessment
ELPS	Employment Land Position Statement
ES	Environmental Statement
GIA	Gross Internal Area
GMEU	Greater Manchester Ecology Unit
GMLIS	Greater Manchester Local Industrial Strategy
GMS	Greater Manchester Strategy
GMSF	Greater Manchester Spatial Framework
GVA	Gross Value Added
Ha	Hectares
HE	Highways England
J	Junction
LRN	Local Road Network
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
NTS	Non-technical summary
PoE	Proof of Evidence
PPG	Planning Practice Guidance
PROW	Public Right of Way
S106	Section 106 of the Town and Country Planning Act 1990
SoCG	Statement of Common Ground
SoS	Secretary of State
SRN	Strategic Road Network
TA	Transport Assessment
TfGM	Transport for Greater Manchester
UDP	Unitary Development Plan
ZTV	Zone of Theoretical Visibility

File Ref: APP/V4250/V/20/3253242

Land at Junction 25 of the M6 Motorway, Wigan, bounded by the M6 Slip Road and A49 Warrington Road junction to the east, agricultural land to the north and the M6 Motorway to the west, Wigan.

- The application was called in for decision by the Secretary of State (SoS) by a direction, made under section 77 of the Town and Country Planning Act 1990, on 21 May 2020.
- The application is made by Tritax Symmetry Ltd
- The application Ref A/18/85947/MAJES is dated 16 August 2018.
- The development proposed is the demolition of existing buildings and re-profiling of the site for development comprising;
 - Full planning permission for the erection of 27,871 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), comprising two units and the provision of associated infrastructure including sub-station, car parking, landscaping, access from the A49 roundabout and internal estate road; and
 - Outline planning permission for the erection of up to 106,095 square metres of employment floor space (Use Class B8 with ancillary integral Use Class B1a floor space), including car parking, internal estate road and landscaping. All matters except for access are reserved, with access proposed from the A49 roundabout.
- On the information available at the time of making the direction, the following were the matters on which the SoS particularly wished to be informed for the purpose of his consideration of the application:
 - The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);
 - The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);
 - The extent to which the proposed development is consistent with the development plan for the area; and
 - Any other matters the Inspector considers relevant.

Summary of Recommendation: That planning permission for the development be granted subject to the conditions set out at Appendix D and with the benefit of the obligations set out in the submitted section 106 agreement.

1. Procedural Matters

Throughout this Report, core documents (CD) (listed at Appendix C) are referred to with the prefix 'SW' followed by the relevant number. Documents handed up during the Inquiry (listed at Appendix B) are prefaced with 'Hearing' followed by the relevant reference number.

- 1.1 The Inquiry sat for 4 days between 1 and 4 December 2020 and due to Covid-19 restrictions, was conducted virtually.
- 1.2 An unaccompanied site visit was carried out on 2 November 2020. With the agreement of the main parties a second site inspection was not deemed necessary.
- 1.3 The application was submitted to Wigan Metropolitan Borough Council (the Council) on 16 August 2018 and was considered at a committee meeting on 22

March 2018. In accordance with the recommendation of professional Officers¹, the committee resolved to approve the application subject to conditions and the completion of a section 106 agreement and referral to the SoS.

1.4 The matters which the SoS wishes to be informed about for the purposes of his consideration of the application are²:

- The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);
- The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);
- The extent to which the proposed development is consistent with the development plan for the area; and
- Any other matters the Inspector considers relevant.

1.5 The application was called-in alongside the following applications:

- St Helens Council application P/2018/0048/OUP for employment floorspace (Phase 1 of the former Parkside Colliery development) at Newton-Le-Willows (PINS ref: 3253194);
- St Helens Council application P/2018/0249/FUL and Warrington Council application 2018/32514 for a new link road between A49 Winwick Road and M6 Junction 22 (PINS refs: 3253230 & 3253232), and
- Bolton Council application 04766/18 for an employment development on land west of Wingates Industrial Estate off Chorley Road, Westhoughton, Bolton (PINS ref: 3253244).

1.6 Subsequently the SoS also recovered for determination by himself St Helens Council application P/2017/0254/OUP for employment development at Haydock Point (PINS ref: 3256871).

1.7 On consideration, the SoS agreed that the procedure for hearing the several applications and the appeal should be left at the discretion of the Planning Inspectorate. For practical reasons, it was decided that the application subject of this Report, along with the aforementioned schemes, would be considered by a Panel of two Inspectors at four separate Inquiries.

1.8 It was initially agreed that the Panel would report all the cases simultaneously, after the last Inquiry to be held, so that the SoS would have the opportunity to consider any cross-boundary interrelationships that did become apparent during the proceedings. In the present case, the consideration of the proposal is self-contained within the scope of the development plan policies applying and no evidence of any interaction with the other developments under consideration by the Panel has emerged. Accordingly, in the interests of enabling the application to be determined as expeditiously as possible, this Report is submitted to the

¹ CD: SWi_OR_1_Officer Report

² CD: SWi_PCU_4

SoS independently of the Reports on other developments considered by the Panel.

- 1.9 Although the Application Form gives the name of the Applicant company as 'DB Symmetry', it has since been confirmed that the company now trades as 'Tritax Symmetry'. As a result, a number of amended plans were submitted before the close of the Inquiry which updated the company logo on the elevations of the proposed units³.
- 1.10 A signed and dated agreement under s106 of the Town and Country Planning Act 1990 (S106) was submitted after the close of the Inquiry⁴. This contains obligations in respect of biodiversity net gain (BNG) and the potential future access road to Wheatlea Industrial Estate to the north of the site. A final draft version of the agreement was discussed at the Inquiry⁵. The proposed obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later.
- 1.11 The proposal is Environmental Impact Assessment (EIA) development and following a review of the submitted Environmental Statement (ES), the Inspectorate wrote to the Applicant on 20 October 2020, pursuant to Regulation 25 of the EIA Regulations, seeking further information in relation to the effect of the proposal on climate change and a revised non-technical summary (NTS) to reflect amendments made to the proposal since the submission of the original ES. Having regard to the above and the revised NTS⁶ submitted on 29 October 2020, the Panel is satisfied that sufficient information has been provided to enable a proper assessment of the environmental impacts of the proposal.
- 1.12 Planning⁷ and Highways⁸ Statements of Common Ground (SoCG) were submitted prior to the Inquiry. A further BNG/conditions SoCG⁹ was submitted during the Inquiry accompanied by an updated CIL Compliance Statement¹⁰.
- 1.13 The Panel held a pre-Inquiry Case Management Conference on 2 October 2020 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. At the conference and with the agreement of the main parties, it was decided that the evidence would best be heard by way of topic-based round table sessions. A summary of the conference was subsequently sent to the main parties¹¹.

2. The Site and Surroundings

- 2.1 The site and its surroundings are comprehensively described in the Planning SoCG¹², the Statements of Case¹³ and the Planning Proofs of Evidence (PoE).

³ CD: Hearing_Doc_26-29

⁴ CD: Hearing_Doc_38

⁵ CD: Hearing_Doc_22 & 22a-22f

⁶ CD: SWi_Ei_74

⁷ CD: SWi_In_1

⁸ CD: SWi_In_2

⁹ CD: Hearing_Doc_21

¹⁰ CD: Hearing_Doc_25

¹¹ CD: SWi_PCU_6

¹² CD: SWi_In_1

¹³ CD: SWi_In_3 & 4

Put briefly, the application site is a gently undulating, predominantly open parcel of Green Belt land which extends to 54.41 hectares (ha). The site is located at Junction 25 (J25) of the M6 Motorway, close to the southern built up area of Wigan, in particular the Winstanley estate.

- 2.2 The application site has been extensively mined and re-worked, with an opencast mine first noted on Ordnance Survey Maps from 1946 and last observed in the late 1970s/early 1980s. Since the cessation of mining, the site has returned to greenfield status and is predominately arable farmland used for the production of silage.
- 2.3 The site is bounded by agricultural fields to the north, which separate it from Glead Wood, Winstanley, the Wheatlea Industrial Estate and the Premier Inn located on the A49. Three fishing ponds are located to the south-east of the site (outside the application boundary) which are bounded by the M6 J25 slip road.
- 2.4 Drummers Lane and Brocstedes Road bound the site to the south, with a triangular plot of land containing Low Brooks Farm located further south but outside the red-line boundary. The main carriageway of the M6 directly abuts the west/south-western site boundary.
- 2.5 The majority of the site contains arable farmland partitioned into fields that are mostly enclosed by hedgerows and/or wire fences. There are 14 existing structures on the site comprising a mixture of agricultural buildings and residential dwellings, arranged along Brocstedes Road in the western portion of the site. All of these buildings would be demolished¹⁴.
- 2.6 The site is currently accessed from the northbound carriageway of the A49, close to the Bryn Interchange via an informal priority junction. This access currently serves an unmade farm track which terminates at Cranberry Lea Farm. The southern and western sections of the site are served from Brocstedes Road which also terminates at Cranberry Lea Farm. A number of public footpaths cross the site¹⁵
- 2.7 The relevant planning history of the site is set out in the Officer's Report¹⁶.

3. The Proposal

- 3.1 A full description of the application proposals is contained within the Planning SoCG and the Statements of Case.
- 3.2 The application is hybrid in nature, meaning that it is part full/part outline with the site split into two land parcels. The parameters plan¹⁷ shows the extent of the outline and full elements of the scheme. The fully detailed element which is located on the eastern side of the site, closest to the Bryn interchange, comprises two units referred to as 'DBS1' and 'DBS2'.

¹⁴ See CD: SWi_Ap_24 for Demolition Plan

¹⁵ CD: SWi_Ap_62 Existing Public Rights of Way Plan

¹⁶ SWi_OR_1_Officer Report

¹⁷ CD: SWi_Ap_54

- 3.3 DBS1 would be the larger of the two units, with a gross internal area (GIA) of 16,815m² of ground floor B8 floorspace and 836m² of B1a first floor office space. It would be the first unit located off the internal estate road when accessing the site. The building would be rectangular in shape and orientated to enable the elevation to front the M6 slip road, with parking located to the east of the building and the service yard and further parking located to the north of the building. DBS1 would have a maximum ridge height of 20m.
- 3.4 Unit DBS2 would be located to the west of DBS1 and would have its own access from the internal estate road. It would comprise 9,755m² of B8 and 464m² of first floor B1a office floorspace. The car parking would be located to the west of the building, with the service yard located to the north-east. DBS2 would have a maximum ridge height of 17.5m.
- 3.5 The elevational drawings¹⁸ indicate that the units would have curved roofs, and different coloured cladding to the main elevations. According to the Applicant, it is anticipated that the units in the outline element would align broadly with the same design principles.
- 3.6 The parameters and illustrative masterplan¹⁹ also identify that, as part of the outline scheme, a maximum of 106,095m² floorspace could be accommodated within the developable area with a maximum building height of 23m above finished floor level. Matters relating to the final layout of the outline element would be addressed in the future through reserved matters applications.
- 3.7 The main vehicular and pedestrian access to the site is proposed via a new fourth arm of the existing A49/M6 slip road roundabout junction (Bryn Interchange). The access would lead into an internal estate road, which would run through the northern section of the full element serving DBS1 and DBS2. Footways and cycleways are proposed to run alongside the main estate road.
- 3.8 As shown on the Public Rights of Way (PROW) Upgrade Plan²⁰, the existing public footpath which runs from the site to the junction of Allonby Close and Crowther Drive would be upgraded to a cycleway, with connections provided to DBS1 and DBS2.
- 3.9 The following works are proposed to existing highways in the area to mitigate the impact of the development:
- Signalisation of the site access and M6 arms of the Bryn Interchange;
 - Widening of the A49 Warrington Road northern approach to provide an additional lane, with associated widening of the circulatory carriageway;
 - Provision of a signalised pedestrian crossing facility on the A49 Warrington Road, in the vicinity of the existing bus stops;
 - Provision of a signalised pedestrian crossing facility on the site access arm;
 - Provision of a cycle lane and 2m wide footpath to the north of the site entrance; and

¹⁸ CD: SWi_Ap_15 and SWi_Ap_20

¹⁹ CD: SWi_Ap_61

²⁰ CD: SWi_Ap_63

- Improvements at J24 of the M6 on-slip road, specifically the provision of a splitter island to segregate left and right turning traffic at the north-bound M6 slip road entrance.
- 3.10 Landscape screening is proposed across the site, to include woodland planting and structural buffers to minimise the visual impact of the proposed development; to provide recreational routes for surrounding local residents and future employees; and to create new wildlife habitats.
- 3.11 Three-metre-high bunds are proposed and would be located within the outline site, to the north of the maximum developable area defined on the parameters plan, to (in part) screen views into the site from the residential area to the north. It is proposed that the bunds would be formed from inert spoil from the ground works on site.

4. Planning Law, Policy and Guidance

National Law and Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the National Planning Policy Framework (NPPF), which can override development plan policy if it is not consistent with the NPPF's provisions. The national planning policy context is therefore set out first, before relevant development plan policies.
- 4.2 The latest version of the NPPF was issued in February 2019. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.3 To ensure that sustainable development is pursued in a positive way, there is a presumption in favour of sustainable development at the heart of the NPPF. Paragraph 11c) explains that, for decision-taking, this means, approving development proposals that accord with an up-to-date development plan without delay.
- 4.4 Of particular relevance in this case are those parts of the NPPF which deal with Green Belt and economic development. NPPF Section 13 is entitled "*Protecting the Green Belt*", with paragraph 133 making it clear that the Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.5 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to explain that, when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 4.6 NPPF paragraph 8a) sets out the three overarching objectives of national planning policy. The economic objective is characterised as building a *“strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”*. In the same vein, paragraph 80 states that planning *“decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.
- 4.7 NPPF paragraph 8 recognises the specific locational requirements of different sectors and directs local planning authorities to make provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 4.8 Also relevant is NPPF paragraph 33 which states that planning decisions should reflect changes in the demand for land, informed by regular reviews of land allocated for development in plans and land availability. Similarly, paragraph 120 states that *“policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years”* taking into account changing circumstances affecting the area, or any relevant changes in national policy.
- 4.9 NPPF Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside, minimising impacts on and providing net gains for biodiversity and addressing unacceptable levels of pollution.
- 4.10 NPPF Paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in AQMAs and Clean Air Zones is consistent with the local air quality action plan.
- 4.11 NPPF Paragraph 103 is also of relevance and states, in part, that *“significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health”*.
- 4.12 Other relevant paragraphs in the NPPF are referenced, as appropriate, later in this Report. The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this application. Of particular relevance to the proposed development is paragraph 31²¹ which states that the logistics industry plays a critical role in enabling an efficient, sustainable, and effective supply of goods for consumers and businesses, as

²¹ Paragraph: 031 Reference ID: 2a-031-20190722

well as contributing to local employment opportunities, and has distinct locational requirements.

The Development Plan

- 4.13 The development plan comprises the Wigan Local Plan Core Strategy 2013²² (the CS), the 'Saved' Wigan Replacement Unitary Development Plan 2006²³ (the UDP), the Greater Manchester Joint Minerals Plan 2013²⁴ and the Greater Manchester Joint Waste Development Plan Document 2012²⁵. Sections 4.2-4.4 of the Planning SoCG²⁶ set out the relevant development plan policies and it is not necessary for us to repeat them again here. We set out those policies of particular relevance to this application below.
- 4.14 The site was previously identified as part of a broad location for employment development during the preparation of the CS in 2011, which proposed to release 30ha from the Green Belt. This was considered via the Public Examination for the CS, with the examining Inspector concluding²⁷ that, in the absence of a developer-backed scheme and a lack of demonstrated need following the economic fallout of the 2009 financial crisis, there was no overriding imperative to release the site from the Green Belt.
- 4.15 CS Policy CP8 identifies the site as being within the Green Belt on the Council's adopted Policies Map and establishes that there will be no alterations to the boundaries of the Green Belt. Development within the Green Belt will only be allowed in accordance with national planning policy.
- 4.16 CS Policy CP5 seeks to create sustainable economic growth, boost economic performance and to provide a wider range of job opportunities. This was to be achieved by bringing forward a range of employment sites of the right quality in terms of location, accommodation provision and supporting infrastructure, in order to attract, maintain and grow businesses. The policy identifies the requirement for approximately 200ha of employment land between 2011 and 2026, including reviewing sites allocated previously and undeveloped.
- 4.17 Policy CP5 goes on to state that a phased approach will be established, through a subsequent local plan, to ensure the availability of employment land, with effective mechanisms in place to maintain a sufficient supply of suitable sites that are readily available and attractive to the market. The subsequent local plan was to have been an Allocations and Development Management Local Plan setting out detailed planning policies, designating areas and allocating land for development. The Council abandoned work on the plan in 2016 in order to engage with the emerging Greater Manchester Spatial Framework (GMSF).
- 4.18 The site is also located within a Mineral Safeguarding Area and part of the site is within an Air Quality Management Area (AQMA) which broadly aligns with the surrounding road infrastructure, comprising the M6 motorway, M6 J25 slip-road and the A49 Warrington Road/Bryn Interchange.

²² CD: Wi_DP_1_Core Strategy

²³ CD: Wi_DP_2_UDP

²⁴ CD: Wi_DP_3_Minerals

²⁵ CD: Wi_DP_4_Waste

²⁶ CD: SWi_In_1

²⁷ CD: Wi_Ot_13_Inspectors Report

Emerging Policy

- 4.19 Emerging policy appears in the form of the GMSF Publication Plan October 2020²⁸ which has been prepared by a collective of Greater Manchester authorities.
- 4.20 Draft Policy GM-P 4 seeks to provide at least 4,100,000m² of new, accessible, industrial and warehousing floorspace in Greater Manchester over the period 2020-2037. To achieve this, a high level of choice and flexibility will be provided in the supply of sites for new industrial and warehousing floorspace, making the most of the key locations. These locations are identified in Policy GM-P 1 (G)(ix) which identifies the "*M6 logistics hub in Wigan and extending into Warrington, St Helens and West Lancashire*" which it says "*provides a major cluster of warehousing and distribution activity with easy access to the Port of Liverpool via the M58*".
- 4.21 Paragraph 4.54 of the GMSF identifies the Wigan-Bolton Growth Corridor as important in supporting the long-term economic prosperity of the region. Policy GM-Strat 8 reflects the importance of the Wigan-Bolton Growth Corridor. Over the period 2020-2037, land to accommodate just over 1million m² of new employment floorspace has been identified within the area. The application site is identified in the policy as a key location for industrial/warehousing and is proposed to be released from the Green Belt and allocated for 'large-scale' employment use in accordance with GM Allocation 48.
- 4.22 An integral part of the evidence base underpinning the GMSF is the 2019 Employment Land Topic Paper²⁹ which sets out a requirement to allocate additional land for industrial and warehouse use. At paragraph 6.19 it identifies a total industrial and warehousing supply requirement of 5,064,000m² for the period 2018-2037. Taking into account the amount of available employment land this equates to a shortfall of 2,437,000m². The Topic Paper goes on to identify various sites across Greater Manchester to meet this requirement, one of which, (GM Allocation 42) is the application site.
- 4.23 Submission of the GMSF to the SoS was originally anticipated for Summer 2021. However, Stockport has now withdrawn from the GMSF, leaving some uncertainty over its future. It appears that the other nine authorities are still committed to a joint plan and are currently looking at options as to how best to proceed. Timescales for the submission of a joint plan are unknown at the time of writing but it is reasonable to expect slippage from the intended submission date.
- 4.24 It is agreed between the parties that the GMSF carries little weight. Nonetheless, there is no dispute that the evidence base underpinning it, is a material consideration in this case³⁰.

Other relevant policy documents

- 4.25 The following key strategic documents are relevant:

²⁸ CD: GM_Ot_14

²⁹ GM_Ot_6_GMSF Topic Paper

³⁰ Paragraph 4.10 CD: SWi_In_1

- The Northern Powerhouse Strategy (2016)³¹
- The Greater Manchester Local Industrial Strategy (GMLIS) (June 2019)³²
- The Greater Manchester Strategy³³
- The “We Are Wigan” Economic Vision³⁴
- The Wigan Deal 2030³⁵

4.26 The Government’s Northern Powerhouse Strategy recognises that the North has lagged behind other areas of the country for too long. The strategy is built around investment in transport infrastructure, improvement to connections between urban areas and an improvement in education and skill levels.

4.27 One of the strategic priorities of the GMLIS is to “*Reduce inequalities, promote diversity and improve prosperity by addressing barriers to participating in employment and accessing opportunities across the city-region*”. The GMLIS references the GMSF which it states will set out the key locations that will be prioritised to drive inclusive economic growth. One of these key locations is the Wigan-Bolton Growth Corridor which the GMLIS states will “*complement the M62 North-East Corridor to ensure that there are significant investment opportunities across the northern areas*”.

4.28 The GMLIS aligns with the Greater Manchester Strategy (GMS) which prioritises the creation of a thriving and productive economy in all parts of Greater Manchester with good jobs and opportunities to progress and develop.

4.29 The strategic ambitions for Wigan are set out in the “*We are Wigan*” Economic Vision and The Wigan Deal 2030 which were both published in 2019. The overarching vision is to reduce inequality and stimulate fair economic growth for all. Key strands of these strategies align with the GMLIS and GMS including focus on certain growth sectors (including logistics), influencing skills provision to reflect opportunity and need, retaining young people and talent, and shaping places to be a supportive environment for businesses to start or invest in for growth.

5. Matters Agreed Between the Applicants and the Council

5.1 Three SoCG’s covering planning³⁶, highways³⁷ and bio-diversity matters³⁸ have been agreed between the Council and the Applicant.

5.2 Figure 5.1 lists 42 areas of agreement covering matters pertaining to the effect of the development upon: Green Belt (inappropriate development, openness, purposes and other harms), PROW, air quality, flood risk, noise and vibration, residential amenity, landscape and visual impact, ecology and biodiversity,

³¹ CD: Ov_Ot_4_Northern Powerhouse

³² CD: GM_Ot_7_GM LIS

³³ CD: GM_Ot_8_GM Strategy

³⁴ CD: Wi_Ot_12_Vision2030

³⁵ CD: Wi_Ot_16_Deal2030

³⁶ CD: SWi_In_1

³⁷ CD: SWi_In_2

³⁸ CD: Hearing_Doc_21

employment land need and supply including cross boundary issues. In short, there are very few areas of disagreement between the main parties.

- 5.3 Of particular relevance are agreements points 1, 9 and 41 which state: the proposed development would constitute inappropriate development in the Green Belt; would result in harm to openness but would meet the very special circumstances test.
- 5.4 Figure 5.2 to the Planning SoCG contains just a single area of disagreement which relates to Green Belt purpose 'safeguarding the countryside from encroachment'. The Council argues the development would cause 'moderate harm' whereas the Applicant contends there would be 'no significant harm'.
- 5.5 The Highways SoCG contains agreements on a range of matters including but not limited to the following:
- Agreement that the distribution, trip rates, committed development flows, growth factors and assessment years used in the Transport Assessment are appropriate and robust;
 - Agreement that there are no inherent safety concerns on the Local Road Network (LRN) in the vicinity of the site;
 - Agreement that mitigation measures are not necessary at the A49/Worthington Way, A49/Poolstock Lane, A49/Bryn Road and M6 J24/A58 southbound off-slip junctions;
 - Agreement on the suitability and effectiveness of the off-site improvement at the A58 Liverpool Road/M6 J24 Northbound On-Slip junction;
 - Agreement that the site is accessible by public transport, cycling and walking;
 - Agreement that the level of car/lorry parking proposed as part of the full element is compliant with the Council's parking standards;
 - Agreement that the residual cumulative impact of the development on the LRN of Wigan would not be severe, and
 - Agreement that the development would not result in any unacceptable highway safety or capacity impacts.
- 5.6 The Biodiversity/conditions SoCG³⁹ addresses the revised BNG assessment carried out shortly before the commencement of the Inquiry. This is covered in more detail in the *Planning Obligations* section of this Report. The SoCG also contains a revised list of suggested planning conditions.

³⁹ CD: Hearing_Doc_21

6. The Case for Wigan Council

The case for the Council is summarised as follows.

Overview

- 6.1 At the heart of this case lies the balance between the protection of Green Belt and the need to boost economic development both in general and in Wigan in particular. The Council's position reflected in the professional judgement of its officers⁴⁰ and the resolution of its Planning Committee on 14th January 2020 is that the balance should be struck in favour of economic development.
- 6.2 The harm caused to the Green Belt by reason of the inappropriate nature of the development and all other harm (both Green Belt and non-Green Belt harm) is clearly outweighed by other considerations, those of a socio-economic nature in particular, such that very special circumstances exist to justify a favourable outcome to the application.

Inappropriateness

- 6.3 The proposed development is plainly inappropriate. That inappropriateness occasions the definitional harm which is the subject of NPPF paragraph 143 and entails of itself via paragraph 144 that substantial weight must be accorded to the Green Belt harm.

Openness and permanence

- 6.4 The Council acknowledges that, in spatial terms, the proposal would inevitably result in harm to the openness of the Green Belt through the introduction of large-scale built form on the application site. However, the harm to the visual dimension of openness is limited. That is given the contained nature of the site and the fact that the harm that would otherwise arise in this respect is also materially reduced by the proposed landscaping strategy. The Council further considers that the proposal would allow for the retention of a clear and defensible permanent Green Belt boundary comprising the M6 and the M6 slip road.

Green Belt purposes

- 6.5 The Council does not consider that the proposal would result in any significant harm to Green Belt purposes, other than the purpose of assisting in safeguarding the countryside from encroachment. In this respect, the existing urbanising influences on the site mean that the harm would be no more than moderate.
- 6.6 As for checking the unrestricted sprawl of large built-up areas, the Council, mindful of the *Turner* judgment⁴¹, concludes that harm to the visual dimension of openness would be limited and there would be little perception of urban sprawl. The Council considers⁴² that the area of open land to the north of the site, which separates it from the southern edge of the built up area would help to avoid the outward spread (or sprawl) of the built up area (and any perception

⁴⁰ CD: SWi_OR_1_Officer Report

⁴¹ *Turner v Secretary of State* [2016] EWCA Civ 466.

⁴² Jones PoE, paragraph 4.26

of the same). Any spread south or westwards, far from being “unrestricted” and ending in any arbitrary fashion, would very clearly be restricted by the M6 and M6 slip road.

- 6.7 In terms of preventing neighbouring towns from merging into one another, the proposed development would not lead to Wigan merging with Ashton nor to Winstanley with Bryn. The gap would be reduced on the western side of the A49 but it is far from the case that it would disappear. There would remain Green Belt land to the south of the M6 slip. The buffer between the site and the developed edge of Winstanley would also add to the perception of separation. The M6 slip road would also continue to play a significant role in maintaining separation between the settlements.
- 6.8 There is no suggestion that the development would harm the setting and special character of historic towns. Finally, third party representations have suggested the development could offend the purpose of assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. However, no details of where the use of specific sites might be discouraged by the proposed development have been provided.
- 6.9 The reality is that bringing forward employment development on sites in Wigan suffers from a battery of other challenges⁴³. It is fanciful to suggest that a proposal which is readily deliverable by an experienced developer should be refused on the basis that it would frustrate regeneration on other unidentified sites. There are, in any event, no alternative sites in the Borough which can match the offer of the site or anything close to it.
- 6.10 In common with the Applicant, the Council cannot agree with the conclusion of the assessment of proposed allocations in the Stage 2 Greater Manchester Green Belt Study⁴⁴ that the proposed allocation of the site would cause a very high level of harm to Green Belt purposes. It is noteworthy that the GMSF allocation is larger than the site. Moreover, the authors of that assessment did not have the advantage of assessing a specific scheme; nor were they therefore able to take account of the careful design and mitigation measures which form part of the present application. It also appears that no consideration was given to the site’s level of visual containment (which represents the reality of matters on the ground). For these reasons, the Council submits that LUC’s assessment must be approached with a good deal of caution and should command little weight.

Landscape and visual impact

- 6.11 The Council accepts that the proposal will inevitably give rise to a degree of landscape and visual harm. It does consider, however, that the site (which has been the subject of extensive open cast coal mining activity in the past) has a low sensitivity to the proposed development. The Council’s view, shaped by the Applicant’s Landscape and Visual Impact Assessment (LVIA)⁴⁵ is that the impact of the proposed development will be predominantly localised and that it will be reduced by proposed landscape mitigation (through the retention of as much of

⁴³ Kearsley PoE

⁴⁴ Final report by LUC September 2020 (CD: GM_Ot_9_GMS F GB & 9a -9F)

⁴⁵ CD: SWi_Ei_52

the existing vegetation as possible and the introduction of significant new planting).

Ecology

6.12 In respect of biodiversity, the proposal will guarantee a 10% off-site BNG at the Wigan Wetlands⁴⁶ in respect of the detailed element of the scheme. The outline element would be subject to a condition requiring a habitat and landscape creation and management plan. This would be supplemented by a BNG rebalancing package to secure an appropriate net-gain in respect of each phase. The Council considers the BNG is a benefit of the proposed development of real significance given that a 10% net-gain has not yet been cemented into law.

Highways

6.13 The proposal does not give rise to any materially adverse impacts in terms of highways⁴⁷. All relevant bodies with highways responsibilities are content with the proposal.

6.14 Concerns raised by third parties are understandable but are without any substance. The Highway Authority's evidence establishes the following:

- Far from adding to congestion along the A49 corridor, the improvements proposed to the Bryn Interchange would provide a net benefit (or betterment) for all highway users in the 2025 'with development' scenario;
- Concerns in relation to the J25 slip road queues and the future delivery of an all-ways junction⁴⁸ are not supported by Highways England (HE);
- The recent evidence from the South Lancashire Industrial Estate strongly suggests that the lack of an all-ways junction at J25 is not a significant commercial impediment. The Applicant would not be pursuing this application were it to be otherwise;
- HGV's from the proposed development could not be prevented from using the A49 and the LRN to the north of the site. However, the reality is that there would be little incentive for drivers to do so given the time penalties arising from, inter alia, speed limits, six sets of traffic signals and two controlled pedestrian crossings. The provision of the new link from Smithy Brook to J26 of the M6 is unlikely to alter this position;
- In light of the anticipated number of trips (fewer than one HGV turning movement per minute in the peak hours) there is minimal prospect of the development causing additional congestion at the A58/M6 northbound slip road junction at J24. The existing ghost island is already capable of accommodating right-turning HGVs without impeding ahead flows towards St Helens. As a result of the improvement at this junction, right-turning vehicles would be able to enter the slip road more efficiently than at present given the separation of right and left turning traffic achieved by the proposed splitter island.

⁴⁶ Also known as the Wigan Flashes

⁴⁷ Stode PoE

⁴⁸ An all-ways junction is not a policy requirement and HE currently have no current plans to deliver one

6.15 The site is well located to promote sustainable access by non-car modes of travel, including the use of public transport, walking and cycling. A new footway would be provided on the western side of the A49 to provide continuous connection to the north bound bus stop (in the vicinity of which there will be a new signalised crossing of the A49 to facilitate access to/from the south bound bus stop). An improved link would be provided to the residential area in Winstanley, to the north of the site, to allow suitable access to the site for pedestrians and cyclists. As far as is practical, PROWs over the site would be preserved on, or close to, their existing alignments.

Air Quality

6.16 The data on which the local AQMA was based is now of some vintage and the evidence from the Council's own diffusion tubes presently shows that air quality is below the limit values. Air quality impacts of the proposed development have been shown by appropriate dispersion modelling and analysis to be negligible (at all receptor locations)⁴⁹. No air quality objective values are exceeded.

Noise

6.17 The proposal does not give rise to concern in relation to noise and vibration and it is not considered that it would cause any adverse impact on neighbouring amenity.

Climate Change

6.18 Appropriate measures (secured by condition) would be taken in respect of adaptation to climate change by way of BREEAM (Building Research Establishment Environmental Assessment Method) "very good" standards of building construction, the provision of solar PV panels, the requirement to provide 15% of the development's energy from low carbon sources and the incorporation of electric vehicle charging points/infrastructure.

Cross Boundary Issues

6.19 The overarching point is that each scheme should primarily be considered on its own merits. In the case of this development, there is a specific need for it to take place in Wigan. Development outside the Borough will do little to meet Wigan's need.

6.20 It is also the case that development in St Helens at either Parkside or Haydock Point would not assist in meeting Greater Manchester's need for warehousing floorspace. Policy GM-P 4 of the GMSF⁵⁰ provides that at least 4,100,000m² of new, accessible, industrial and warehousing floorspace will be provided in Greater Manchester over the period 2020-2037.

6.21 Moreover, it is submitted that the Applicant's evidence suggests that the commercial market need in the M6 sub-corridor can accommodate the proposed development as well as those at Parkside and Haydock Point. The scheme at Wingates, Bolton is not relevant in respect of commercial market need in the M6 sub-corridor because it falls outside this corridor.

⁴⁹ Guest and Redmore oral evidence

⁵⁰ CD: GM_Ot_5_GMSF Draft

- 6.22 The Council has not sought to comment on the merits of other schemes elsewhere. If any other scheme fails on its own merits it will fall out of any comparative analysis which might become relevant. The Council does not seek to suggest that there would be any unacceptable cumulative impacts from the schemes, or any combination of them, nor does it seek to raise any cross-boundary issues in terms of impacts. It does however highlight that all the schemes are inappropriate development in the Green Belt. Moreover, in terms of need, it is pertinent that Wigan has failed to match the high levels of growth in nearby districts, including Warrington, St Helens and Bolton, which have attracted significant logistics development⁵¹.
- 6.23 Wigan is very much a poor relation to its local authority neighbours. Recent logistics developments at Florida Farm and Penny Lane were both in St Helens. It might therefore be an anomalous outcome if the proposed development were to be refused consent and further Green Belt logistics development is channelled to St Helens. Wigan needs to catch up rather than be left even further behind.

The Core Strategy Inspector's report

- 6.24 For the following reasons, the Council submits that very limited weight should be attached to the Core Strategy Inspector's report⁵² which recommended the deletion of the 30ha allocation then proposed at J25.
- 6.25 First, there has been a fundamental change of circumstances since the Inspector's report in terms of the failure of Wigan's employment land supply to deliver the outcomes expected of it. Secondly, the Inspector lacked evidence to support the view that the majority of commercial traffic was likely to travel south and considered that, in this respect, "*insufficient account had been taken of the specific circumstances relating to J25*". Thirdly, the Inspector was influenced by what appeared to him to be uncertainty as to what form the development was intended to take with its reference to an employment park comprising offices, industrial, manufacturing and logistics, which also led him to the conclusion that offices were typical of uses found in town centres. Again, these are not matters relevant to the proposed development.

Economic Considerations

- 6.26 The take-up of employment land in Wigan since the beginning of the plan period has been notably poor and the available supply is subject to quantitative and qualitative shortcomings.
- 6.27 Policy CP5 of the CS identifies the need for approximately 200 ha (gross) of employment land during the plan period from 2011-2026, equating to around 13.3ha per annum. Take-up since 2011 has been significantly below the projected need at only 20.15ha, equating to just 2.24ha per annum. The poor level of take-up is further underscored by the fact that the relevant monitoring provisions attached to Policy CP5 set a target of 50ha of employment development by 2016, 125ha by 2021 and 200ha by 2026. The monitoring

⁵¹ Kenny PoE paragraph 5.3

⁵² CD: Wi_Ot_13

arrangements in the CS do not provide a remedy for failure to meet these targets. Yet a remedy is clearly needed.

- 6.28 Wigan's disappointing performance in employment development shows that its supply of available, well-located and suitably large employment sites capable of attracting inward investment is severely limited. The consequence is that the Borough's economic development needs are not being met. If a remedy is not forthcoming the harm caused by the failure to meet those needs will continue and worsen. The Council cannot wait until the presently intended adoption date of 2022 for the GMSF to deliver fresh allocations of employment land. Significant uncertainty now surrounds the adoption of the GMSF in any event.
- 6.29 The lack of employment land take-up is not attributable to lack of demand. This is confirmed by the fact that, when good sites do become available, they are swiftly taken up for Class B2/B8 uses. This is shown by the re-development on the South Lancashire Industrial Estate in 2016-17 which accounts for the majority 13.35ha of the take up of the 20.15ha referred to above. The take-up in this year was exceptional in that it arose from the destruction of the former Georgia Pacific factory by fire. The re-development thus amounted to a recycling of existing employment land (rather than the provision of fresh land) and effectively substituted a new source of employment to replace a previous one which had been lost.
- 6.30 Aside from the weak take-up of employment land in the Borough, there has been a significant diminution in employment land supply since 2011 through losses to other uses, predominantly residential. A total of 118.52ha of employment land has been lost since 2011 (an annual average of 13.2ha).
- 6.31 The Council acknowledges that the current supply position is not satisfactory. The overall employment land supply (at October 2020) was 131.44 ha but there is considerable uncertainty about the availability and deliverability of 69.33ha of this⁵³. Moreover, a significant proportion of the sites within the supply are small plots which are unattractive to the market for a variety of reasons including size, location, poor access to the motorway network and the existence of constraints such as nearby housing. 25 of the 32 sites in the supply are smaller than 5ha and collectively make up 33% of the overall land supply. Of these, 14 are under 2ha. The quality of the employment land supply reflects Wigan's industrial legacy, rather than being matched to modern day requirements.

Other socio-economic considerations

- 6.32 Wigan's economic output and business activity lags behind sub-regional and national comparators. This is despite the fact that there is a healthy level of demand for employment land and premises in the Borough. This is reflected in a significant number of enquiries for industrial units of over 100,000ft²⁵⁴. Wigan's disappointing economic performance suggests that enquiries are not being converted into investment.
- 6.33 Wigan's economy continues to be reliant on traditional declining market sectors and although unemployment in the Borough is relatively low, there is

⁵³ See Kenny PoE paragraph 3.13

⁵⁴ See Mulligan PoE Section 5

nevertheless a preponderance of low value and low paid roles. These challenges were acknowledged in CS paragraph 9.26⁵⁵ which states that “*a high concentration of jobs are low skilled and within declining sectors of the economy, notably in manufacturing and engineering. There are low levels of skilled jobs and few businesses within ‘key growth’ and knowledge intensive sectors*”. The same paragraph refers to the Borough’s “*low wage economy*”.

- 6.34 Wigan’s lack of good quality commercial property and development opportunities of the size required by modern businesses (including logistics operators) has the consequence that economic growth is being compromised and job creation held back. The Council considers that the development represents an opportunity which should be grasped. In socio-economic terms the need for the proposed development in Wigan is clear. The proposal will bring substantial and much needed investment into the Borough, deliver significant job creation, provide training opportunities and supply a very welcome boost to economic output. Moreover, it will do this at a location which is in close proximity to areas of significant deprivation⁵⁶.

Commercial market need

- 6.35 The Borough’s socio-economic need for the proposed development is matched by commercial market need for a new large-scale logistics development in the M6 sub-market. The site is ideally located to capture some of that need given its scale, direct motorway access, market connections, labour force availability, lack of constraints from neighbouring uses and ready deliverability.
- 6.36 The proposal is consistent with the economic dimensions of planning strategies at all levels. It accords with NPPF paragraph 80 by both creating the conditions in which business can invest and satisfying the need to support economic growth and productivity (a factor attracting significant weight). The proposal also builds on Wigan’s strengths as a location for large-scale B8 development, given the strategic position of the Borough in the M6 corridor, a location unique among the Greater Manchester authorities. At the same time, the development would counter the weaknesses of the Borough by providing suitable employment land to meet modern day demands and by addressing both Wigan’s deficiencies in economic performance and the challenges it faces into the future. Approval of the application would be foursquare in line with paragraph 82 of the NPPF, as a planning decision that would recognise and address the specific locational requirements of the logistics sector and make provision for storage and distribution operations at an appropriate scale for both the Borough and the market need served in a suitably accessible location.
- 6.37 In terms of local policy, the proposal would be wholly consistent with the objectives of CS Policy CP5. It would help create sustainable economic growth, boost the Borough’s economic performance and profile and provide for a wider range of job opportunities. It would also bring forward an employment site of the right quality in terms of location, accommodation provision and supporting infrastructure, which would attract, maintain and grow businesses, especially within the east-west core of the Borough. Moreover, it would provide a

⁵⁵ CD: Wi_DP_1_Core Strategy

⁵⁶ See CA PoE paragraphs 6.39 and 6.40

development opportunity for the identified key employment sector of logistics/distribution.

- 6.38 The emerging GMSF⁵⁷ allocates a site similar to, but not exactly matching the application site, for around 140,000m² of high quality B2 and B8 employment floorspace and concludes that the case for exceptional circumstances justifying the release of land from the Green Belt is met.
- 6.39 While it is common ground that the GMSF can command only limited weight, the justification for the allocation in the plan is entirely consistent with the Council's case. The GMSF recognises⁵⁸: that logistics is a sector that is becoming increasingly central to the economy; that the M6 is a major business asset; that Wigan has a strategic location in the M6 corridor and is the only district in Greater Manchester with direct access to this motorway; that the J25 location is highly attractive to the market, including the key growth sector of logistics; that there is significant demand and requirement for large scale logistics development within the M6 corridor; that despite its strategic location, Wigan currently does not have the sites to meet this demand; and that a site at the J25 location has the scale, prominence and motorway connectivity to satisfy this demand and deliver new jobs and investment for the local economy. The Council agrees. At present Wigan is failing to capitalise on its advantages and investment is flowing to neighbouring authorities such as Bolton, St Helens and Warrington.
- 6.40 It should also be noted that the proposed development is consistent not just with the emerging allocation but also with many other strands of policy in the emerging GMSF, including that of seeking a significant increase in the competitiveness of the northern areas (Policy GM-Strat 6) and that of seeing delivery of a regionally significant area of economic growth in the Wigan-Bolton Growth Corridor (Policy GM-Strat 8).
- 6.41 The proposed development is further consistent with all relevant economic strategies, not least the GMLIS⁵⁹ and Wigan's own economic vision set out in the *We Are Wigan Economic Vision*⁶⁰ and *The Deal 2030*⁶¹.

Alternative sites

- 6.42 The Council considers that there are no sites in the Borough that would provide a realistic alternative equipped with the necessary attributes this application site possesses. These are in terms of scale, direct access to the motorway network and deliverability to attract the investment needed to strengthen the Borough's economic offer, boost the local economy, and enable Wigan to compete economically with other districts in the region. It follows that there is simply no non-Green Belt option which could accommodate the proposed development. The fact that neighbouring authorities are themselves the subject of proposals for logistics developments in the Green Belt emphasises the current paucity of non-Green Belt sites in the North West.

⁵⁷ CD: GM_Ot_14

⁵⁸ See paragraphs 11.443-444 CD: GM_Ot_5_GMSF Draft

⁵⁹ CD: GM_Ot_7

⁶⁰ CD: Wi_Ot_12

⁶¹ CD: Wi_Ot_16

6.43 The evidence is clear that the South Lancashire Industrial Estate Extension would not provide an alternative to the application site. This extension land is a greenfield (but not Green Belt) site which has not come forward for development over a considerable period. Of the total 34.01ha extension area, over half (19.53ha) is regarded by the Council as uncertain to be developed because of land ownership constraints preventing access being taken from the industrial estate road (Lockett Road). This in turn means that, without resolution of the ownership constraints, access to the remaining site area of 14.48ha would have to be taken from the A58 Bolton Road with the consequence that vehicle routing to the M6 would be via the A58 and Ashton town centre, which would rule out interest from a large-footprint operator.

The Benefits of the Proposal

6.44 The most important benefits are those of a socio-economic nature. The Council accepts the quantification of these benefits put forward by the Applicant. The proposed development has an estimated construction spend of £72.7m and is expected to create 1,028 net temporary construction jobs (full-time equivalent) and to produce total net Gross Value Added (GVA) of £41.68m. It is estimated that the operational phase of the development would create between 1,200 and 1,410 net additional jobs, produce approximately £50-60m of net additional GVA annually and yield business rates of approximately £3m per annum. These are socio-economic benefits of considerable substance.

6.45 The job creation estimate for the operational stage of the development has been arrived at by using the Homes and Communities Agency Employment Density Guide (3rd Edition 2015)⁶², an established and reputable publication. It refers to a job density of one job per 70-95m² for Class B8 logistics uses depending on whether the development is a national, regional or final mile distribution centre. The estimate may in fact be conservative in light of data from the Poundland distribution centre on the South Lancashire Industrial Estate which led to the creation of around 600 jobs in 2017⁶³. This equates to a density of one job per 17m², demonstrating that such developments can generate significantly greater job growth locally.

6.46 There is no good reason to think that the jobs would not be local. First, conditions are proposed which require training and employment management plans which seek to ensure, inter alia, that those concerned work directly with local employment and training agencies and that targets for employing local labour are set. Secondly, experience from elsewhere in the Borough shows that such conditions can bear fruit. Thirdly, the development is easily accessible from nearby residential areas. Fourthly, the development will provide a range of occupations which would make it suitable for a variety of job seekers.

6.47 There is nothing to substantiate the concern of some that the jobs created would be low paid. The evidence is to the contrary. The British Property Federation Report: Delivering the Goods in 2020⁶⁴ records that median salaries in the logistics sector are around £6,700 higher than the average for all sectors, at £31,600 compared to £24,900.

⁶² CD: Ov_Ot_7

⁶³ Kearsley PoE paragraph 5.8

⁶⁴ Aherne PoE, Appendix 3

6.48 The other benefits of the proposal are of a lesser order but should still feature in the overall balance. They comprise the BNG (probably the most significant of the other benefits), the provision of an improved public right way to/from the residential area in Winstanley and the achievement of a degree of overall betterment in the operation of the Bryn Interchange roundabout.

Very special circumstances and the planning balance

6.49 The Council considers that the foregoing combination of factors establish the case for very special circumstances. While the Council gives substantial weight to the Green Belt harm in this case, it considers that yet more substantial weight attaches to the socio-economic benefits of the development, such that the present case is truly one where Green Belt and other harm is clearly outweighed by other considerations. This conclusion would follow without taking account of the other benefits. When added into the balance, these factors further reinforce the case for very special circumstances.

The Development Plan

6.50 The Council publicised the application as a departure from the provisions of the development plan. This was on the basis of conflict with CS Policy SP1, which provides that the full extent of the Green Belt will be maintained, and the first part of CS Policy CP8, which provides that there will be no alterations to the boundaries of the Green Belt. The proposal would result in a practical alteration of the Green Belt boundary and would not, in practice, maintain the full extent of the Green Belt.

6.51 It is submitted that a development management provision such as Policy CP8 can only be referring to a physical alteration of Green Belt boundaries because a planning approval could never itself achieve such an alteration as that is a matter for the exceptional circumstances test via the local plan review. To interpret this part of the policy in any other way would render it meaningless as it would prohibit that which a planning application could never accomplish anyway.

6.52 The proposal is consistent with that part of Policy CP8 which provides that development within the Green Belt will only be allowed in accordance with national planning policy which, of course, provides for very special circumstances. And the proposal is also compliant with a raft of other development plan policies in respect of all technical matters. Nevertheless, the Council reached its conclusion for the reasons set out in the preceding paragraph.

6.53 The Council does not believe it is not correct to say that the requirement of Policy SP1 (that the full extent of the Green Belt is to be maintained) must defer to a very special circumstances test brought into Policy CP8 by its cross reference to national policy. The reverse is the case. A development management policy should not undercut the spatial strategy.

6.54 In the final analysis, if the development fails on development plan compliance, it assuredly should succeed on the basis of the other material considerations which make up the case for very special circumstances. In NPPF terms this would mean that the proposal succeeds under paragraph 12 rather than paragraph 11(c).

Conclusion

6.55 For the reasons set out above the Council respectfully submits that the application should be approved and planning permission granted.

7. The Case for Tritax Symmetry

Overview

- 7.1 At the heart of this application is the need to establish very special circumstances in order to obtain planning permission in the Green Belt. There is a significant number of planning benefits which, taken together, demonstrate very special circumstances. The first and most pressing is the ability to help address a compelling regional and sub-regional need for logistics floorspace in the M6 corridor whilst, at the same time, helping Wigan to address its own acute need for employment generating development.
- 7.2 As articulated through NPPF Paragraph 80, significant weight should be placed on the need to support economic growth and productivity and the specific locational needs of different sectors of the economy should be addressed along with local area weaknesses. The need to meet the needs of storage and distribution operations in suitably accessible locations is specifically noted in NPPF paragraph 82. Never has the national policy objective of supporting economic growth been more pertinent, with the country facing an economic emergency and with unemployment set to rise significantly, as a result of the current pandemic.
- 7.3 Some 30% of all Grade A⁶⁵ Transactions in the North West over the last ten years have been concentrated in the M6 corridor between J20 and J26. That inevitably puts pressure on the Green Belt, as in the case of Florida Farm and Penny Lane. There are three administrative areas within that corridor: Wigan, St Helens and Warrington. Wigan has been the poor relation in terms of achieving inward investment by way of logistics and advanced manufacturing development⁶⁶. That pressure for development will continue to grow due to the relentless rise of e-commerce.
- 7.4 Take-up in the corridor has averaged 690,000ft² per annum over the last decade. That can be expected to increase with the continued rise of e-commerce. Wigan Council's evidence is that it has experienced high levels of enquiries for logistics space. The evidence is that there is potential demand for space in the corridor in the region of 8 million – 8.5 million ft². By simply extrapolating forward the past take-up rate of 690,000ft² per annum the requirement is 160ha net⁶⁷. The volume of enquiries received by the letting agents for this scheme is a clear reflection of high levels of demand. The number of call-ins in respect of the corridor is itself potent evidence of a commercial recognition of that demand. In this case, as in all the others, that demand translates into a planning need. It is a need because those requirements for space have to be met if the economy is to thrive. Logistics is

⁶⁵ Grade A refers to units greater than 9,292m², minimum 10m eaves height and less than 20 years old

⁶⁶ Aherne PoE, paragraphs 43-47

⁶⁷ Aherne PoE paragraphs 77-79

a vital link in the e-commerce chain and brings a wide range of well-paid jobs. That is to be welcomed in Wigan, which is not without its own socio-economic problems. It is the Applicant's case that economic needs are overriding factors in the planning balance.

Call-in Matters

7.5 The SoS wishes to be informed with respect to:

(a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land (NPPF Chapter 13);

(b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy (NPPF Chapter 6);

(c) The extent to which the proposed development is consistent with the development plan for the area; and

(d) Any other matters the Inspector considers relevant.

7.6 In this case, matters (a) and (b) are two sides of the same coin. The very special circumstances case relies heavily on the Government's objective of building a strong competitive economy and addressing weaknesses. In terms of issue (c), CS Policy CP8 (Green Belt) defers to national policy. The Council see conflict with CS Policy SP1 insofar as it pledges to retain the full extent of the Green Belt in Wigan and CP8 insofar as it sets its face against change to the Green Belt boundary. Three points can readily be made:

- If very special circumstances are established then Policy SP1 insofar as it pledges to maintain the full extent of the Green Belt falls away. SP1 cannot trump very special circumstances;
- Policy SP1 was adopted in 2013 and could not - and did not - contemplate the collapse of Wigan's employment land supply, and
- Allowing this application will not result in changes to the Green Belt boundary - it will remain as it is.

Call-in Matter (a) Green Belt

7.7 The proposed development is inappropriate development and therefore as a matter of national policy definitional harm is engaged and must be given significant weight in decision-making. Other additional harm is, however, limited in this case.

7.8 There is a self-evident impact upon openness. In purely spatial terms the impact speaks for itself, although if that were the end of the matter there would be no logistics parks in the Green Belt. Openness is an "open textured" concept and the question of the visual perception of a loss of openness in this case cannot be ignored. The site is well contained by the M6 and the J25 slip road. Much of the site's boundary is marked by tree belts/groups and much of that will be retained and enhanced by a considerable amount of structural planting. The result of this is that the development, and therefore the loss of openness, will only be perceived in relatively close proximity to the site. The vast majority of people within the LVIA Study Area (which was based on a worse case Zone of

Theoretical Visibility (ZTV)) will experience no change in their views post-development. There is therefore a clear loss of openness, but it will not be widely perceived.

7.9 In terms of the impacts on Green Belt purposes, they are limited and agreed with the Council subject to a slight shade of difference in respect of the impact upon the countryside:

- Purpose 1: to check the unrestricted sprawl of large built-up areas. The strong boundary to the site provided by the M6 and its slip road prevents unrestricted sprawl. The site is very well contained.
- Purpose 2: to prevent neighbouring towns merging into one another. The site lies between Wigan and Ashton-in-Makerfield. That gap will clearly be reduced by the proposal but merging will not occur and therefore the purpose is not offended. As noted, the M6 and its slip road are visually dominant and strong boundaries. The result of this intervention is that Ashton, south of the M6 and set behind open intervening land, will continue to be perceived as a free-standing separate settlement.
- Purpose 3: to assist in safeguarding the countryside from encroachment. Clearly there will be a loss of countryside, but the character of the site is read in the context of heavily urbanising influences. The Council concludes that there would be less than moderate harm. The Applicant suggests it is less than significant.
- Purpose 4: to preserve the setting and special character of historic towns. Both parties agree that this purpose is not engaged.
- Purpose 5: to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Again, both parties are in agreement that this purpose is not offended by the proposal for the simple reason that the proposal could not be accommodated on any alternative site that could better assist in urban regeneration.

7.10 Other harms are limited to:

- Landscape: The parties are in agreement that the harm will be moderate adverse in Year 1 in winter (worse case) and moderate to minor in Year 15. At the heart of this conclusion is the fact that not only is this an undesignated landscape which was historically the subject of open-cast mining, but its context is so urbanised that the site has a low sensitivity to change. The landscape harm is therefore considered to be limited.
- Visual Impacts: In Year 1 impacts for all the agreed viewpoints range between moderate adverse and minor adverse. That does not materially change over time. The reason for that is, as noted earlier, that the site is visually well contained so that most views are from reasonably close proximity to the site. Moreover, the views are often experienced in the context of the M6 which is readily seen and/or heard. This in turn has a bearing upon the quality of visual perception.
- Ecology: There are significant long-term residual effects on farmland birds as a result of the development. That is the only long term adverse ecological effect. However, a BNG assessment was carried out for the ES.

While the on-site landscaping scheme will itself offer high ecological value, a net deficit still arises which is to be mitigated by enhancement to the Wigan Wetlands. The habitats to be created and/or enhanced are of significantly greater nature conservation value than the habitats to be lost and these enhancements will provide some mitigation for the impact on farmland birds⁶⁸. There is therefore some ecological harm but it is substantially mitigated by a significant overall BNG.

- Trees: Within the full application area two individual trees, approximately 2,300m² of tree groups and 200 linear metres of hedgerow would be removed. Within the outline area, the comparable figures are 20 individual trees, approximately 5ha of tree groups and circa 1,400 linear metres of hedgerow. However, 60% of the trees to be lost are of poor quality and the rest are of moderate quality, save the loss of a single high-quality tree. The Arboricultural Impact Assessment⁶⁹ proposes a mitigation scheme of replacement (4:1 for the single high-quality tree; 2:1 for the moderate quality trees; and 1:1 for the low-quality trees). Based on the Landscape Masterplan, it is envisaged that the result would be a net gain in long term tree cover and quality at 40 years post-construction.
- There is a 20% loss of Grade 3(a) agricultural land.

7.11 Otherwise, impacts upon considerations of acknowledged interest are either negligible, neutral or beneficial. As a matter of record, no statutory consultees objected to the proposal. There are third party concerns relating to congestion on the A49 but the proposal is unlikely to add to that, due to a likely 6am-2pm-10pm shift change pattern. The Applicant's highway case is as set in the TAs⁷⁰ and Highways SOCG⁷¹ and the Highways PoE⁷² and is accepted by the Council.

Need

7.12 The matter of need has a local as well as sub-regional and regional dimension: The CS through CP5, aspired to the provision of 200ha of employment land between 2011 and 2026. By 2021 the Monitoring Chapter expected take-up of circa 125ha. Logistics was one of the sectors to be expressly catered for. The policy was heavily reliant on existing employment sites, including UDP allocations, from 2006. Wigan Council had looked to bring forward an employment allocations plan for adoption in 2016 but along with other Greater Manchester authorities, it was caught out by the GMSF which was initially published for consultation in 2016 with an ambition of adoption in 2018. Wigan Council decided to await the adoption of the GMSF and is still waiting. The October 2020 iteration of the GMSF is currently undergoing consultation ahead of submission in 2021. As a result of all of this, Wigan Council has had something of a policy vacuum in respect of employment land for some years.

⁶⁸ Hesketh PoE paragraphs 3.36-3.46

⁶⁹ CD: SWi_Ei_51

⁷⁰ CDs: SWi_Ei_40, SWi_Ei_60-68 & SWi_Ei_71-72

⁷¹ CD: SWi_In_2

⁷² Russell PoE

7.13 The current situation is summarised in the Council's October 2020 Wigan Employment Land Position Statement (ELPS) update⁷³:

"Wigan Borough has 131.44 hectares of available employment land at October 2020. However, there is currently considerable uncertainty about the deliverability of around half (52%) of this supply due to factors including the need for significant transport infrastructure improvements and ground remediation, which could take many years. As set out in Section 7, around two-fifths of the employment land supply consists of small vacant plots below 5 hectares within designated employment areas, with one third on very small sites of less than one hectare. These small sites are suitable for small, locally based and low cost or low amenity businesses, and are therefore unattractive to, and unsuitable for, larger Class B2 and B8 uses due to their size, access and location. Many of these small sites have been left vacant or have been lost to housing or other uses.

The highest quality site within the borough's employment land supply that is not overly constrained by housing or reliant on significant transport infrastructure or ground remediation is South Lancashire Industrial Estate Extension in Ashton. However, this does not have the attributes necessary to compete with the top tier employment sites elsewhere in the region and only accounts for around one-quarter of the overall available supply. The site is also not immediately available with land ownership and site access constraints needed to be resolved before its comprehensive development."

7.14 The net outcome is that take-up has been well below the ambitions of the CS with only 20.15ha taken up since April 2011. Even that figure was skewed by the high levels of take-up in 2016/17 of three plots at the South Lancashire Industrial Estate, which was redeveloped following a fire in 2011. If this were removed, the take-up otherwise has equated to 0.68ha per annum. This is a timely reminder that, if Wigan wants to attract inward investment, it has to have quality sites to meet market requirements.

7.15 As noted earlier, Wigan's performance both in take-up rates and vacancy rates relative to Warrington and St Helens is extremely poor⁷⁴. The reality is quite stark. If Wigan is to be able to compete for large logistics inward investment and reap the rewards that come from it, then it has to have a suitably located B8 site. Such a site has to be in the M6 corridor "sweet-spot" (J20 – 26). From Wigan's point of view, there are no alternative suitable and/or deliverable sites. Meeting the need outside the Borough will do nothing to help Wigan address the weaknesses with its employment land supply and consequent lack of competitiveness.

Commercial Factors

7.16 The rise of e-commerce has been relentless and that in turn has led to a rapid and sustained demand for sites capable of meeting logistics needs. Such sites need to be accessible to a workforce, connected to multi-modal supply chains and markets. This site has all of these attributes.

⁷³ CD: Wi_Ot_14, paragraphs 11.1-11.2

⁷⁴ Aherne PoE, paragraphs 42-47

- 7.17 The M6 corridor is centrally located to supply chains and markets and as a result has been the subject of massive inward investment over the last decade. The application site, as noted, boasts all of the attributes that make the corridor critically important to the success of the growth of the e-commerce economy in the North West. Land supply within the corridor is, however, critically low with only two smaller sites being available. Whilst these will make a welcome contribution to meeting needs, they account for about six months of supply at best based on annual average take up.
- 7.18 The application site is available now to meet this clear shortfall and Phase 1 can be brought to the market relatively quickly. Tritax Symmetry have an impressive portfolio and understanding of the market in logistics. They have invested considerable time and money in seeking to bring this site to the market for one simple reason: it addresses known market needs. It is, no doubt, for that reason that the GMSF has consistently allocated the site for logistics-led development.
- 7.19 The meeting of pressing commercial and Wigan-centric needs are powerful very special circumstances. The granting of consent would raise the profile of Wigan as a place to invest. Meeting those needs translates into a series of other powerful planning benefits:
- The creation of 1,200-1,410 net additional jobs covering a range of skill sets and relatively well paid. Every effort would be made by way of planning conditions to optimise the provision of local job opportunities. This is important as the GMSF (2.6) forecasts a small fall in employment in 2020 – 2037;
 - Business rates of circa £3m per annum;
 - £50m-£60m GVA;
 - The provision of jobs on a site that is genuinely accessible by a good range of travel options;
 - The provision of mitigation works to the A49 Wigan Road/M6 link which result in substantial betterment compared to the without-improvement base flows, resulting in reductions in queuing and delay, and
 - Biodiversity net gain.

Call in Matter (b) Economy

- 7.20 This issue aligns very much with the very special circumstances case. The GMLIS⁷⁵ is a document signed off by many including the Government, the LEP and the Mayor. It identifies a Wigan-Bolton Growth corridor to facilitate investment into the northern parts of Greater Manchester. That is reflected in the GMSF which allocates the site for employment noting that the M6 is a major business asset and that Wigan is the only District in Greater Manchester with direct access to it.
- 7.21 The demand for large-scale logistics development is expressly recognised, as is the anomaly of Wigan failing to play a significant role in meeting that demand.

⁷⁵ CD: GM_Ot_7_GM LIS

The allocation seeks to remedy that anomaly and it is important to note that, while the October 2020 GMSF has radically scaled back Green Belt release from the 2016 and 2019 editions, it nonetheless sees meeting needs at the application site as demonstrating exceptional circumstances. However, the needs arise now and it would be wholly unacceptable to require that this site should await the outcome of the GMSF's statutory procedures particularly in light of current uncertainties. Wigan's employment land position is dire and its need for inward investment to raise its profile is plain to see. The approval of this proposal would confer considerable benefits on Wigan and make a significant contribution to meeting regional/sub-regional needs.

Call in Matter (c) – Development Plan

- 7.22 CS Policy CP8 defers to national policy on Green Belt issues. Therefore, if very special circumstances are found to exist, there is no conflict with CP8 in allowing the proposal. The proposal is therefore compliant with the development plan. Allowing the application would make a significant contribution to meeting the ambitions of Policy CP5, to boost economic performance, provide opportunities for logistics development and provide up to 200ha of employment land. The proposal is otherwise compliant with the CS in respect of air quality, noise, layout and design, amenity, landscape, ecology and flood risk.
- 7.23 The Applicant recommends that the application be approved and further that the grant of permission need not await the outcome of the other called-in applications. This is for two very simple and clear reasons:
- Whatever happens on the other call-in sites will do nothing to meet Wigan's own needs and those needs must be positively addressed;
 - There are no "cross-boundary" issues. This is not a case of applications competing to meet a limited/finite known demand. The need for additional space in the M6 corridor is substantial. This site can play an important role in addressing those needs but it will not, in itself, satisfy them.

Very Special Circumstances

- 7.24 Overall, the package of benefits is compelling and clearly outweighs the harms identified. The applicant therefore submits that very special circumstances have been demonstrated.

8. The Case for Interested Persons

- 8.1 The following paragraphs summarise the statements made and answers to questions by interested parties at the Inquiry. Points already covered by one interested party are not repeated subsequently.

Yvonne Fovargue MP

- 8.2 Ms Fovargue is the Member of Parliament for Makerfield and the application site is within her constituency⁷⁶.
- 8.3 Ms Fovargue pointed out that the removal of the site from the Green Belt was rejected by the local plan Inspector in 2013 who found:

⁷⁶ CD: Hearing_Doc_33

“Taking all factors into account, the benefits of the proposed broad location in terms of potential investment and job creation are not sufficient to outweigh the adverse effects in relation to the Green Belt and other matters. Exceptional circumstances to justify removal of the land in question from the Green Belt do not exist. The proposed broad location at Junction 25 of the M6 is neither justified nor consistent with national policy.”

- 8.4 Ms Fovargue said it was difficult for the local community to understand how the SoS found it necessary to protect this site in 2013, only for a planning application for employment to be approved just seven years later. The Development Plan is still very much in date and approval of this development would bring into question the value of local plans. It is disappointing that, having gone through the CS process, local residents are again having to object to the development of the site, despite there being six years of the CS left to run.
- 8.5 Planning applications should be determined in line with the relevant local plan and the proposed development would be contrary to the development plan. Moreover, the NPPF states that Councils have a responsibility for safeguarding and improving the environment. Ms Fovargue argued that to remove Green Belt status and replace it with a large employment site would not contribute to the healthy living conditions of residents, no matter what mitigating measures are put in place.
- 8.6 Ms Fovargue pointed out that the GMSF is still a draft document going through a further consultation and will not be finalised until at least 2022. Even if it is eventually approved, the recommendation for this site for employment purposes is conditional and relevant policy requires *“good quality road access from the M6 motorway and A49, whilst making sure that it has no significantly adverse effect on the motorway and other surrounding roads”*.
- 8.7 The application should be refused because of its impact on openness which includes merging the areas of Ashton and Wigan. The application site makes a positive contribution to the character and appearance of the area and given the existence of several public footpaths it is also an important recreational resource. The value of any maintained or rerouted rights of way, which would then no longer be in an open land situation, would be diminished.
- 8.8 It is further argued that the development of the application site would have the potential to undermine efforts to promote regeneration on brownfield sites elsewhere in the Borough. Instead these sites have been rejected in favour of this more desirable and potentially profitable greenfield site. There is no doubt that this development would be inappropriate, compromise the openness of the site and the purposes for which Green Belt status was introduced.
- 8.9 On employment need and supply, Ms Fovargue argued that the 2019 and 2020 ELPSs, which propose the removal of the site from the Green Belt, have not been formally approved by the Council. As such, they are not policy documents, and are at considerable variance with the current CS. The need for Wigan to have a strong competitive economy and to provide jobs is understood and the difficulty in identifying suitable employment land is accepted but it is felt that the economic benefits have to be balanced against other objectives.

- 8.10 On highways, Ms Fovargue referred to the local plan Inspector's 2013 report in which he expressed concerns about the limitations of J25. On that basis, it was argued that M6 northbound vehicles from the site would find a route through already congested local areas to reach M6 J26 or travel south on the motorway to J24 and turn around. It would not be possible to impose a condition to prevent development traffic from using local roads. The already congested community road network would suffer from the considerable increase in the volume of HGVs and other traffic and create a situation where the development would conflict with one of the policy requirements of the proposed GMSF allocation. Ms Fovargue expressed reservations regarding the efficacy of the proposed off-site highway works at J45 and J25, pointing out that the area of the A49 already has standing traffic and asserting that the development would only make the situation worse.
- 8.11 On environmental issues, Ms Fovargue raised concerns regarding additional air pollution, pointing out that the Government has imposed legal responsibilities for complying with air pollution limits on local authorities. It is predicted that the A49 will exceed legal limits of nitrogen dioxide beyond 2020 if no action is taken. It was also argued that there will be significant noise and disturbance to local residents as a result of the scheme.
- 8.12 In respect of very special circumstances, Ms Fovargue points to the Council's ELPS which refers to other similar developments in nearby towns. As a result, the proposed development is not at all special. This is supported by the local plan Inspector who found that the type of employment uses envisaged are typical of those found on employment sites within the Borough and elsewhere and were not so exceptional as to warrant removal of Green Belt status from this site.

Angela Lashley

- 8.13 Ms Lashley⁷⁷ raised issues including the lack of technology to support electric HGV's, the potential for the development to negatively affect local air quality and the potential for littering along the improved pedestrian link to the Winstanley estate.

Cllr Clive Morgan

- 8.14 Cllr Morgan, who represents the Winstanley Ward, spoke briefly in relation to highway issues⁷⁸. He highlighted existing problems on the A49 and was particularly concerned that the development would prejudice the future delivery of an all-ways junction at J25.

Cllr Steven Kenny

- 8.15 Cllr Kenny⁷⁹ represents the Winstanley Ward and also highlighted the 2013 local plan Inspector's report. It was argued that the development would similarly impact on the purposes of the Green Belt and would involve the sprawl of the built-up area and reduce the 'gap' between the areas of Ashton and Wigan, thus significantly reducing the openness of the Green Belt.

⁷⁷ CD: SWi_CR_Lashley

⁷⁸ CD: SWi_CR_Cllr_Morgan

⁷⁹ CD: Hearing_Doc_32

- 8.16 The application site is an important recreational resource for local people, being crossed by various rights of way. Whatever mitigation measures are taken, the open setting of the footpaths would be significantly diminished.
- 8.17 The development of the site would frustrate efforts to promote regeneration elsewhere in the Borough and sub-region and act as a disincentive to developers to assist in regeneration aspirations.
- 8.18 Cllr Kenny also questioned the very special circumstances case on the basis that there are a number of similar developments in the Borough, at the South Lancashire and Landgate Industrial Estates and in the adjoining areas of Leyland, St. Helens and Warrington, the developments of Florida Farm and Penny Lane being within close proximity.
- 8.19 The economic benefits proffered by the Applicant are also questioned with reference to media reports suggesting that the number of jobs proposed at the time of the application at Florida Farm have not materialised.
- 8.20 On highways, the lack of an all-ways junction at J25 is a major constraint, as this is a typical requirement within the logistics and distribution sector. Concerns were also raised with the operation of J24 at Ashton, in particular the need for HGVs to turn right and thereby cause additional congestion in and around the junction. Cllr Kenny also referred to existing congestion along the A49.
- 8.21 Finally, on air quality, Cllr Kenny pointed out that the area already suffers from high levels of NO₂ which is hazardous to children walking and cycling to school. The development would create more localised pollution.

Steven Rennie

- 8.22 Mr Rennie's property is located on the southern edge of the Winstanley estate. He spoke briefly at the Inquiry in relation to highway issues and to express concerns about the visual impact of the development particularly from upper floor rear windows of his property.

9. Witten Representations

- 9.1 As set out in the Council's Officer Report⁸⁰, 347 letters of objection were received and 56 letters of support. The majority of these relate to the impact on the highway network, air quality, the loss of Green Belt land and question the need for more employment land. Other concerns include:
- Employment benefits overstated;
 - Lack of information accompanying the application;
 - Poor level of publicity for the application;
 - Contrary to the Localism Act and Wigan Council's 'Deal for the Future' initiative, with public opinion against the development;
 - There is a sufficient supply of warehousing and vacant employment units in the local area without the need for Green Belt development;

⁸⁰ CD: SWi_Or_1 Officer Report

- The cumulative impacts of similar logistic developments in neighbouring local authorities, with the need for this type of development being addressed by such schemes that have already gained planning permission;
- Better alternative site at J26 of the M6 motorway;
- The Planning Inspector's decision in 2013 regarding the removal of the site from the Wigan Core Strategy Local Plan should still stand as circumstances have not changed;
- The job creation from the development is being over-stated, the jobs being created are low skilled and not the kinds of jobs and skilled businesses that Wigan need and many of the jobs that are provided will become automated;
- Ill-conceived highway design and layout and concern that J25 of the M6 motorway only provides southbound access and the development does not provide an 'all-ways' junction';
- Poor accessibility to the site by public transport, cycling and on foot;
- Detrimental impacts on residential amenity both during construction and operation;
- Damage to the surrounding environment by way of increased vibration, noise, light and air pollution and the consequent impacts on health, including strain on public services;
- Impacts on PROWs and their users, including detrimental impact on the recreational use/benefits due to the loss of the surrounding open, green space;
- Increase in pedestrian movements through the residential area to the north to the detriment of the amenity of existing residents, including employees of the development parking in these areas;
- Increased noise and disturbance to local residents and businesses;
- Overbearing and imposing nature given proximity to neighbouring properties, including overlooking and loss of privacy;
- Hazardous chemicals and smells from the site;
- Poorer quality of life and living conditions for local residents;
- Impacts on local ecology, landscape, arboriculture and the character of the local area;
- Loss of a green, open site that is the gateway to Wigan off the M6;
- Loss of a recreational area;
- Flooding and flood risk;
- Land subject to contamination;
- Mineral safeguarding;
- Disruption for emergency services and to local infrastructure;

- Increase in crime levels and anti-social behaviour, and
- Loss of property values with no compensation and less desirable area for people looking to relocate.

In support

- Significant economic benefits for Wigan;
- The ability to attract large national companies and 'blue chip' employers to Wigan;
- Wigan is falling behind neighbouring towns who are providing more employment opportunities along the M6 Corridor;
- Fewer people having to commute out of Wigan to work, with people currently leaving Wigan to find work elsewhere;
- Boost for local businesses from increased trade;
- Creation of jobs, apprenticeships and training opportunities both during construction and operation phases, which provide an opportunity to improve high levels of unemployment and deprivation in Wigan;
- Supply chain opportunities for local businesses;
- Investment in the local area;
- Good utilisation of the site's location in terms of the motorway network and the highway amendments appear sensible to enhance the gyratory roundabout;
- Optimising the use of the land;
- Regeneration of a former opencast mining site; and
- Income from business rates and the subsequent benefits for the people of Wigan.

10. Inspectors' Conclusions

10.1 On the evidence before the Inquiry, the written representations, and the site visit, the Panel has reached the following conclusions. References in square brackets [] are to earlier paragraphs in this report.

Planning Considerations

10.2 Based upon the matters raised by the SoS in calling in the application, the written and oral evidence of the Applicant, the Council and interested persons, the main considerations in this case are summarised as follows:

- i. the acceptability of the proposed Symmetry Park employment development, having regard to national and local policies governing development in the Green Belt;
- ii. the current level of need for and available supply of employment land within the Borough and the wider area and whether the proposed development would contribute to meeting that need and the extent to which the proposed development is consistent with Government policies for building a strong, competitive economy;
- iii. the impact of the development on the highways network;
- iv. the environmental effects of the proposed development and their mitigation with respect to: visual/landscape impact, ecology and air quality, public rights of way, and
- v. if the development is inappropriate, whether any factors in favour of the development amount to the requisite very special circumstances to outweigh policy harm and any other harm to justify allowing the development in the Green Belt.

Inappropriate development in the Green Belt

10.3 In terms of the development plan, CS Policy CP8 states there will be no alteration to the Green Belt boundary and that development within the Green Belt will only be allowed in accordance with national policy. CS Policy SP1 also seeks to ensure that the full extent of the Green Belt is maintained. Given the deferment to national policy in Policy CP8, the Green Belt analysis should be carried out by applying the principles set out in the NPPF. [6.50, 6.53, 7.23]

10.4 Although the site is allocated for a Class B8 logistics use in the emerging GMSF, under current development plan policy the site remains in the Green Belt. There is no dispute that the proposal constitutes inappropriate development in the Green Belt. [4.21, 5.3, 6.3, 6.37, 7.21, 7.7]

10.5 Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. That balancing exercise is undertaken later in this Report. [4.4-4.5]

Openness of the Green Belt

- 10.6 The PPG⁸¹ outlines a number of factors which might be relevant when considering the potential impact of development on the openness of the Green Belt. These include spatial and visual aspects, the duration of the development and its remediability and the degree of activity likely to be generated.
- 10.7 In spatial terms, the application site is predominantly open at present, despite the buildings dispersed across the site. The scheme would introduce up to 133,966m² of B8 floorspace through a series of large warehouse units, up to 23m in height, and associated infrastructure. On any level, that scale of development would substantially erode the spatial openness of the Green Belt in this location. [2.1, 2.5, 3.2, 5.4, 6.4, 7.8]
- 10.8 In terms of the visual aspect of openness, the Panel concurs with the Applicant's Green Belt assessment⁸². This concludes that the extent of harm to openness would be limited by a combination of site-specific circumstances. First, as demonstrated by the Zone of Theoretical Visibility (ZTV), the site is visually contained behind mature landscaping along most of its boundaries. This would be retained and strengthened by new planting which would form part of the landscape mitigation works. Second, the site is located very close to the southern urban fringe of Wigan and is therefore already seen in an urban context. Third, the site is subject to a number of urbanising influences, such as the M6 slip road and M6 carriageway, along the southern and south-western site boundaries respectively, as well as prominent overhead electricity cables and lattice steel pylons. [2.1, 3.9-3.13, 6.5, 6.10, 6.11, 7.8, 7.9]
- 10.9 In light of the above, the loss of openness would not be experienced over a wide area but rather would be limited to localised public viewpoints immediately around the site. [6.11, 7.8, 7.10]
- 10.10 In coming to that view, the Panel accept that its findings contrast with those of the LUC Green Belt study, which forms part of the evidence base for the emerging GMSF⁸³. This found that the release of Allocation GM48 from the Green Belt would "*constitute significant sprawl and encroachment on the countryside, and a significant impact on preventing the merger of towns. It would constitute a moderate weakening of retained Green Belt land. Harm from the release of the Allocation is therefore assessed as very high*".
- 10.11 However, this LUC document is not a detailed landscape study but a broad assessment. It was not intended to be treated as a determining factor in development management decisions without a further, detailed landscape assessment, which the Applicant has undertaken in this instance. The high-level nature of the LUC study is demonstrated by its strictly inaccurate assertions that the site has no "*urbanising development to diminish openness*" and is not "*significantly contained*". Despite these apparent shortcomings, it also has to be recognised that the authors of the LUC study were concerned with a larger allocation that included areas of land additional to the present

⁸¹ Paragraph: 001 Reference ID: 64-001- 20190722

⁸² TEP Green Belt Assessment, Appendix 3 to the Planning Statement CD: SWi_Ei
_Planning Statement

⁸³ CD: GM_Ot_17 pages B-316-317

application site and were not able to take account of a specific scheme which included landscape mitigation. [3.10-3.11, 6.5, 6.10, 7.9]

10.12 Overall, the harm to openness would be localised and moderate upon completion. Moreover, the structural landscaping would mitigate the impact on openness in the medium-long-term.

Green Belt Purposes

10.13 The NPPF sets out five purposes served by the designation of Green Belt land:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

10.14 Regarding Green Belt purpose a) the site has clearly delineated boundaries, being enclosed by substantial belts of landscaping, which separate the site from the A49, M6 slip road, Drummer's Lane and the M6 carriageway to the east, south and west respectively. The northern application site boundary largely follows the alignment of a double hedgerow, which abuts a farm access track to Cranberry Lea Farm. These existing boundary features would be buttressed by elements of the proposed landscaping scheme, including planted earth bunding up to 3m in height, at-grade woodland planting, individual and group tree planting and hedgerow planting. The new landscaping would comprise both native and evergreen species. [3.10, 3.11, 6.4, 6.11, 7.11]

10.15 The combination of the existing and proposed features would provide the Green Belt with coherent and defensible boundaries which would be sufficient to prevent the unrestricted sprawling of Wigan.

10.16 Turning to Green Belt purpose b), the opinions of local residents that the cumulative erosion of the Green Belt in this location could eventually result in the merging of Wigan and Aston are recognised. [8.7, 8.15, 9.1]

10.17 The proposed development would undeniably erode elements of the open space between the two settlements. However, the application site does not itself adjoin the settlement boundary of Ashton, which is located to the south, beyond the M6 slip road. Thus, the development would not physically unify the two settlements and there would still be open land to the north of the application site, to the south side of the M6 slip road and east of the A49. As a consequence, the separate identities of the two settlements would be safeguarded and they would remain distinguishable from one another. [6.7, 7.9]

10.18 In terms of Green Belt purpose c), the scheme would undeniably encroach into the countryside. The level of harm is however disputed with the Council putting it as 'moderate' and the Applicant 'limited'. Whilst the site is subject to urbanising influences, it nonetheless contributes to an open, semi-rural setting to the south of Wigan albeit it is not visible over a wide area. Therefore, the Council's assessment of harm is to be preferred. [5.5, 6.5, 7.9, 8.7]

- 10.19 It has not been suggested that the proposal would affect the setting and special character of historic towns. Accordingly, there would be no conflict with Green Belt purpose d). [6.8, 7.9]
- 10.20 In terms of Green Belt purpose e), the Council's evidence is unchallenged that there are no alternative sites in the Borough that could accommodate the proposed development. None of those opposing the development were able to point to any derelict or urban sites whose regeneration would be frustrated by the proposed development. On that basis, there would be no harm caused to this purpose. [6.28, 6.31, 6.42, 7.16]

Overall Impact on the Green Belt

- 10.21 There would be definitional harm to the Green Belt by virtue of the development being inappropriate. Added to that, there would be limited and localised harm to openness and moderate harm to the Green Belt purpose (c). Collectively, these harms must carry substantial weight in the overall Green Belt balance in accordance with NPPF paragraph 144.
- 10.22 However, it is not disputed that the proposed could not be accommodated on a preferable site in Wigan either within or outside the Green Belt. It is therefore material that a loss of spatial and visual openness and associated landscape harm would result in Green Belt and other harm as consequence of any large B8/warehouse development in the Borough.

Need and Economic Considerations

Need for Employment Land

- 10.23 A key objective of the NPPF is to build a strong and competitive economy. Part of that objective involves delivering logistic developments in the right locations. [1.4, 4.6, 4.7, 7.5]
- 10.24 Although the policies in the GMSF carry limited weight at this time, significant weight is to be given to its up-to-date evidence base, particularly the Employment Topic Paper⁸⁴. [4.22, 6.38-6.40, 7.13, 7.19]
- 10.25 The GMLIS⁸⁵ identifies the Wigan-Bolton Growth Corridor as important in supporting long-term economic prosperity, and as an important cluster location for the logistics and manufacturing sectors. It states that the M6 logistics hub in Wigan (extending into Warrington, St Helens and West Lancashire) provides a major cluster of warehousing and distribution activity with good accessibility to the motorway network.
- 10.26 Based on the foregoing, there is an evident and compelling planning policy imperative for high-quality logistics floorspace regionally, sub-regionally⁸⁶ and locally.

⁸⁴ CD: GM_Ot_6_GMSF Topic Paper

⁸⁵ CD: GM_Ot_7_GMLIS

⁸⁶ The M6 sub-market area is defined as the area between Junctions 20 and 26 and includes the local authority areas of Wigan, St Helens and Warrington

- 10.27 This need is a result of a highly active logistics sector, fuelled primarily⁸⁷ by the rise of e-commerce, which has expanded substantially in recent years and is likely to account for over 35% of the market by the end of 2020. [4.20, 4.22, 5.3, 6.19-6.23, 6.35-6.43, 7.4, 7.13-7.22]
- 10.28 The demand for logistics floorspace is focused on the motorway corridors, as operators demand better access to their markets for 'just-in-time' delivery. Moreover, operators require good access to multi-modal supply chain facilities, such as depots, ports and airports. The M6 corridor is centrally located to supply chains and markets and has seen unprecedented levels of inward investment in the logistics sector over the last decade. [7.3]
- 10.29 With respect to the impact which Brexit might have on the need for logistics floorspace, the evidence before the Inquiry suggest a potential uplift in demand, given the severance of warehousing and distribution facilities, which previously served all of Europe⁸⁸.
- 10.30 At the local level, evidence⁸⁹ shows that the Council is receiving a significant number of investment enquiries for large Class B8 units of 40,000 to above 100,000ft².

Employment Land Supply

- 10.31 Due to the attraction of the M6 corridor for logistics operators, employment land supply has been unable to keep pace with demand and is now critically low, amounting to only around six months of supply based on annual average take-up rates⁹⁰. There is a similar situation within the wider North West region, with approximately nine months of supply. [6.36, 6.39, 7.3, 7.16, 7.18, 7.24]
- 10.32 The supply rate of employment land within Wigan Borough itself since 2011 is even lower. CS Policy CP5 sought to provide 200ha of employment land in Wigan between 2011 and 2026 (approximately 13.3ha per annum). However, as set out in the latest ELPS⁹¹, the Borough only has 131.44ha of available employment land at October 2020. The Council's supply has been considerably weakened by a significant loss of employment land to other uses, predominantly residential⁹².
- 10.33 These figures mask the full reality of the situation as there is considerable uncertainty about the deliverability of around half of the supply due to factors including the need for significant transport infrastructure improvements and ground remediation. Of those sites that are earmarked as 'available', a significant proportion are small plots (under 5ha) and unattractive to the market for a variety of reasons including size, location, poor access to the motorway network and the existence of constraints such as nearby housing⁹³. These constraints are reflective of Wigan's industrial legacy and its failure to allocate any new sites since the UDP was adopted. [6.31, 7.14]

⁸⁷ Aherne PoE paragraph 12

⁸⁸ Aherne PoE, paragraphs 10, 12, 14 and 74

⁸⁹ Mulligan PoE, Section 5

⁹⁰ Aherne PoE, paragraphs 59-63

⁹¹ CD: Wi_Ot_14

⁹² See Kearsley PoE paragraph 3.8

⁹³ See Kearsley PoE Table 5

- 10.34 Take-up rates within Wigan since 2011 have been similarly poor, with only 20.15ha taken up, 13.35 ha of which was accounted for by redevelopment at the South Lancashire Industrial Estate in 2016-17. [4.16, 6.26-6.30, 6.37, 7.13-7.15]
- 10.35 However, the evidence suggests that the low take-up levels in Wigan are not symptomatic of an absence of demand. On the contrary, on those rare occasions when good quality sites have come forward, such as the South Lancashire Industrial Estate, they have been taken up quickly. [6.9, 6.14, 6.29, 6.45, 7.15]
- 10.36 There is a broad consensus that there are no suitable alternative sites in the Borough that could accommodate the proposed development. Some written representations have suggested that the development could be accommodated on the South Lancashire Industrial Estate Extension. However, for the reasons set out in the ELPS including land ownership and site access constraints, there are clearly significant impediments to the delivery of that site. Some objectors have also pointed to the other sites under consideration by the Panel. However, these sites would not address the shortage of employment land that exists in Wigan. [6.9, 6.42, 6.43, 7.9, 7.14, 7.16, 12.20]
- 10.37 Despite the fact that the Council is failing to provide the levels of employment land stipulated in Policy CP5, the CS monitoring mechanism provides no means of addressing the shortfall. The CS including Policy CP5 was predicated on the Council bringing forward an allocations document by 2016. This would have potentially remedied the shortfall by allocating new sites. However, that document was abandoned or paused by the Council in 2016, in favour of the GMSF. [4.19-4.24, 6.27, 7.13]
- 10.38 Given the significant uncertainty which now surrounds the GMSF, there is no imminent prospect of its adoption. Even if the GMSF is taken forward in amended form, its adoption is still some way into the future, resulting in a prolonged period since the Council last allocated any employment sites. The existing policy vacuum clearly runs counter to the approach advocated in NPPF paragraphs 33, 81 and 120 and is likely to result in valuable investment flowing into the adjacent authorities of Bolton, Warrington and St Helens, to the detriment of Wigan's residents. Another potential consequence is that existing businesses in the Borough who wish to expand will continue to leave, in order to find more suitable premises in neighbouring authority areas⁹⁴. [4.19-4.24, 6.22, 6.28, 6.32, 6.39, 7.3, 7.16, 6.28]
- 10.39 It is common ground between the Applicant and Council that the current situation cannot be allowed to continue, and the lack of supply must be addressed now if Wigan is to compete for inward large logistics investment and reap the rewards that come from it. The Panel concurs with that assessment.
- 10.40 It is material that the site is available now and the detailed element of the scheme can be delivered relatively quickly to address known commercial and policy needs.

⁹⁴ Asda to Warrington and Joy Mining to Bolton

Economic Benefits

10.41 The development would deliver a range of other socio-economic objectives consistent with the NPPF including:

- A construction expenditure of £72.7m, creating over a thousand construction jobs;
- The creation of 1,200-1,410 operational jobs with mechanisms in place to ensure these are available to local people.
- Business rates of circa £3m per annum;
- £50-60m GVA, and
- Support for local businesses. [6.9, 6.14 6.44, 7.19, 7.20]

10.42 These benefits carry significant weight in a Borough where, according to the CS, a “*high concentration of jobs are low skilled and within declining sectors of the economy*”. The CS also refers to the Borough’s “*low wage economy*”⁹⁵ with wages on average 8% below sub-regional and regional averages and 17% below the national average. More up-to-date evidence presented to the Inquiry confirmed that whilst unemployment in the Borough is relatively low, there is a preponderance of low-value and low-paid employment⁹⁶. In terms of wages, figures derived from the Office of National Statistics indicate that salaries in the logistics sector are above average⁹⁷. [6.36, 6.45, 7.2 8.19]

10.43 Concern over the employment projections is noted. However, whilst jobs figures from the Florida Farm development have been cited, no source for this information has been provided. It is also noted that the employment projections on the South Lancashire Industrial Estate in 2016/17 proved to be a significant underestimate. Given the wide variation in B8 job densities, the NPPF prefers to focus on the amount of employment land rather than the numbers of jobs.

Economic Considerations Overall

10.44 The Panel’s conclusions on employment land supply matters are that there is a demonstrable policy and market need for logistics floorspace on a regional, sub-regional and local level, including within Wigan. In terms of the latter, that need is particularly stark and cannot be met through existing or other non-Green Belt sites. The delivery of the proposed development would contribute to meeting that need and secure valuable inward investment in the Borough which hitherto has been lost to neighbouring areas. The proposal would deliver a substantial range of tangible economic benefits including well paid jobs for local people.

10.45 Overall, the development would accord with the objectives of paragraphs 80 and 82 of the NPPF by both creating the conditions in which business can invest and satisfying the need to support economic growth. It would also address the specific locational requirements of the logistics sector and make provision for

⁹⁵ Paragraph 9.26 CD: Wi_DP_1_Core Strategy

⁹⁶ Mulligan Oral Evidence

⁹⁷ See Aherne PoE, paragraphs 25-27

storage and distribution operations at an appropriate scale. Furthermore, it would accord with CS Policy CP5, by delivering much-needed employment floorspace in a Borough that has consistently been unable to provide suitable and sufficient employment land.

Highways - Impact of the Development on the Road Network

- 10.46 Despite the number of highway objections to the scheme from the local population neither the Council's Highway Department, Transport for Greater Manchester (TfGM), St Helens Council nor Highways England (HE) object. All statutory consultees judge that the development would be acceptable in terms of its impact on the strategic and local road network (SRN & LRN), subject to appropriate mitigation. [3.9, 5.5, 6.13]
- 10.47 In the main, those concerns raised by local people relate to existing issues on the LRN, such as high levels of congestion along the A49 between the Poolstock Lane junction and the Bryn Interchange. Whilst these concerns are genuine, it is not the Applicant's responsibility to resolve existing traffic issues in the locality. Rather the Applicant is expected to mitigate any unacceptable impacts arising from the development itself. [8.10, 9.1]
- 10.48 The Applicant's assessment of the transport effects of the development are contained in the Transport Assessment⁹⁸(TA) which forms part of the ES. This considers the broad nature of the road network in the vicinity of the site, including its accessibility by non-car modes of transport. The specific impact of the development is forecast from a number of future-year scenarios with and without the development. From this information, it is possible to ascertain where mitigation would be required. [5.5, 7.11]
- 10.49 In common with the other developments under consideration by the Panel, the trip rates and distribution⁹⁹ are taken from the Florida Farm, St Helens TA. Insofar as trip rates are concerned, these were originally calculated by interrogating the national Trip Rate Information Computer System to obtain trip rates from a number of similar developments. These trip rates were then supplemented by a survey of the Omega North, Warrington site. The trip rates that resulted from this exercise were then subject to further checking against surveys from the logistics developments at Hall Wood Avenue, Haydock, and Axis Business Park, Knowsley. Based on all of the above, the Panel considers that the Florida Farm trip rates are appropriate and provide a robust basis on which to assess the impact of the development. [5.5, 7.11]
- 10.50 The 33%-67% north/south split onto the M6 was calculated on consideration of: 1) the distribution of goods in the North West which tends to be focused on the two main conurbations of Liverpool and Manchester, accessed via the M62, and 2) Longer-distance HGV trips to and from the development would primarily be from the Golden Triangle¹⁰⁰ of the Midlands motorway network, southern ports and the Port of Liverpool. [5.5, 7.11]

⁹⁸ CD: SWi_Ei_40, SWi_Ei_62 & SWi_Ei_71

⁹⁹ The Florida Farm TA assumed a motorway split of 67% south and 33% north.

¹⁰⁰ The Golden Triangle refers to the Midlands and is defined by the location/interaction of the M42, M6 and M1 motorways

- 10.51 Southbound movements to these destinations would account for the majority of operational traffic to and from the site and would egress the site via J25 before heading south on the M6. As a consequence, the development is unlikely to give rise to significant levels of additional HGVs on the LRN. [5.5, 6.14, 7.11]
- 10.52 It has been suggested that north-bound HGVs may prefer to use the A49 to access M6 J26 in preference to J24. However, the journey time evidence presented to the Inquiry by the highway witnesses, firmly dispelled that notion. The route to J26 from the application site, even allowing for the new M58/M6 link road¹⁰¹, would involve drivers negotiating six sets of traffic lights as well as additional pedestrian crossings. Whilst the possibility of some HGVs using the LRN cannot be totally discounted, the evidence clearly suggests that this would be an exceptional circumstance rather than a common occurrence and probably limited to those occasions when there might be a blockage on the M6. [6.14, 7.11]
- 10.53 There would of course be commuting trips by future employees on the LRN. However, given that logistics operators tend to favour 24-hour working, the resulting shift patterns are unlikely to coincide with traditional peak hours. The analysis contained in the TA demonstrates that the development would have a minimal impact on the majority of junctions within the study area to the north of the site and, as a result, would not require mitigation. [5.6, 7.11]
- 10.54 The Bryn Interchange would experience the biggest traffic flow increases of any junction in the study area, amounting to 6.3% during the weekday AM peak and 6.8% during the weekday PM peak. According to the TA, the A49 northern arm was observed to be generally free-flowing, though occasional long queues developed but dispersed quickly. On the A49 southern arm, consistent but small queues, developed during the AM peak, which were slightly longer than queues in the PM peak¹⁰². These observations are consistent with the evidence provided to the Inquiry from local residents and the Panel's own observations. [7.11, 8.10, 8.14, 8.20, 8.22, 9.1]
- 10.55 The additional traffic generated by the proposal would lead to a further reduction in the performance of the Bryn Interchange and particularly the northern approach. Having considered a wide range of potential solutions, the scheme agreed with the Council¹⁰³ proposes to signalise both the site access and M6 arms of the roundabout. Also proposed is widening of the A49 northern arm to provide a third lane and associated widening of the circulatory carriageway. Signalised pedestrian crossing facilities are proposed on the site access arm and to the north on the A49. [5.5, 7.11]
- 10.56 The scheme for the Bryn Interchange has been subject to modelling using industry standard software (ARCADY and LINSIG). In both the 2017 base and 2030 'with development' scenarios, the junction would operate within capacity with significantly less queuing and delay than without the improvement. Whilst queues on the M6 approach to the roundabout are forecast to increase¹⁰⁴, HE have not objected given there would be no interference with flows on the main

¹⁰¹ See Plan 6 of the TA CD: SWi_Ei_40

¹⁰² See Table 4.5 to the TA Addendum CD: SWi_Ei_62

¹⁰³ Dwg No 1687-F08 Rev H Appendix to CD: SWi_Ei_72

¹⁰⁴ See section 3, CD: SWi_Ei_59

M6 carriageway¹⁰⁵. The modelling has been checked and verified by TfGM and a conclusion drawn that there would be overall betterment at the Bryn Interchange as a result of the proposed improvement scheme¹⁰⁶. [5.5, 7.11]

10.57 Northbound traffic from the development would be limited to that accessing areas in Central and East Lancashire. The combined populations of these areas are significantly smaller than the main conurbations of Merseyside and Greater Manchester. Nonetheless, in light of restricted turning movements at J25, it would be necessary for northbound traffic to U-turn at J24. Although the number of vehicles performing this manoeuvre would be limited, at worst, to approximately one additional movement every 1 minute 20 seconds, a mitigation/improvement scheme is required at J24. This would help formalise existing turning movements onto the north-bound slip road from Liverpool Road¹⁰⁷. [5.5, 7.11]

10.58 The Applicants have undertaken sensitivity testing of the J24 improvement to account for the construction of the M58/M6 Link Road. The results of that exercise are shown in Table 2.4 of the Response to HE¹⁰⁸ and demonstrate that the junction would continue to operate within capacity in all scenarios. The mitigation schemes for J24 and the Bryn Interchange have both been subject to Stage 1 Road Safety Audits¹⁰⁹. [7.11]

10.59 Cllr Morgan and others suggested that an all-ways junction at J25 should be a pre-requisite for the development. Such concerns seek to draw support from comments made by the CS examining Inspector in 2013¹¹⁰. However, it has to be recognised that the highways evidence before that Inspector was very different (and much less detailed) than the evidence before the Panel now which demonstrates that the majority of HGVs will not be travelling to/from areas to the north¹¹¹. Moreover, evidence from the South Lancashire Industrial Estate strongly suggests that the lack of an all-ways junction at J25 has not presented in any practical difficulties to those logistics operators. [6.14, 6.25, 8.10, 8.14, 8.20]

10.60 Although there is an aspiration in the Council's "Our Five Year Transport Delivery Plan 2020-2025" for an all-ways junction at J25, there is currently no policy requirement for one. Draft GMSF Policy GM 48 states that the allocation should "Allow for the provision of an all-ways junction at junction 25 and the ability for more direct access from the motorway once provided, subject to agreement by Highways England."¹¹²

10.61 Notwithstanding that policies in the GMSF carry limited weight, it is important to note the distinction between 'allowing' and 'providing'. The draft policy is not required to deliver the all-ways junction but simply suggests that the allocation should allow for its provision, i.e. not prejudice its delivery¹¹³.

¹⁰⁵ CD: SWi_CR_HE

¹⁰⁶ See Strode PoE 4.23

¹⁰⁷ Dwg No.1687-F05 Rev C, Appendix to CD: SWi_Ei_72

¹⁰⁸ CD: SWi_Ei_59

¹⁰⁹ Appendices 2 and 4 Russell PoE

¹¹⁰ CD: Wi_Ot_13_Inspectors Report, paragraphs 76-78

¹¹¹ See Strode PoE paragraphs 4.10-4.14

¹¹² Strode PoE, paragraph 4.5

¹¹³ Strode & Russell oral evidence

- 10.62 HE's consultation response¹¹⁴ raises no objection to the proposal subject to conditions relating to the implementation of off-site highways works at J24 and J25 and the provision of a Travel Plan for the development. As was pointed out by the Applicant, the layout of the proposal shown on the parameters plan would set aside sufficient areas within the site to allow for the delivery of an all-ways junction, if this were to be progressed by the Council, HE or another third party in the future.
- 10.63 The development would undoubtedly be well located to encourage sustainable modes of transport. The site is close to the built-up edge of Wigan and therefore within convenient walking and cycling distance from a large swathe of Wigan and Ashton. The existing public footpath connecting the site to the Winstanley estate to the north, at the junction of Allonby Close and Crowther Drive, would be enhanced to make it attractive for future employees wanting to walk or cycle to work. A new footway would be provided along the western side of the A49, linking the site access to the bus stop a short distance to the north, which is served by regular bus services running between Wigan and Ashton. [3.7, 3.8, 5.5, 6.15, 7.11]
- 10.64 Conditions are recommended to ensure that a Travel Plan is agreed for each built unit, as well as high-quality cycle parking facilities, together with staff showering and changing facilities. Overall, the development would promote sustainable forms of travel in accordance with NPPF paragraphs 102 and 103. Electric car charging points would be provided in accordance with the Council's standards and the construction of the parking areas would allow for the future installation of additional charging points. [6.18, 10.7]
- 10.65 Whilst the highway concerns that have been raised by local residents are understood, no substantial evidence has been adduced which would lead the Panel to depart from the conclusions of the TA. No objections have been received from specialist highway consultees. The proposed improvement schemes at J24 and the Bryn Interchange would mitigate the impact of development and, in the latter case, would provide some incidental betterment to highway users. The site boasts excellent sustainability credentials with walking, cycling and the use of public transport all viable and realistic alternatives to the private motor car. Based on the foregoing, the proposed development would comply with paragraphs 108 and 109 of the NPPF.

Environmental Considerations

Landscape and Visual Impact

- 10.66 The application was accompanied by a detailed LVIA which assessed the likely landscape and visual effects of the development based on a worst-case scenario in terms of the outline element¹¹⁵. The LVIA assessed the impacts of the development in the opening year and again 15 years after completion to allow for establishment of the structural landscaping. The visual impact of the scheme from a variety of representative viewpoints in the area is illustrated on

¹¹⁴ CD: SWi_CR_HE

¹¹⁵ The LVIA takes account of the maximum developable area defined on the Parameters Plan (CD: Hearing_Doc_11) with buildings up to 23m in height.

a series of photomontages¹¹⁶. Whilst the Panel has had regard to the LVIA, our assessment is also informed by observations on the site visit.

- 10.67 The application site, although predominantly open, does not possess a strong bucolic character. The site is not within or immediately adjacent to any national or local designation, nor is it covered by any designation related to landscape quality. It is not a 'valued' landscape in the terms set out in NPPF paragraph 170. Extensive parts of the site were a former open-cast colliery and although there are few visual clues of that use today, the resulting landscape value of the site is limited. Its value is further diminished by the major roads that flank the east, south and western site boundaries as well as other urban features such as extensive street lighting, street furniture, telecommunication masts, telegraph poles and overhead electricity pylons. [2.2, 6.5, 6.11, 7.9, 7.10]
- 10.68 Despite its rather obvious landscape limitations, it is accepted that the site is valued by local people, primarily on account of it being a predominantly open space close to the built-up edge of Wigan with a network of public footpaths across it. [8.7, 8.16]
- 10.69 There is little doubt that the proposed development, whatever its final form, would impose a considerable extent of built development on the land. This would permanently alter the landscape character of the application site from open, sloping farmland, to a modern logistics park with large warehouse units and associated vehicular parking/circulation areas. The exact extent to which the outline element would be visible beyond the site would depend on details which have been reserved for future determination. Nonetheless, there would be a notable scale of change to the character of the local landscape, particularly in the short term. [6.4, 7.8]
- 10.70 Somewhat unusually, given the size of the site and its edge-of-settlement location, it is not unduly prominent in the wider landscape. That is a function of local topography and the site's level of visual containment. In the small number of longer-distance views identified in the LVIA, where the site is visible, it tends to be seen against the general townscape of Wigan. Having had the opportunity to observe the site from a range of viewpoints, including those contained in the LVIA, the Panel shares the views of the expert landscape witnesses that the site has a low sensitivity to change and any landscape and visual effects would be contained within the relatively narrow study area, as demonstrated by the ZTV in the LVIA¹¹⁷. [6.11, 7.8]
- 10.71 The vast majority of potentially sensitive public and private receptor points within the landscape study area would have no, or very limited, views of the proposed development, particularly after 15 years. There would of course be pronounced effects from other receptors, most notably from those PROWs within the site or immediately adjacent. From here, the visual impacts of the development would be significant and oppressive. [6.4, 6.11, 7.10, 8.7, 8.16, 9.1]
- 10.72 There would be some views into the site through the site access. However, given the amount of existing and proposed landscaping along the eastern site boundary, these would not be significant. It is likely that glimpsed views of the

¹¹⁶ Figures 8.1 – 8.6

¹¹⁷ Figures 4 and 5

upper portions of the proposed units would be possible from rear-facing upper floor windows in properties on the south side of Allonby Close and Crowther Drive. However, there is already a substantial belt of woodland to the rear of these houses that would heavily filter views of the B8 units, particularly in the summer months. Moreover, after 10-15 years the landscape buffer between the outline element and the northern site boundary, which includes 3m high bunding, would have matured to such an extent that there would be no significant views of the development. [3.10, 3.11, 8.22]

10.73 Overall, there would be some visual and landscape harm arising from the loss of the site's open character. This would be most keenly experienced by users of the PROWs. Having regard to the site's landscape qualities, including its low sensitivity to change, existing urbanising influences and level of containment, the Panel considers that the visual and landscape effects could be satisfactorily mitigated within a reasonable period of time such that the overall level of harm due to the development would be moderate rather than significant.

Ecology, Biodiversity and Arboriculture

10.74 Chapter 9 of the ES¹¹⁸ assesses the effect of the development on wildlife and identifies potential areas of loss, disturbance or damage. The baseline for the site has been established through a full range of ecological and arboricultural surveys carried out in accordance with best practice and in consultation with the Council and the Greater Manchester Ecology Unit (GMEU).

10.75 These surveys revealed that the site is predominantly species-poor, agricultural grassland of low nature conservation value. There are a few exceptions including areas of plantation and semi-natural woodland, hedgerows, a single pond, semi-improved neutral grassland, marshy grassland and a ditch. The proposed development would retain and incorporate these higher value habitats where possible.

10.76 As a result of the site's history, those trees that are present on the site are generally of low and moderate quality. The best quality trees in the study area, including those protected by Tree Preservation Orders are located beyond the northern boundary and would not be impacted by the development. [2.2, 7.10]

10.77 There is little evidence to suggest the presence of protected or priority species on the site. Whilst bats use the site for foraging and/or commuting, no roosts have been found. Various farmland birds breed on the site, and there is potential for common toads and/or reptiles to be present. No great crested newts, badgers, water voles or otters have been found on or immediately adjacent to the site.

10.78 The new landscaping proposals, including new hedgerows, structural planting, wetlands and green buffer zones, specifically alongside the northern development boundary, would provide green infrastructure that, over time, would compensate for the adverse effects on most features affected by the proposals. The exception is for farmland birds which are reliant on open countryside habitats. Losses of habitats suitable for certain species such as skylark, lapwing and reed bunting are therefore expected. All other ecological

¹¹⁸ CD: SWi_Ei_15

residual effects during both constructional and operational phases are considered to be either neutral or beneficial in the long-term. [6.12, 7.10]

- 10.79 Whilst the impact on farmland birds cannot be mitigated, the development proposes off-site biodiversity enhancements at the Wigan Wetlands, to achieve a BNG of at least 10%¹¹⁹. These enhancements would help deliver the Wetlands programme, providing benefits for reed bunting, tree sparrow and yellowhammer. [6.12, 7.10, 11.3-11.9]
- 10.80 The GMEU acknowledge that the proposed development would result in the loss of habitats of low distinctiveness but accepts that the ecological compensation proposed through the BNG arrangements would improve higher value habitats elsewhere¹²⁰. The BNG contribution is covered in more detail in the Planning Obligations section of this Report. [5.6]
- 10.81 Overall, and notwithstanding the genuine concerns raised by local residents in respect of ecology matters, the Panel is satisfied that the impact of the development has been adequately assessed. The proposal would not result in harm to any designated nature conservation sites or loss of any irreplaceable habitats. Subject to mitigation measures to be secured either by condition or s106 agreement, the development would secure a 10% BNG consistent with the NPPF and CS Policies CP9 and CP12. [7.22]

Air Quality

- 10.82 Part of the site is within a designated AQMA¹²¹ encompassing the surrounding road infrastructure, comprising the M6 motorway including the J25 slip-road, the A49 and the majority of the Bryn Interchange roundabout. [4.10, 4.18, 6.16]
- 10.83 The methodology for the Air Quality Assessment (AQA)¹²² was agreed in advance with the Council. The AQA considered the impact of the development on air quality during both the constructional and operational phases. In order to assess NO₂ and particulate matter (PM₁₀) concentrations in the local area, dispersion modelling was undertaken at 64 different receptor points in the locality. The AQA considered both 'do nothing' and 'with development' scenarios. The latter used predicted traffic flows taken from the TA.
- 10.84 There is agreement between the main parties that the development has the potential to cause air quality impacts, through dust and traffic exhaust emissions during the construction and operation phases respectively. However, it is also agreed that subject to mitigation, the development would accord with local and national policy regarding air quality considerations, including UDP Policy EV1B¹²³ which states that the Council will not permit development which would result in an unacceptable level of air pollution or have an unacceptable impact on air quality management areas.

¹¹⁹ 11.87% and 12.06% for the detailed and outline parts of the site respectively see paragraph 2.4 CD: Hearing_Doc_21

¹²⁰ CD: SWi_CR_GMEU_GH

¹²¹ See Appendix AQ1 Guest PoE

¹²² CD: SWi_Ei_43

¹²³ See Agreement 15 in the CD: SoCG SWi_In_1

- 10.85 In terms of the construction effects, the Council's expert witness explained that dust emissions as a result of earthworks, demolition and construction activities could be adequately mitigated by the implementation of good practice measures secured via a CEMP.
- 10.86 The TA establishes that the development would not result in significant increases in traffic on the LRN. As a result, the modelling predicted that impacts on NO₂ and PM₁₀ concentrations would be negligible at all receptor locations and none of the 64 modelled scenarios would exceed legal limits for PM₁₀ or NO₂. [6.16]
- 10.87 Air quality matters have been satisfactorily assessed and addressed in the evidence. Given the conclusions of the AQA which have not been challenged by cogent evidence, the Panel finds that there would be no conflict with CS Policy CP17, UDP Policy EV1B, the Air Quality Supplementary Planning Document or NPPF paragraph 181. [7.22]

Public Rights of Way

- 10.88 The proposals are accompanied by a PROW Strategy Plan¹²⁴, the aim of which is to retain footpaths wherever possible, on their existing alignments, and to enhance accessibility to the development. Whilst the Plan is considered acceptable to the Council, it removes the opportunity for local residents to undertake a circular walk. However, the finer details for the treatment of those public footpaths through the outline element of the development are not fixed and it might be possible to incorporate such a route at a later date. The proximity of Winstanley Woods, said to be popular with local residents, provides for a variety of circular walks. [2.5, 3.7, 6.15, 8.7, 8.16]

Conditions

- 10.89 Agreed conditions are set out at Appendix D to this Report and the Panel recommends that these should be attached to planning permission should the SoS conclude that the application should be approved.
- 10.90 Conditions covering time limits and specifying the approved plans for the full and outline elements of the scheme are necessary to provide certainty and in the interests of proper planning [conditions 1 and 2]. A condition removing certain permitted development rights is justified in this instance, given the location of the site in the Green Belt [condition 3]. Contaminated land and coal mining legacy conditions are necessary to ensure that the land is suitable for its intended use [conditions 4, 5, 11 and 12].
- 10.91 A landscaping condition is necessary to ensure that the visual impact of the development is mitigated as far as practically possible [condition 6]. Conditions covering a scheme for the improvement of public footpath 002/04/10 between the site and Allonby Close/Crowther Drive, cycle parking facilities and unit-specific Travel Plans are all necessary to promote sustainable patterns of commuting to/from the development [conditions 7, 30 and 31].
- 10.92 Conditions covering the reserved matters are standard for outline planning permissions and are necessary in the interests of proper planning [conditions 8

¹²⁴ CD: SWi_Ap_27

and 9]. A site-wide phasing plan is necessary to ensure the development comes forward in a coherent and planned manner [condition 10]. Drainage conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention [conditions 13, 14, 32 and 33]. Habitat, landscape creation and biodiversity plans are necessary to secure the proposed ecological mitigation across the outline element of the scheme [conditions 15 and 16].

10.93 Conditions securing the off-site highway mitigation works are necessary to ensure the development does not give rise to unacceptable congestion on the local and strategic road networks [conditions 17 and 18]. Training and employment plans are necessary to ensure training and employment opportunities for local people are maximised during the construction and operational phases of the development [conditions 19 and 20]. A soil management plan is necessary to ensure the sustainable use of soils on the site pursuant to CS Policy CP17 [condition 21]. An archaeology condition is necessary to protect any archaeological assets that may be present [condition 22].

10.94 A Construction and Demolition Environmental Management Plan (CEMP) is necessary to ensure all aspects of the construction adhere to best practice and do not adversely affect the amenity of local residents [condition 23]. A condition covering details of the lighting across the site is necessary to protect the amenity of local residents and to minimise the impact of the development on the Green belt and local ecology [condition 24]. To assist the move to a low-carbon future, conditions regarding carbon dioxide emissions, environmental construction standards, solar panels and electric vehicle charging points are necessary [conditions 25-28]. A condition covering the delivery of the parking and access areas for each unit is necessary in the interests of pedestrian/highway safety [condition 29]. Crime prevention measures are necessary to safeguard the security and safety of the development and its future employees/visitors [condition 34]. Finally, noise conditions are necessary to safeguard the living conditions of local residents [conditions 35-37].

10.95 Conditions 4, 5, 18, 19, 21, 22, 23 and 28 are pre-commencement form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed by the Applicants and address matters or effects that are of an importance and need to be resolved before construction begins.

Planning Obligations

10.96 Although the obligations are not in dispute, the Panel must be satisfied that they meet the statutory CIL tests as set out in NPPF paragraph 56 which states that planning obligations must only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

10.97 The S106 agreement contains just two obligations relating to the provision of a 10% BNG and the potential future access road to Wheatlea Industrial Estate.

Both obligations are agreed between the parties and no objections have been raised by interested parties.

Biodiversity Net-gain

10.98 Paragraph 170 (Part d) of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by...(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*'

10.99 The PPG contains details on how net environmental gain requirements can be implemented when assessing development proposals, including new advice on protecting wildlife. This guidance says that net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand.

10.100 Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain. According to the PPG "*planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity*"¹²⁵.

10.101 In terms of measuring net gain, the guidance states that using a metric is a pragmatic way to calculate the impact of a development and the net gain that can be achieved. It goes on to state that '*tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net gain outcome is expected to be achieved*'. At the local level CS Policy CP9 seeks to improve the natural environment and open spaces within and between towns and other settlements. In a similar vein, CS Policy CP12 seeks to help wildlife prosper and safeguard important geological features. This includes protecting and enhancing sites of special scientific interest, sites of biological importance, and local nature reserves alongside protecting and enhancing regional and local priority habitats and species.

10.102 The Applicant's initial Biodiversity Impact Assessment Methodology Note was undertaken in August 2019¹²⁶. At the time the Warwickshire County Council calculator was used within the Biodiversity Impact Methodology Note. However, in order to align with the forthcoming Environment Bill, it is now best practice to use The DEFRA Biodiversity Metric 2.0. As a result, the BNG assessment was updated in October 2020¹²⁷. That assessment demonstrated an overall BNG for both the detailed and outline elements of the scheme (11.87% and 12.06% respectively) which was achieved when taking into account both on and off-site mitigation measures.

10.103 In terms of the detailed element of the proposed development, the revised BNG assessment concludes that a 10% net gain cannot be delivered on the site and that a contribution towards off-site improvements will be required. The contribution has been calculated at £23,590. In respect of the outline element, where the detail of a scheme is not known, a 'worst case' assessment has been

¹²⁵ Paragraph: 022 Reference ID: 8-022-2019072

¹²⁶ CD: SWi_Ei_70

¹²⁷ CD: Hearing_Doc_3

made under which a contribution of £134,000 would be required towards off-site works. In the event that subsequent reserved matters applications achieve better biodiversity outcomes on the site, this contribution would be commensurately reduced.

10.104 The contributions will be used to support a number of schemes forming the Wigan Wetlands Project Plan at the Wigan Wetlands and Three Sisters Local Nature Reserves some 1,600 metres (closest point) to the east/north east of the application site. The costings were agreed between Lancashire Wildlife Trust and the Council and the overall approach to BNG is supported by the GMEU¹²⁸. It is therefore concluded that the BNG obligation meets the statutory tests.

Wheatlea Industrial Estate

10.105 The obligation relating to the stub/access road to Wheatlea Industrial estate arises from representations made by the owners of the land to the north of the site (Derbyshire House Farm) which cites a recent legal judgement involving the Applicant¹²⁹. Along with the application site, the Derbyshire House land makes up the balance of the proposed allocation 42 in the GMSF. The Applicant recognises the need to provide such a connection and originally intended, with the agreement of the Council, to deal with the matter through a planning condition having shown the location of the access road on the Access and Movement Plan¹³⁰.

10.106 However, as Derbyshire House Farm point out in their representation, in light of the Judgement there needs to be an alternative mechanism to secure the stub road. The proposed obligation therefore requires the road to be completed and delivered in its entirety in accordance with an approved scheme, up to the northern boundary of the application site, prior to the first occupation of any unit approved in respect of Phase 1. Once completed, the road shall always be left open and made available to all traffic at all times.

10.107 As the obligation is necessary to ensure the development does not prejudice the delivery of the emerging employment allocation, the Panel is satisfied it meets the statutory tests.

Other Matters

The 2013 CS Inspector's Report

10.108 The SoS will note that the overall conclusion formed in this Report is at odds with that of the CS examining Inspector in 2013. However, there has been an irrefutable change of circumstances¹³¹ since that time such that the 2013 findings have little relevance to the current scheme, which must be assessed purely on the planning merits that apply now. Based on the evidence, the Panel does not consider that the 2013 decision should command any significant weight in this case. [3.15, 6.24, 6.25, 8.3, 8.10, 8.12, 8.15, 10.1]

¹²⁸ CD: SWi_CR_GMEU_GH

¹²⁹ *DB Symmetry Ltd v Swindon Borough Council & Anor [2020] EWCA Civ 1331*

¹³⁰ CD: SWi_Ap_58

¹³¹ See Jones PoE, paragraph 4.12

Cross-boundary Matters

10.109 In terms of whether there are any cross-boundary issues that the SoS should consider, the evidence presented to the Inquiry is clear that none of the other developments would meet the acute need for employment land in Wigan.

10.110 Putting that fundamental point to one side, the economic evidence suggests that there is sufficient commercial demand in the M6 sub-region to accommodate the proposed development as well as those in St Helens. The scheme at Wingates, Bolton falls outside the M6 sub-corridor. It should also be noted that the St Helens schemes are geared towards satisfying an identified need in the Liverpool City Region rather than Greater Manchester. [1.5-1.8, 6.19-6.22, 7.24]

10.111 Based on the foregoing, cross-boundary issues do not arise. It therefore follows that the present application may appropriately be determined independently by the SoS on the basis of this Report alone.

Mineral Safeguarding

10.112 Objectors have pointed out that the site is located within a Mineral Safeguarding Area. However, the SoCG¹³² states that neither the Council nor Applicant consider this would justify refusal of the application. The Council's Officer Report¹³³ further points out that the Coal Authority has been consulted and raised no objections, subject to the imposition of conditions relating to intrusive site investigation works into the coal mining legacy of the site and potential implementation of resultant remedial measures.

Living Conditions

10.113 Local residents have raised various concerns relating to the impact of the development on outlook and privacy. However, given that the units would be located some considerable distance from the nearest residential properties, the Panel has no reason to conclude that the scheme would lead to an unacceptable impact on the amenity of local residents. [5.2]

Odours and Hazardous Chemicals

10.114 Concerns that hazardous chemicals would be stored on the site and the development will lead to unpleasant smells have not been substantiated. The Panel consider it unlikely that a B8 storage and distribution logistics use would give rise to such issues¹³⁴. In any event, should any such issues arise they would be subject to control through separate statutory mechanisms.

Emergency vehicle access

10.115 No specific evidence has been adduced to support concerns regarding disruption for emergency services. Given that the off-site highway works would result in a degree of betterment to the local highway network, it is not considered that the development would impede emergency vehicles. [5.5, 7.11]

¹³² CD: SWi_In_1_SoCG (Agreement 2)

¹³³ Paragraph 10.43

¹³⁴ Officer Report paragraph 10.55

Publicity

10.116 Despite generalised concerns about a lack of information, no specific information is before the Panel in this regard. A significant volume of supporting evidence has been submitted with the application through the ES and this has been assessed as satisfactory. ^[1.11]

10.117 In terms of publicity, section 5 of the Officer's Report sets out the publicity that has taken place since the application was submitted and confirms that this was in accordance with all the relevant statutory requirements. In addition, the Applicant submitted a Statement of Community Consultation Report with the application¹³⁵. This explains that pre-application public consultation commenced in May 2018 with two public exhibitions taking place on May 24 and 25. The consultation period closed on June 6. Based on the foregoing, the Panel is satisfied that an appropriate level of consultation and publicity has been carried out.

Flood Risk

10.118 The site is located within Flood Zone 1 and therefore has a low probability to flooding. A Flood Risk Assessment¹³⁶ containing a Foul and Surface Water Drainage Strategy was submitted with the application to consider the impact of the development upon flood risk and vice versa. Subject to the imposition of drainage conditions there is no objection from the Environment Agency, United Utilities or the Council's Drainage Engineers as Lead Local Flood Authority. ^[5.2]

Property Values

10.119 The effect of the development on property values, is not a material planning consideration to which the Panel can attach any significant weight.

Localism

10.120 The Panel acknowledge the level of local opposition to the scheme and recognise that the community would wish to see decisions made in the spirit of localism. However, planning decisions must be made in the light of the merits of the case and in the wider public interest. Against that context, public opinion, in itself, would not justify the refusal of the application.

Overall Conclusions and Planning Balance

10.121 The Panel considers that CS Policy CP5 is now out of date in light of the latest evidence relating to employment land need contained in the GMSF evidence base. It has therefore been overtaken by events. Apart from that, we are satisfied that development plan policy relevant to this application remains up to date.

10.122 There is a small divergence in views between the main parties regarding the question of compliance with CS Policies CP8 and SP1 of the development plan. The corollary of that disagreement is whether the proposal falls to be considered under NPPF paragraph 11c) or 12. ^[6.50-6.54, 7.23]

¹³⁵ CD: SWi_AP_48_SCC

¹³⁶ CD: SWi_Ei_54

- 10.123 The proposal if approved would not formally change the Green Belt boundary. It would be inappropriate development within the Green Belt requiring justification by very special circumstances and hence the development would not amend the general extent of Green Belt as defined on the Proposals Map. The Panel is therefore satisfied that the scheme can be considered under NPPF paragraph 11c).
- 10.124 The Panel has found that the development would be inappropriate in the Green Belt. Moreover, limited and localised harm to openness and moderate harm to the Green Belt purpose 'safeguarding the countryside from encroachment' has been identified. There would also be moderate and localised landscape and visual harm. All other matters weighing against the proposal could satisfactorily be addressed by conditions or at reserved matters stage.
- 10.125 The identified harms must be afforded substantial weight, and planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the harm identified is clearly outweighed by other considerations.
- 10.126 In favour of the scheme, there are a number of forceful '*other considerations*' the most significant of which are those which pertain to the supply of employment land in Wigan. These undoubtedly form the cornerstone of the Applicant's very special circumstances case. Section 6 of the NPPF attaches great importance to building a strong, competitive economy with significant weight being given to the need to support economic growth.
- 10.127 There is a pressing need in Wigan, the M6 sub-region and the wider North-West for warehousing and distribution development. Wigan, has and continues to, suffer from poor take up rates due to qualitative and quantitative constraints on its supply of employment land. In light of the current policy vacuum there is no imminent prospect of the supply issue being addressed. Consequently, very substantial weight has to be accorded to the delivery of up to 133,966m² of high-quality logistics floorspace, a proportion of which could be brought to the market relatively quickly by an experienced logistics developer to address known commercial and policy needs.
- 10.128 The locational benefits of the site are indisputable. It is located within the "sweet-spot" of the M6, being roughly equidistant from Liverpool and Manchester and having convenient access to the M58, A580, M62 and M56 as well as to and multi-modal supply chain facilities in the region, including the Port of Liverpool, Manchester and Liverpool Airports and the rail freight facilities in Trafford Park and Knowsley. The site also boasts excellent connectivity to local labour markets, another key requirement for logistics operators. The locational benefits carry further significant weight in favour of the application.
- 10.129 The socio-economic benefits would boost the local economy and would help to address economic inequalities in nearby communities. These benefits also carry substantial weight.
- 10.130 The BNG and highway benefits collectively attract moderate weight.
- 10.131 The Panel consider that the '*other considerations*' listed above are of such magnitude that they clearly outweigh the Green Belt and non-Green Belt harms we have identified. On a further matter of judgement, we conclude that very

special circumstances exist, which justify permitting the proposed development in the Green Belt. Accordingly, the proposal would not conflict with CS Policy CP8 or Green Belt policy in Section 13 of the NPPF.

10.132 Should the SoS disagree with our assessment of very special circumstances, then there would be conflict with the development plan. The consequence of that would be that the application should be refused.

11. Recommendation

11.1 In light of all the above points, our assessment of the planning balance leads to the overall conclusion that the application should be allowed and planning permission granted, subject to the imposition of the conditions set out in Annex D below.

D. M. Young

Inspector

Brian J Sims

Inspector

Appendix A

APPEARANCES

FOR THE APPLICANT

David Manley QC instructed by the Applicant

He called:

Mr Chris Argent	BA (HONS) MTPL MRTPI	CBRE
Mr Jethro Redmore	BEng (Hons) MSc CEnv MIAQM MIEEnvSc PIEMA	Redmore Environmental
Mr Timothy Russell	BSc(Hons), CEnv, MCIEEM, CMLI, MICFor	Croft Transport Solutions
Mr Paul William Beswick	BA (Hons) Dip LA	Enzygo Limited
Mr Andrew Aherne	BSc (Hons) Land Management MRICS	Aherne Property Consultants

FOR THE LOCAL PLANNING AUTHORITY

Mr Alan Evans of Counsel instructed by the Assistant Director of Legal Services

He called:

Mr Gareth Jones	MA Civic Design	Wigan Council (Planning)
Mr Kenneth Strode	BA(Hon) HNC	Wigan Council (Highways)
Ms Michaela Guest	BTEC level 5 NVQ level 5	Wigan Council (Air Quality)
Mr David Kearsley	MA TCP	Wigan (Land Supply)
Ms Kealey Mulligan	BA (Hons) MSc	Wigan Council (Economic Development)

INTERESTED PERSONS

Yvonne Fovargue MP	Member of Parliament for Makerfield
Cllr Steven Kenny	Member for Winstanley Ward
Cllr Clive Morgan	Member for Winstanley Ward
Mr Steven Rennie	Local Resident
Ms Angela Lashley	Local resident

Appendix B

DOCUMENTS SUBMITTED AT THE INQUIRY

Document Inquiry Reference	Document Created	Document Name
Hearing_Doc_1	November 2020	Opening Statement - Applicant
Hearing_Doc_2	November 2020	Opening Statement – LPA
Hearing_Doc_3	November 2020	Biodiversity Impact Assessment Defra 2.0
Hearing_Doc_4	29 th October 2020	ES Further Information (in response to a request made by The Planning Inspectorate in their letter, dated 20 October 2020).
Hearing_Doc_5	18 th November 2020	ES Further Information
Hearing_Doc_6	November 2018	Potential Highway Improvements, Liverpool Road, Ashton-in-Makerfield, Junction 24 1687-F05 Rev. D
Hearing_Doc_7	December 2020	Phase I General Arrangement (GA) Plan ENZ.XX.02.D.L.00.101 B
Hearing_Doc_8	December 2020	Illustrative Landscape Masterplan ENZ.XX.01.D.L.00.001 A
Hearing_Doc_9	November 2020	B3968-AEW-XX-XX-DR-A-0503_P18_Proposed Site Plan (Phase 1 Detailed Application Area)
Hearing_Doc_10	November 2020	B3968-AEW-XX-XX-DR-A-0505_P19_Proposed Illustrative Masterplan
Hearing_Doc_11	November 2020	B3968-AEW-XX-XX-DR-A-0508_P19_Parameters Plan
Hearing_Doc_12	November 2020	B3968-AEW-XX-XX-DR-A-0511_P12_Hybrid Application Boundaries Plan
Hearing_Doc_13	November 2020	B3968-AEW-XX-XX-DR-A-0514_P9_Proposed Phasing Plan
Hearing_Doc_14	November 2020	B3968-AEW-XX-XX-DR-A-0516_P9_Proposed Access and Movement Plan
Hearing_Doc_15	November 2020	B3968-AEW-B1-00-DR-A-0517_P3_DBS1 - Ground Floor Plan
Hearing_Doc_16	November 2020	B3968-AEW-B1-01-DR-A-0518_P3_DBS1 - First Floor Plan
Hearing_Doc_17	November 2020	B3968-AEW-B2-00-DR-A-0522_P3_DBS2 - Ground Floor Plan
Hearing_Doc_18	November 2020	B3968-AEW-B2-01-DR-A-0523_P3_DBS2 - First Floor Plan

Hearing_Doc_19	November 2020	B3968-AEW-XX-XX-DR-A-0536_P5_Proposed Public Right of Way Upgrade Plan
Hearing_Doc_20	December 2020	Phase 1 – Proposed Contours SK-01 Rev. P9
Hearing_Doc_21	December 2020	Statement of Common Ground on Biodiversity Net Gain and Planning Conditions
Hearing_Doc_22 & 22a-22f	November 2020	Section 106 First schedule documents Hearing_Doc 22a-22f
Hearing_Doc_23	December 2020	Schedule of Conditions (with comments and tracked changes)
Hearing_Doc_24	December 2020	Schedule of Conditions (no tracks)
Hearing_Doc_25	December 2020	CIL Compliance Statement
Hearing_Doc_26	December 2020	DBS 1 – Elevations dwg. no. B3968-AEW-B1-XX-DR-A-0520 Rev. P3
Hearing_Doc_27	December 2020	DBS 1 – Roof Plan dwg. no. B3968-AEW-B1-RF-DR-A-0519 Rev. P3
Hearing_Doc_28	December 2020	DBS 2 – Elevations dwg. no. B3968-AEW-B2-XX-DR-A-0525 Rev. P3
Hearing_Doc_29	December 2020	DBS 2 – Roof Plan dwg. no. B3968-AEW-B2-RF-DR-A-0524 P3
Hearing_Doc_30	December 2020	Phase 1 Drainage Layout, drawing number: 50-01 Rev. P5
Hearing_Doc_31	August 2018	Phase 1 Offsite Foul Pump Main Route, drawing number: 50-03 Rev. P3
Hearing_Doc_32	December 2020	Councillor Kenny Statement
Hearing_Doc_33	December 2020	Fovargue MP Statement
Hearing_Doc_34	4 th December 2020	Revised Conditions with tracked changes and comments_04.12.2020
Hearing_Doc_35	4 th December 2020	Revised Conditions – no tracks_04.12.2020
Hearing_Doc_36	December 2020	Applicant Closing Statement
Hearing_Doc_37	December 2020	LPA Closing Statement
Hearing_Doc_38	February 2021	Executed S106 Agreement

Appendix C

CORE DOCUMENTS**Application plans and documents**

Inquiry Document Reference	Date Submitted	Document Title	Document Reference
SWi_Ap_1	August 2018	Location Plan	B3968-AEW-XX-XX-DR-A-0501 (Rev P8)
SWi_Ap_2	August 2018	Existing Site Plan	B3968-AEW-XX-XX-DR-A-0502_P4
SWi_Ap_3	August 2018	Proposed Site Plan (Phase 1 Detailed Application Area)	B3968-AEW-XX-XX-DR-A-0503 (Rev P11)
SWi_Ap_4	August 2018	Parameters Plan	B3968-AEW-XX-XX-DR-A-0508_P14
SWi_Ap_5	August 2018	Hybrid Application Boundaries Plan	B3968-AEW-XX-XX-DR-A-0511 (Rev P5)
SWi_Ap_6	August 2018	Proposed and Existing Site Sections	B3968-AEW-XX-XX-DR-A-0512_(P3)
SWi_Ap_7	August 2018	Proposed and Existing Illustrative Site Sections	B3968-AEW-XX-XX-DR-A-0513_(P3)
SWi_Ap_8	August 2018	Proposed Phasing Plan	B3968-AEW-XX-XX-DR-A-0514 (Rev P5)
SWi_Ap_9	August 2018	Proposed Access and Movement Plan	B3968-AEW-XX-XX-DR-A-0516 (Rev P5)
SWi_Ap_10	August 2018	Proposed Illustrative Masterplan with Constraints	B3968-AEW-XX-XX-DR-A-0504_P14
SWi_Ap_11	August 2018	Proposed Illustrative Masterplan	B3968-AEW-XX-XX-DR-A-0505_P15
SWi_Ap_12	August 2018	DBS 1 – Ground Floor Plan	B3968-AEW-B1-00-DR-A-0517 (Rev P2)
SWi_Ap_13	August 2018	DBS 1 – First Floor Plan	B3968-AEW-B1-01-DR-A-0518 (Rev P2)
SWi_Ap_14	August 2018	DBS 1 – Roof Plan	B3968-AEW-B1-RF-DR-A-0519 (Rev P2)
SWi_Ap_15	August 2018	DBS 1 – Elevations	B3968-AEW-B1-XX-DR-A-0520 (Rev P2)
SWi_Ap_16	August 2018	DBS 1 – Sections	B3968-AEW-B1-XX-DR-A-0521 (Rev P2)
SWi_Ap_17	August 2018	DBS 2 – Ground Floor Plan	B3968-AEW-B2-00-DR-A-0522 (Rev P2)
SWi_Ap_18	August 2018	DBS 2 – First Floor Plan	B3968-AEW-B2-01-DR-A-0523 (Rev P2)
SWi_Ap_19	August 2018	DBS 2 – Roof Plan	B3968-AEW-B2-RF-DR-A-0524 (Rev P2)
SWi_Ap_20	August 2018	DBS 2 – Elevations	B3968-AEW-B2-XX-DR-A-0525 (Rev P2)
SWi_Ap_21	August 2018	DBS 2 – Sections	B3968-AEW-B2-XX-DR-A-0526 (Rev P2)
SWi_Ap_22	August 2018	Proposed Gatehouse Details (Security Gatehouses to DBS)	B3968-AEW-XX-XX-DR-A-0527 (Rev P2)

		1 and DBS 2)	
SWi_Ap_23	August 2018	Topographical Survey Plan.	B3968-AEW-XX-XX-DR-A-0531_P3
SWi_Ap_24	August 2018	Demolition Plan	B3968-AEW-XX-XX-DR-A-0530 (Rev P3)
SWi_Ap_25	August 2018	Proposed Sub-Station Enclosure,	B3968-AEW-XX-XX-DR-A-0535 (Rev P1)
SWi_Ap_26	August 2018	Existing Public Right of Way	B3968-AEW-XX-XX-DR-A-0532_P4_
SWi_Ap_27	August 2018	Proposed Public Right of Way Strategy Plan	B3968-AEW-XX-XX-DR-A-0506_P7
SWi_Ap_28	August 2018	Phase I General Arrangement Plan - REV C	SHF.1453.001.L.D.002.C
SWi_Ap_29	August 2018	Illustrative Landscape Masterplan	SHF.1453.002.L.D.001.L
SWi_Ap_30	August 2018	Illustrative Masterplan Context Plan	B3968-AEW-XX-XX-DR-A-0534_P1
SWi_Ap_31	August 2018	Constraints Plan	B3968-AEW-XX-XX-DR-A-0529_P5
SWi_Ap_32	August 2018	Design & Access Statement Rev P3 (August 2018) -Sections 1-3	B3968-AEW-XX-XX-DAS-A-0533_P3_
SWi_Ap_33	August 2018	Section 4	
SWi_Ap_34	August 2018	Section 5	
SWi_Ap_35	August 2018	Section 6	
SWi_Ap_36	August 2018	Section 7.1-Section 7.5	
SWi_Ap_37	August 2018	Section 7.6	
SWi_Ap_38	August 2018	Section 8	
SWi_Ap_39	August 2018	Section 9	
SWi_Ap_40	August 2018	Section 10	
SWi_Ap_41	August 2018	Section 11- 15	
SWi_Ap_42	August 2018	CBRE Cover Letter	
SWi_Ap_43	August 2018	Crime Impact Statement, Junction 25 M6, Wigan	Version C: 16th August 2018 Reference: 2018/0162/CIS/01)
SWi_Ap_44	August 2018	Symmetry Park Wigan, External Lighting Impact Assessment	HM reference: 25314-RP-SU-001;
SWi_Ap_45 a & b	August 2018	Phase 1 and Phase 2 Proposed Contours	SK01 Rev P7; and SK02 Rev P6
SWi_Ap_46	August 2018	Planning application form	n/a
SWi_Ap_47	August 2018	Agricultural Land Classification and Soil Resources Statement	Reading Agricultural Land
SWi_Ap_48	August 2018	Statement of Community Consultation	Newgate, dated: August 2018
SWi_Ap_49	August 2018	Employment Land Supply & Demand Report	GVA, dated: August 2018
SWi_Ap_50	August 2018	Draft Local Employment Strategy	CBRE, dated May 2018
SWi_Ap_51	August 2018	Utilities Report	Crookes Walker Consulting

SWi_Ap_52	August 2018	Energy Statement	Scott Hughes, dated August 2018
SWi_Ap_53	September 2018	Location Plan	3968-AEW-XX-XX-DR-A-0501 (Rev P10)
SWi_Ap_54	April 2019	Parameters Plan	B3968-AEW-XX-XX-DR-A-0508_P17
SWi_Ap_55	April 2019	Hybrid Application Boundaries Plan	B3968-AEW-XX-XX-DR-A-0511 (Rev P7)
SWi_Ap_57	April 2019	Proposed Phasing Plan	B3968-AEW-XX-XX-DR-A-0514 (Rev P7)
SWi_Ap_58	April 2019	Proposed Access and Movement Plan	B3968-AEW-XX-XX-DR-A-0516 (Rev P7)
SWi_Ap_59	April 2019	Proposed Site Plan (Phase 1 Detailed Application Area)	B3968-AEW-XX-XX-DR-A-0503 (Rev P13)
SWi_Ap_60	April 2019	Proposed Illustrative Masterplan with Constraints	B3968-AEW-XX-XX-DR-A-0504_P16_
SWi_Ap_61	April 2019	Proposed Illustrative Masterplan	B3968-AEW-XX-XX-DR-A-0505_P17
SWi_Ap_62	April 2019	Public Rights of Way Plan	B3968-AEW-XX-XX-DR-A-0506_P10_
SWi_Ap_63	April 2019	Public Right of Way Upgrade Plan	B3968-AEW-XX-XX-DR-A-0536_P4
SWi_Ap_64	April 2019	Illustrative Landscape Masterplan	SHF.1453.002.L.D.001.M
SWi_Ap_65	April 2019	Phase I GA - Rev D	SHF.1453.002.L.D.002.D
SWi_Ap_66	April 2019	Building Design Rationale	B3968-AEW-XX-XX-RP-A-0538_P2
SWi_Ap_67	April 2019	Cover Letter	CBRE, dated 30 th April 2019
SWi_Ap_68	April 2019	Db symmetry Blueprint Design	B3968-AEW-XX-XX-RP-A-0538_P2
SWi_Ap_69	April 2019	Employment Land Supply & Demand Report - Addendum	Avison Young, dated May 2019
SWi_Ap_70	May 2019	Response to Consultation Comments	CBRE, 17 th May 2019
SWi_Ap_71	June 2019	Public Right of Way Results	Signal Surveys (taken from April 2018) submitted by CBRE
SWi_Ap_72	July 2019	Hybrid Application Boundaries Plan	B3968-AEW-XX-XX-DR-A-0511 (Rev P9)

Environmental Impact Assessment (EIA) documents

Inquiry Document Reference	Date Submitted	Location	Document Reference
SWi_Ei_1	August 2018	ES - Non-Technical Summary	ES_WIGAN_NTS_VOLUME I_F01
SWi_Ei_2	August 2018	ES - Chapter 0	ES_CH00_WIGAN_COVER

			CONTENTS_F01
SWi_Ei_3	August 2018	ES - Chapter 1	ES_CH01_WIGAN_INTRODUCTI ON_F01
SWi_Ei_4	August 2018	ES - Chapter 2	ES_CH02_WIGAN_EIA METHODOLOGY_F01
SWi_Ei_5	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC & DEV PROP_F01
SWi_Ei_6	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC FIGURES1_F01.
SWi_Ei_7	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC FIGURES2_F01
SWi_Ei_8	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC FIGURES3_F01
SWi_Ei_9	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC FIGURES4_F01
SWi_Ei_10	August 2018	ES - Chapter 4	ES_CH04_WIGAN_ALTERNATIVE S & DESIGN EVOLUTION_F01
SWi_Ei_11	August 2018	ES - Chapter 5	ES_CH05_WIGAN_CONSTRUCTI ON STRATEGY & PROG_F01
SWi_Ei_12	August 2018	ES - Chapter 6	ES_CH06_WIGAN_TRANSPORTA TION & ACCESS_F01
SWi_Ei_13	August 2018	ES - Chapter 7	ES_CH07_WIGAN_AIR QUALITY_F01
SWi_Ei_14	August 2018	ES - Chapter 8	ES_CH08_WIGAN_NOISE & VIBRATION_F01
SWi_Ei_15	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY & ARBORICULTURE_F01.
SWi_Ei_16	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES1_F01
SWi_Ei_17	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES2_F01
SWi_Ei_18	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES3_F01
SWi_Ei_19	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES4_F01
SWi_Ei_20	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES5_F01
SWi_Ei_21	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES6_F01
SWi_Ei_22	August 2018	ES - Chapter 10	ES_CH10_WIGAN_LANDSCAPE & VISUAL_F01
SWi_Ei_23	August 2018	ES - Chapter 10	ES_CH10_WIGAN_LANDSCAPE_ FIGURES_F01
SWi_Ei_24	August 2018	ES - Chapter 11	ES_CH11_WIGAN_WATER ENVIRONMENT_F01
SWi_Ei_25	August 2018	ES - Chapter 12	ES_CH12_WIGAN_SOCIO- ECONOMICS_F01
SWi_Ei_26	August 2018	ES - Chapter 13	ES_CH13_WIGAN_CUMULATIVE EFFECTS_F01

SWi_Ei_27	August 2018	ES – Chapter 14	ES_CH14_WIGAN_MITGATION & RESIDUAL EFFECTS_F01
SWi_Ei_28	August 2018	ES – Chapter 15	ES_CH015_WIGAN_GLOSSARY & ABBREVIATIONS_F01
SWi_Ei_29	August 2018	ES - Volume III	00_ES_VIII_WIGAN_COVER CONTENTS_F01.
SWi_Ei_30	August 2018	Planning Statement	Appendix 1.1
SWi_Ei_31	August 2018	Formal EIA Scoping Report	Appendix 2.1
SWi_Ei_32	August 2018	Formal EIA Scoping Opinion	Appendix 2.2
SWi_Ei_33	August 2018	New Topics under the New EIA Regulations 2017	Appendix 2.3
SWi_Ei_34	August 2018	Technical Consultants CVs	Appendix 2.4
SWi_Ei_35	August 2018	Archaeology & Heritage Desk-Based Assessment.	Appendix 3.1
SWi_Ei_36	August 2018	Phase 1 Preliminary Risk Assessment	Appendix 3.2
SWi_Ei_37	August 2018	Desk-Based Coal Mining Risk Assessment	Appendix 3.3
SWi_Ei_38	August 2018	Alternative Sites Assessment	Appendix 4.1
SWi_Ei_39	August 2018	Transport Guidance, Legislation & Policy	Appendix 6.1
SWi_Ei_40	August 2018	Transport Assessment	Appendix 6.2
SWi_Ei_41	August 2018	Travel Plan Framework	Appendix 6.3
SWi_Ei_42	August 2018	2026 Traffic Flows	Appendix 6.4
SWi_Ei_43	August 2018	Air Quality Assessment	Appendix 7.1
SWi_Ei_44	August 2018	Air Quality Consultation	Appendix 7.2
SWi_Ei_45	August 2018	Noise & Vibration Impact Assessment	Appendix 8.1
SWi_Ei_46	August 2018	Desk-Based Ecology Assessment	Appendix 9.1
SWi_Ei_47	August 2018	Extended Phase 1 Habitat Survey.	Appendix 9.2
SWi_Ei_48	August 2018	Great Crested Newt Survey	Appendix 9.3
SWi_Ei_49	August 2018	Breeding Bird Survey	Appendix 9.4
SWi_Ei_50	August 2018	Bat Assessment Technical Report	Appendix 9.5

SWi_Ei_51	August 2018	Arboricultural Impact Assessment	Appendix 9.6
SWi_Ei_52	August 2018	Landscape & Visual Impact Assessment	Appendix 10.1
SWi_Ei_53	August 2018	Water Environment Legislative Framework	Appendix 11.1
SWi_Ei_54	August 2018	Flood Risk Assessment	Appendix 11.2
SWi_Ei_55	August 2018	Environment Agency Flood Maps	Appendix 11.3
SWi_Ei_56	August 2018	Management of Surface Water	Appendix 11.4
SWi_Ei_57	August 2018	Socio-Economic Impact Assessment	Appendix 12.1
SWi_Ei_58	October 2018	Travel Plan	Appendix 6.3
SWi_Ei_59	April 2019	Response to Highways England	N/A
SWi_Ei_60	April 2019	Alternative Site Assessment Addendum	Appendix 4.1 of the ES
SWi_Ei_61	April 2019	Noise & Vibration Impact Assessment	Appendix 8.1 of the ES
SWi_Ei_62	April 2019	Transport Addendum	By Crofts
SWi_Ei_63	April 2019	Transport Addendum Appendix 1	By Crofts
SWi_Ei_64	April 2019	Transport Addendum Appendix 2	By Crofts
SWi_Ei_65	April 2019	Transport Addendum Appendix 3	By Crofts
SWi_Ei_66	April 2019	Transport Addendum Appendix 4	By Crofts
SWi_Ei_67	April 2019	Transport Addendum Appendix 5	By Crofts
SWi_Ei_68	April 2019	Transport Addendum Appendix 6	By Crofts
SWi_Ei_69	August 2019	EIA Regulation 25 Submission	By CBRE
SWi_Ei_70	August 2019	Biodiversity Net Gain	Document Reference: 6443.007 Dated: August 2019 by TEP
SWi_Ei_71	August 2019	Transport Assessment Addendum July 2019	July 2019
SWi_Ei_72	August 2019	Transport Assessment Addendum July 2019 Appendix	July 2019

Planning application notification

Document Inquiry Reference	Document Date	Document Name
SWi_NL_1	10 September 2018	A.18.85947.MAJES File Copy Letter 10.09.2018

SWi_NL_2	1 May 2019	A.18.85947.MAJES File Copy Letter 01.05.2019
SWi_NL_3	13 June 2019	A.18.85947.MAJES File Copy Letter 13.06.2019
SWi_NL_4	3 July 2019	A.18.85947.MAJES File Copy Letter 03.07.2019
SWi_NL_5	28 August 2019	A.18.85947.MAJES File Copy Letter 28.08.2019
SWi_SN_1	Concurrent with SW_NL_1	A.18.85947.MAJES – Site Notice example - Initial
SWi_SN_2	Concurrent with SW_NL_2 to 5	A.18.85947.MAJES – Site Notice example - Amendments
SWi_SN_Locations	n/a	A.18.85947.MAJES – Site Notice locations
SWi_PN_1	Concurrent with SW_NL_1	A.18.85947.MAJES – Press Notice example - Initial
SWi_PN_2	Concurrent with SW_NL_2 to 5	A.18.85947.MAJES – Press Notice example - Amendments

Representations

Document Inquiry Reference	Document Received	Contributor	Document Name
SWi_R_1 SWi_R_2 SWi_R_3 SWi_R_4 SWi_R_5 SWi_R_6 SWi_R_7 SWi_R_8 SWi_R_9 SWi_R_10 SWi_R_11 SWi_R_12 SWi_R_13 SWi_R_14 SWi_R_15 SWi_R_16 SWi_R_17 SWi_R_FULL	Collated (various)	Public Comments	Rep A.18.85947 - 1 Rep A.18.85947 - 2 Rep A.18.85947 - 3 Rep A.18.85947 - 4 Rep A.18.85947 - 5 Rep A.18.85947 - 6 Rep A.18.85947 - 7 Rep A.18.85947 - 8 Rep A.18.85947 - 9 Rep A.18.85947 -10 Rep A.18.85947 -11 Rep A.18.85947 -12 Rep A.18.85947 -13 Rep A.18.85947 -14 Rep A.18.85947 -15 Rep A.18.85947 -16 Rep A.18.85947 -17 Rep A.18.85947 FULL
SWi_R_Williams	30 May 2019	Mrs Williams (via County Planning Ltd)	WIL4343-1 - A-18-85947- MAJ-ES - Footpaths and Rights of Way letter 30-05-2019
SWi_R_Cllrs	Collated (various)	Councillor J Bullen Councillor L Holland Councillor C Morgan Councillor M Morgan	Councillor Representations Collated
		Councillor N Murray Councillor A Sykes	

SWi_R_MP_1 SWi_R_MP_2	12 October 2018 23 May 2019	Member of Parliament – Yvonne Fovargue	85947 MP YF - 12.10.2018 85047 MP YF - 23.05.2019
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Consultation Responses

Document Inquiry Reference	Document Received	Consultee
SWi_CR_CG_HSE_NG	Various (Collated)	Cadent Gas Health & Safety Executive National Grid
SWi_CR_Coal	Various (Collated)	Coal Authority
SWi_CR_Conservation	19 December 2019	Conservation Officer
SWi_CR_LLFA	Various (Collated)	Drainage Engineer as Lead Local Flood Authority
SWi_CR_EA	Various (Collated)	Environmental Agency
SWi_CR_EP_PH	Various (Collated)	Environmental Protection & Public Health Officers (Wigan Council)
SWi_CR_GMAAS	Various (Collated)	Greater Manchester Archaeological Advisory Service
SWi_CR_GMEU_GH	Various (Collated)	Greater Manchester Ecology Unit (GMEU) & Greenheart Project Officer (Wigan Council)
SWi_CR_GP_GH_PP	18 November 2019	Creator: Greenheart
SWi_CR_GMF&RS	13 November 2019	Greater Manchester Fire & Rescue Service
SWi_CR_GMP	Various (Collated)	Greater Manchester Police (GMP)
SWi_CR_HE	Various (Collated)	Highways England
SWi_CR_ES&TfGM	Various (Collated)	Engineering Services (Highways and Traffic) & Transport for Greater Manchester (TfGM)
SWi_CR_Landscape	23rd November 2018	Landscape Design Officer
SWi_CR_NE	Various (Collated)	Natural England (NE)
SWi_CR_PROW	Various (Collated)	Public Rights of Way Officer (PROW Officer)
SWi_CR_Salford	Various (Collated)	Salford City Council
SWi_CR_SE	14 September 2018	Sport England
SWi_CR_StHelens	Various (Collated)	St Helens Council

SWi_CR_TP	Various (Collated)	Travel Plan Officer
SWi_CR_TREES	Various (Collated)	Trees and Woodlands Officer
SWi_CR_UU	24 September 2018	United Utilities (UU)
SWi_CR_Warrington	6 December 2018	Warrington Borough Council
SWi_CR_WL	Various (Collated)	West Lancashire Borough Council

Planning Casework Unit

Document Inquiry Reference	Document Date	Document Name
SWi_PCU_1	24 October 2018	PCU Email October 2018
SWi_PCU_2	2 July 2019	190703_Article 31 Letter
SWi_PCU_3	Various	CO & PCU Correspondence
SWi_PCU_4	21 May 2020	Call in letter to Applicant (Junction 25, M6)
SWi_PCU_5	22 nd September 2020	Pre-Conference Note from the Appointed Inspector Panel
SWi_PCU_6	6 th October 2020	Case Management Conference Summary and Directions

7. Associated policy and guidance documents

Document Inquiry Reference	Document Date	Document Name
Wi_DP_1_Core Strategy	September 2013	Wigan Local Plan Core Strategy
Wi_DP_2_UDP	April 2006	Wigan Replacement Unitary Development Plan - Remaining Policies
Wi_DP_3_Minerals	April 2013	The Greater Manchester Joint Minerals Plan
Wi_DP_4_Waste	April 2012	Greater Manchester Joint Waste Development Plan Document
Wi_Su_1_Access	September 2006	Access for All
Wi_Su_2_Air Quality	September 2007	Development and Air Quality
Wi_Su_3_Protected Species	June 2007	Development and Protected Species
Wi_Su_4_Fencing	n/a	Good Fencing Guide
Wi_Su_5_Landscape Design	October 2005	Landscape Design
Wi_Su_6_Travel Plans	June 2007	Travel Plans
Wi_Su_7_Landscape Assessment	March 2009	Landscape Assessment and Character Types and Areas

and Wi_Su_7a_Land scape Character Areas		
Wi_Ot_1_ ELR 2015	December 2015	Wigan Borough Draft Employment Land Review
Wi_Ot_2_ ELPS 2018	April 2018	Wigan Borough Employment Land Position Statement 2018
Wi_Ot_3_ ELPS Jan 2019	January 2019	Wigan Employment Land Position Statement (January 2019 Update)
Wi_Ot_4_ ELPS May 2019	May 2019 Update	Wigan Borough Employment Land Position Statement 2019
GM_Ot_5_GMSF Draft	January 2019	Greater Manchester Spatial Framework Revised Draft
GM_Ot_6_GMSF Topic Paper	January 2019	Greater Manchester Spatial Framework Topic Paper – Employment with Appendices
GM_Ot_7_GM LIS	June 2019	Greater Manchester Local Industrial Strategy
GM_Ot_8_GM Strategy	2017	The Greater Manchester Strategy
GM_Ot_9_GMS F GB & 9a -9F	July 2016	Greater Manchester Spatial Framework: Greater Manchester Green Belt Assessment Appendix (9a-9f are Extracts for Junction 25 & Wigan)
Wi_Ot_11_Allocati ons DMP	October 2015	Allocations and Development Management Plan: Initial Draft for Consultation.
Wi_Ot_12_ Vision2030	n/a	We are Wigan Economic Vision for 2030
Wi_Ot_13_Inspecto rs Report	August 2013	Inspector's Report: Wigan Local Plan Core Strategy
Ov_Ot_1_NPPF	February 2019	National Planning Policy Framework
Ov_Ot_2_NPPG	Not printed	Not printed
Ov_Ot_3_Industria l Strategy	November 2017	Industrial Strategy – Building a Britain fit for the future
Ov_Ot_4_Northern Powerhouse	June 2016	Northern Powerhouse
Ov_Ot_5_Guidance 1	2000	Institution of Highways and Transportation document 'Guidelines for Providing for Journeys on Foot
Ov_Ot_6_Guidance 2	1999	Institution of Highways and Transportation document 'Guidelines for Planning for Public Transport in Developments
Ov_Ot_7_Guidance 3	November 2015	Homes & Communities Agency Employment Density Guide, 3rd Edition
Swi_Ot_1_GMSF Rep 1	January 2016	GMSF Call for Site

SWi_Ot_2_GMSF Rep 2	January 2017	GMSF Call for Site
SWi_Ot_3_GMSF Rep 3	January 2019	GMSF Call for Site

Officer's Planning Committee Report

Document Inquiry Reference	Document Created	Document Name
SWi_OR_1_Officer Report	January 2020	Public reports pack 14 th - Jan-2020 14.00 Planning Committee

Inquiry Documents

Document Inquiry Reference	Document Created	Document Name
SWi_In_1	July 2020	Statement of Common Ground
SWi_In_2	July 2020	Highways Statement of Common Ground
SWi_In_3	July 2020	Statement of Case (Applicant)
SWi_In_4	July 2020	Statement of Case (Council)

Updated Evidence (2020)

Document Inquiry Reference	Document Created	Document Name
Wi_Ot_14	October 2020	Wigan Employment Land Position Statement 2020
Wi_Ot_16	May 2019	The Deal 2030
GM_Ot_14	October 2020	GMSF Publication Plan October 2020 (Chapters 1 – 10 & Strategic Allocation Policy GM 42 (M6 Junction 25) included in the core document file)
GM_Ot_15	September 2020	GMSF Site Selection Process (Extracted relevant section in the core document file)
GM_Ot_16	September 2020	Stage 2 GB Study - Cumulative Assessment (Extracted relevant section from ref: 21D in the core document file)
GM_Ot_17	September 2020	Stage 2 GB Study - Assessment of 2019 GMSF Allocations (Doc 21E) and site-specific extract from doc ref: 21F in the core document file
GM_Ot_18	September 2020	Stage 2 Greater Manchester Green Belt Study Addendum: Assessment of Proposed 2020 GMSF Allocations (Extracted relevant section from 21G in

		the core document file)
GM_Ot_19	October 2020	Greater Manchester Plan for Homes, Jobs and Environment - Our case for exceptional circumstances Ref: 22 (Extracted relevant section in the core document file)
GM_Ot_20	September 2020	Stage 2 GB Study - Enhance the Beneficial use of the Green Belt (Extracted relevant section from ref: 21I in the core document file)
GM_Ot_21	February 2020	Economic Forecasts for Greater Manchester
GM_Ot_22	February 2020	Employment Land Needs in Greater Manchester
GM_Ot_23	August 2020	Covid-19 and the GMSF Growth Options.
GM_Ot_24	October 2020	Junction 25 – Site Allocation Topic Paper – Policy GMA42 (M6 Junction 25, Wigan)
GM_Ot_25	October 2020	Proposed Site Allocation boundary

Proofs of Evidence

The Applicant

Document Inquiry Reference	Author	Document Name
Planning Proofs, Appendices & Summary	Mr Chris Argent	Planning Proofs, Appendices & Summary
Employment Need Proof	Mr Andrew Aherne	Employment Need Proof, Appendices & Summary
Air Quality Proof	Mr Jethro Redmore	Air Quality Proof & Summary
Ecology and Arb Proof	Mr Francis Hesketh	Ecology and Arboriculture Proof, Appendices & Summary
Landscape Proof	Mr Paul Beswick	Landscape Proof, Appendices & Summary
Highways Proof	Mr Tim Russell	Highways Proof & Summary

Wigan Council

Planning Proof of Evidence	Gareth Jones	Planning Proofs of Evidence
Employment Land Supply and Quantitative and Qualitative Considerations	David Kearsley	Employment Land Supply and Quantitative and Qualitative Considerations Proofs of Evidence
Economic Considerations and Business Enquiries	Kealey Mulligan	Economic Considerations and Business Enquiries Proof of Evidence
Highways Consideration	Kenny Strode	Highways Considerations Proof of Evidence
Environmental Protections (Air Quality)	Michaela Guest	Environmental Protections (Air Quality) Proof of Evidence

Representations from Interested Parties (Since Call in)

Document Inquiry Reference	Date Received	Document Name
SWi_CR_Gibson A	July 2020	Comments on Case
SWi_CR_Gibson J	July 2020	Comments on Case
SWi_CR_Littler C	July 2020	Comments on Case
SWi_CR_Rennie	July 2020	Comments on Case
SWi_CR_United Utilities (Documents 1-4)	July 2020 – November 2020	Comments on Case
SWi_CR_Matthewman (including Appendix A – D)	November 2020	Comments on Case
SWi_CR_Cllr_Morgan	December	Comments on Case
SWi_CR_Lashley	December	Comments on Case

Appendix D

CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED

Full Planning Permission

- 1) The development hereby approved in detail must be begun no later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Full & Outline application

- Location Plan, drawing number: B3968-AEW-XX-XX-DR-A-0501 (Rev. P10);
- Parameters Plan, drawing number: B3968-AEW-XX-XX-DR-A-0508 (Rev. P19);
- Hybrid Application Boundaries Plan, drawing number: B3968-AEW-XX-XX-DR-A-0511 (Rev. P12);
- Proposed Phasing Plan, drawing number: B3968-AEW-XX-XX-DR-A-0514 (Rev. P9);
- Proposed Access and Movement Plan, drawing number: B3968-AEW-XX-XX-DR-A-0516 (Rev. P9);
- Demolition Plan, drawing number: B3968-AEW-XX-XX-DR-A-0530 (Rev. P3);
- Proposed Public Right of Way Upgrade Plan, drawing number: B3968-AEW-XX-XX-DR-A-0536 (Rev. P5);

Full application only

- Proposed Site Plan (Phase 1 Detailed Application Area), drawing number: B3968-AEW-XX-XX-DR-A-0503 (Rev. P18);
- Proposed and Existing Site Sections, drawing number: B3968-AEW-XX-XX-DR-A-0512 (Rev. P3);
- DBS 1 – Ground Floor Plan, drawing number: B3968-AEW-B1-00-DR-A-0517 (Rev. P3);
- DBS 1 – First Floor Plan, drawing number: B3968-AEW-B1-01-DR-A-0518 (Rev. P3);
- DBS 1 – Roof Plan, drawing number: B3968-AEW-B1-RF-DR-A-0519 (Rev. P3);
- DBS 1 – Elevations, drawing number: B3968-AEW-B1-XX-DR-A-0520 (Rev. P3);
- DBS 1 – Sections, drawing number: B3968-AEW-B1-XX-DR-A-0521 (Rev. P2);
- DBS 2 – Ground Floor Plan, drawing number: B3968-AEW-B2-00-DR-A-0522 (Rev. P3);
- DBS 2 – First Floor Plan, drawing number: B3968-AEW-B2-01-DR-A-0523 (Rev. P3);

- DBS 2 – Roof Plan, drawing number: B3968-AEW-B2-RF-DR-A-0524 (Rev. P3);
 - DBS 2 – Elevations, drawing number: B3968-AEW-B2-XX-DR-A-0525 (Rev. P3);
 - DBS 2 – Sections, drawing number: B3968-AEW-B2-XX-DR-A-0526 (Rev. P2);
 - Proposed Gatehouse Details (Security Gatehouses to DBS 1 and DBS 2), drawing number: B3968-AEW-XX-XX-DR-A-0527 (Rev. P2);
 - Proposed Sub-Station Enclosure, drawing number: B3968-AEW-XX-XX-DR-A-0535 (Rev. P1);
 - Phase 1 General Arrangement Plan – Rev B, drawing number: ENZ.XX.02.D.L.00.101 B;
 - Phase 1 Proposed Contours Plan, drawing number: SK-01 (Rev P9);
 - Phase 1 Drainage Layout, drawing number: 50-01 (Rev. P5); and
 - Phase 1 Offsite Foul Pump Main Route, drawing number: 50-03 Rev. P3.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, or any Order revoking or re-enacting that Order with or without modification, no development within Classes A and B of Part 2, Schedule 2 and Classes H and J of Part 7, Schedule 2 of the Order shall be carried out to the hereby approved units detailed as 'DBS 1' and 'DBS 2' and their associated external areas, as shown on the approved drawings.
- 4) Other than site clearance and investigation works, no development of the detailed element hereby approved shall commence until a report detailing the results of intrusive site investigations in relation to coal mining legacy issues, the scope of which to have been previously agreed in writing with the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. The report shall include the following:
- A layout plan identifying appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones identifying any necessary no build area for the high wall(s);
 - A scheme of proposed treatment for the mine entries on site;
 - A scheme of remedial works for the shallow coal workings; and
 - The detailed element of the development shall be implemented in full accordance with the approved details.
- 5) Prior to the commencement of any part of the development hereby approved in detail an investigation and assessment of the nature and extent of any contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- I. A site investigation scheme, based on the submitted Phase 1 Preliminary Risk Assessment Report Prepared by TIER (Reference: TE1036PRA Issue 1.3) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- II. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- III. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved options appraisal, remediation strategy, remedial measures and verification plan shall be implemented in full and a 'Verification Report' shall be submitted to, and approved in writing, by the Local Planning Authority before the occupation of either hereby permitted unit detailed as 'DBS 1' or 'DBS 2' on the approved drawings.

- 6) Notwithstanding the details hereby approved, prior to the first occupation of either unit detailed as 'DBS 1' and 'DBS 2', a detailed scheme of hard and soft landscaping works, in accordance with the approved plans, together with an implementation plan, shall be submitted to, and approved in writing by, the Local Planning Authority for the detailed application area as shown on the approved drawings. The scheme shall include details of:
 - Earthworks modelling for the relevant unit and any other associated landscaping;
 - Grading and mounding in relation to existing trees and vegetation;
 - Natural landscape features to be retained;
 - Details of the enclosures and retaining features along all boundaries and within the site;
 - Details of introduced wetland and marginal planting including landscape schedule; and
 - Schedules of plants and trees, noting species, plant sizes and proposed numbers/densities.

For the plot landscaping, the scheme as approved shall be carried out for the relevant unit in the first planting season following the completion of the unit in the respective development phase.

For the structural planting and wider planting outside of the plots, the scheme as approved shall be carried out prior to the first occupation of either unit.

Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced, and if necessary continue to be replaced, with planting of a similar size and species in the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

- 7) Prior to the first occupation of either unit detailed as 'DBS 1' and 'DBS 2', a scheme for the improvement of existing Public Right of Way, path number: 002/04/10, insofar as it falls within the application red line boundary for the detailed part of the development hereby approved, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall

include details of the applicant's proposals for the upgrading of the path to allow use by cyclists and pedestrians for its entirety , including details of surfacing, re-grading, drainage, lighting, signage, together with a timetable for the implementation of the works. The improvement works shall be implemented in full accordance with the approved details and the implementation timetable.

Outline permission

- 8) Prior to the commencement of any part of the development hereby approved in outline approval shall be obtained from the Local Planning Authority with respect to the reserved matters for the relevant phase, namely; appearance, landscaping, layout, and scale. Thereafter the development shall be carried out in accordance with the approved details.
- 9) No application for the approval of the reserved matters, in relation to the development hereby approved in outline, shall be made later than the expiration of seven years beginning with the date of this permission, and, each phase of the development hereby approved in outline must be begun no later than the expiration of two years from the approval of the final reserved matters relating to that phase.
- 10) Prior to, or concurrently with the submission of any of the reserved matters application(s) for development within the outline area, an 'Outline Area Phasing Plan' shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of:
 - Development parcels;
 - Investigation, assessment and remediation in relation to contaminated land and coal mining legacy issues;
 - Estate road and public rights of way routes within the site, including timing of provision and opening of construction and permanent access points into the site; and
 - Site wide electricity networks and other strategic utilities.

No development hereby approved shall commence apart from enabling works agreed in writing by the Local Planning Authority, until such time as the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the phasing contained within the approved 'Outline Area Phasing Plan', unless otherwise agreed in writing with the Local Planning Authority.

- 11) As part of the reserved matters submission(s), the following information relevant to that phase, shall be submitted to, and approved in writing by, the Local Planning Authority:
 - A scheme of intrusive site investigations for mine entries on site;
 - A scheme of intrusive site investigations for the shallow coal workings and in order to locate the high wall(s) (if present);
 - A report of findings arising from the intrusive site investigations;

- A layout plan identifying appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones identifying any necessary no build area for the high wall(s);
- A scheme of proposed treatment for the mine entries on site; and
- A scheme of remedial works for the shallow coal workings.

Should remedial works be carried out a 'Verification Report' confirming completion of the works in full shall be submitted to, and approved in writing by, the Local Planning Authority before the occupation of any unit(s) within that phase of development.

- 12) As part of the reserved matters submission(s) an investigation and assessment of the nature and extent of any contamination of the site relevant to that phase shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i. A site investigation scheme, based on the submitted Phase 1 Preliminary Risk Assessment Report Prepared by TIER (Ref: TE1036PRA Issue 1.3) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved options appraisal, remediation strategy, remedial measures and verification plan relevant to that phase shall be implemented in full and a 'Verification Report' shall be submitted to, and approved in writing, by the Local Planning Authority before the occupation of any unit(s) within that phase of development.

- 13) Prior to, or concurrently with the submission of the first reserved matters, a 'Surface Water Drainage Strategy', covering the outline element of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be undertaken in accordance with the hierarchy of drainage options in the National Planning Practice Guidance, be compliant with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards and include the following details;
- An investigation relating to the existing land drainage of the outline site, which shall identify all ditches, watercourses, culverts, ponds etc. within the site. The strategy will be required to demonstrate that the flow of water within any of these existing features is not impeded by the development of the outline site and to demonstrate how the proposed development will provide for the existing land drainage of the outline site;
 - Evidence of an assessment of the outline site conditions; demonstrating that the strategy has been designed, unless an area is designated to hold

and/or convey water as part of the design, so that flooding does not occur during a 1 in 100 year rainfall event in any part of the building(s);

- An assessment demonstrating that there will be no overland surface flooding from any phase of development, including consideration of surface flooding caused from either the developable site onto existing adjacent land and properties or from existing adjacent land and properties onto the newly developed outline site; and
- Details of how the development can be drained on separate foul and surface water systems, with no surface water being discharged to the public sewerage system either directly or indirectly.

14) As part of the reserved matters submission(s), details of foul and surface water drainage systems pertaining to that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage scheme proposed shall reflect the approved site wide 'Surface Water Drainage Strategy' as required under condition 13 of this permission and shall include the following details:

- Detailed cross-sectional drawings of all new attenuation ponds and proximity to retained semi-natural features;
- Details of any new attenuation pond discharge arrangement to neighbouring watercourses; and

No unit that is forthcoming through the development hereby approved in outline shall be occupied, or brought into use, prior to connection to the completed approved foul and surface water drainage systems for the relevant unit.

15) Prior to, or concurrently with the submission of the first reserved matters, a 'Habitat and Landscape Creation and Management Plan', covering the outline element of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The 'Habitat and Landscape Creation and Management Plan' must cover at least the first ten years after project completion (of all phases) and include:

- Ecological trends and constraints on site that could influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions, including plant species, numbers and planting densities;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
- Body or organisation responsible for implementation of the plan;
- Monitoring and remedial measures; and
- Funding resources and mechanisms to ensure sustainable long-term delivery of the proposed management.

16) As part of the reserved matters submission(s), a detailed 'Landscape and Biodiversity Plan' for the relevant phase, which accords with the principles and details set out in approved 'Habitat and Landscape Creation and

Management Plan' and the principles provided within the 'Illustrative Landscape Masterplan - Rev A, drawing number: ENZ.XX.01.D.L.00.001.A', shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted plan/scheme shall include details of:

- Hard and soft landscaping;
- Details of the enclosures and retaining features along all boundaries and within the site;
- Earthworks modelling for the relevant unit and any other associated landscaping;
- Grading and mounding in relation to existing trees and vegetation;
- Natural landscape features to be retained;
- Schedules of plants and trees, noting species, plant sizes and proposed numbers/densities;
- Details of introduced wetland and marginal planting including landscape planting schedules;
- Proposals for ecological mitigation and habitat creation; and
- Proposals to incorporate features to enhance the biodiversity value with respect to roosting bats and breeding birds.

An implementation schedule for the 'Landscape and Biodiversity Plan' relevant to that phase of development that, unless otherwise approved in writing with the Local Planning Authority, shall accord with the 'Outline Area Phasing Plan' required through condition 10 of this permission and which shall align with the following timescales:

- For the plot landscaping, the scheme as approved shall be carried out for the relevant unit in the first planting season following the completion of the unit in the respective development phase.
- For the structural planting and wider planting outside of the plots, the scheme as approved shall be carried out for the relevant unit prior to the first occupation of the relevant unit.

The approved 'Landscape and Biodiversity Plan' to each relevant phase of development shall be completed in full accordance with the corresponding agreed implementation schedule.

Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced, and if necessary continue to be replaced, with planting of a similar size and species in the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Full and Outline Permission

- 17) No part of the development hereby approved shall be brought into use until the proposed highway improvements to Junctions 24 and 25 of the M6, details of which shall first have been submitted to and agreed in writing by the LPA and Secretary of State for Transport and being in general accordance

with drawing numbers 1687- F05, Revision D and 1687-F08, Revision H, have been provided in full accordance with the approved details.

- 18) No development, other than site clearance and investigative works, shall commence unless and until the developer has submitted the following full design and construction details of the required improvements to Junctions 24 and 25 of the M6, such details to be agreed by the Local Planning Authority, in consultation with the Secretary of State for Transport, and shown in drawing numbers: '1687- F05, Revision D' and '1687-F08, Revision H' respectively. The details to be submitted shall include:
- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
 - Full signing and lighting details;
 - Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards); and
 - An independent Stage Two Road Safety Audit (taking account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.
- 19) No development shall take place until details of a Construction Training and Employment Management Plan (CT&EMP) relevant to that phase has been submitted to, and approved in writing by, the Local Planning Authority. The CT&EMP(s) will aim to promote training and employment opportunities for local people and include:
- Measures to ensure the owner and contractors work directly with local employment and training agencies;
 - Targets for employing local labour;
 - Targets for work experience opportunities;
 - Measures to provide training opportunities in respect of any new jobs created; and
 - Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.
- The development shall be carried out in accordance with the agreed CT&EMP(s) and any amendments to the CT&EMP(s) shall be agreed in writing with the Local Planning Authority.
- 20) No phase of the development hereby approved shall be occupied until details of a Training and Employment Management Plan (T&EMP) relevant to that phase, has been submitted to, and approved in writing by, the Local Planning Authority. The T&EMP(s) will aim to promote training and employment opportunities for local people and include:
- Measures to ensure the owner and contractors work directly with local employment and training agencies;
 - Targets for employing local labour;
 - Targets for work experience opportunities;

- Measures to provide training opportunities in respect of any new jobs created; and
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be occupied in accordance with the agreed T&EMP(s) and any amendments to the T&EMP(s) shall be agreed in writing with the Local Planning Authority.

- 21) Prior to the commencement of any phase of the development hereby approved, a 'Soil Management Plan' relevant to that phase, to be prepared in accordance with the Department of the Environment, Fisheries and Rural Affairs (DEFRA) Construction Code of Practice for the 'Sustainable Use of Soils on Construction Sites', shall be submitted to, and approved in writing by, the Local Planning Authority. The relevant phase of development shall be undertaken in complete accordance with the approved management plan.
- 22) Prior to the commencement of any phase of the development hereby approved, a programme of archaeological works relevant to that phase shall be secured. These works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) to be submitted to, and approved in writing by, the Local Planning Authority. The WSI shall include the following:
 1. A phased programme and methodology to include:
 - Historic Building Survey (Historic England level 2) (as appropriate);
 - Additional detailed historic research;
 - Archaeological evaluation trenching;
 - Subject to the findings of the above, a programme of more detailed archaeological excavation and recording; and
 - A targeted archaeological watching brief.
 2. A programme for post investigation assessment to include:
 - Analysis of the site investigation records and finds; and
 - Production of a final report on the significance of the heritage interest represented.
 3. A scheme to disseminate the results that is commensurate with their significance.
 4. Provision for archive deposition of the report, finds and records of the site investigation.
 5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.
- 23) Prior to commencement of any phase of development, except for investigative works, but including the formation of temporary construction site access(es) where necessary, a scheme in the form of a Construction Environmental Management Plan (CEMP) relevant to that phase of development, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The CEMP shall include, as a minimum, the following details;

- Schedule of construction works and dates;
- Hours of construction;
- Construction Heavy Goods Vehicle routing;
- Temporary construction site accesses;
- Interface with Pedestrians;
- Measures to control disruption;
- Demolition Method Statement;
- Methods to be employed to control and monitor noise, dust (based on a risk assessment in accordance with the latest Institute of AQM document 'Guidance on the assessment of dust from demolition and construction – 2014') and vibration impacts;
- Health & Safety requirements;
- Works to protect the utilities infrastructure;
- Monitoring and Management;
- Details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- A management plan to control surface water runoff during the construction phase and measures to be adopted to mitigate the risk to ground and surface waters from contaminated surface runoff;
- On-site parking capable of accommodating all staff and sub- contractor vehicles clear of the public highway
- On-site materials storage area capable of accommodating all materials required for the operation of the site.
- An ecological section to include measures for the control of invasive alien plant species, and the protection of nesting birds, amphibians and bats (if found to be present) during the course of any removal of trees or woody vegetation;
- A detailed scheme of protective fencing to demarcate a landscape buffer zone between any groundworks or construction activity and the Local Wildlife Site at 'Glead Wood and Tan Pit Slip Site of Biological Importance'; and
- An 'Operational Method Statement' to detail the phasing and timing of works to remove existing landscaping, where permitted by this permission, to avoid the time period 1 March to 31 August (bird breeding season), and identify those trees to be retained, including the method of protection from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause, in accordance with BS5837:2012.

The works associated with the approved CEMP shall be implemented before construction works commence in relation to that phase and shall be maintained for the duration of the relevant construction works, with these works undertaken in accordance with the approved CEMP at all times, unless otherwise previously agreed in writing with the Local Planning Authority.

- 24) Prior to occupation of any phase of the development, an external lighting scheme, to include the internal estate road and all other external lighting relevant to that phase, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be informed by the recommendations and conclusions in the 'Symmetry Park Wigan, External Lighting Impact Assessment (Date of issue: 15 August 2018, issue: 1.0, HM reference: 25314-RPSU- 001)' and shall provide details of:
- The proposed hours of use of the external lighting;
 - The number, type and location of the proposed luminaires;
 - The maintained average illuminance levels of the areas to be illuminated;
 - The steps that will be taken to minimise stray light and glare from the lighting; and
 - The steps that will be taken to minimise impacts on wildlife.

The lighting shall be installed, maintained and operated in accordance with the approved scheme.

- 25) No development above formation of slab for any particular phase shall take place until a report explaining how carbon dioxide emissions from that particular phase of the development will be reduced by providing at least 15% of the development's energy through low carbon sources, has been submitted to, and approved in writing by, the Local Planning Authority. The measures identified in the report shall exceed those required to comply with 'Part L' of the Building Regulations. The approved measures within the report shall be carried out before the use or operation of the respective building(s) commences and shall thereafter be maintained in an operated within the development.
- 26) Within six months of the occupation of each individual unit hereby approved, or within alternative timescales that have been previously agreed in writing with the Local Planning Authority, the relevant certification demonstrating that Building Research Establishment Environmental Assessment Method (BREEAM) 2014 'Very Good' has been achieved for each respective unit shall be submitted to, and approved in writing by, the Local Planning Authority.
- 27) Prior to installation, details of roof top solar PV panels shall be submitted to and approved in writing by the Local Planning Authority. The installation of such features within the development shall then only be undertaken in accordance with the approved details.
- 28) Prior to the commencement of any phase of development hereby approved, an 'Electric vehicle infrastructure strategy and implementation plan' associated with the relevant phase shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the number, location and maintenance of the electric vehicle charging points for that phase. The electric vehicle charging points shall be implemented in accordance with the approved details and timescales for implementation, with the agreed details maintained in a working manner thereafter. Parking or servicing areas not provided with charging points shall be installed in a manner to allow the future installation of electric charging points associated with that phase.

- 29) No part of the development hereby approved, shall be brought into use until the vehicle access, footway and/or footpath connections (excluding public rights of way connections), parking, manoeuvring and turning areas have been constructed in accordance with the respective details associated with the individual unit. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 30) Prior to the first occupation of each individual unit of the development hereby approved, a scheme detailing the siting and design for internal and/or external secure and covered cycle parking facilities at the site for that relevant phase shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed facilities shall be implemented in full prior to the first use of the respective phase of the development and thereafter maintained at all times.
- 31) Within three months of the first occupation of each unit within any phase of the hereby approved development, or in accordance with a timeframe that has been previously agreed in writing by the Local Planning Authority, a Travel Plan for the respective unit shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall detail measures to reduce the need to travel to and from the site by private transport, detail the timing of such measures and accord with the submitted 'DB Symmetry (Wigan) Limited Framework Travel Plan (Dated: October 2018, job number: 1625). The operation of each unit shall be undertaken in accordance with the respective approved Travel Plan and shall be maintained and kept up to date at all times, and shall also take into account any change in circumstances, such as a change to the occupier of the site.
- 32) Prior to the occupation of any phase of the development hereby approved, a 'Sustainable drainage management and maintenance plan' for the lifetime of the relevant part of the development shall be submitted to, and agreed in writing by, the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by an estate management company; and
 - Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

All phases of the development shall subsequently be completed, maintained and managed in accordance with the approved management and maintenance plan.

- 33) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 34) Prior to the above ground construction of any phase of development hereby approved, details of appropriate crime prevention measures associated with the relevant unit(s) and external area(s) within that phase, shall be submitted to, and agreed in writing by the Local Planning Authority. The

details shall be informed by the recommendations within the 'Crime Impact Statement, Junction 25 M6 Wigan (Version C: 16th August 2018, reference: 2018/0162/CIS/01)' and shall accord with the principles of 'Secure by Design' accreditation. The development shall be constructed in accordance with the approved details and also maintained and operated as such at all times thereafter.

- 35) Prior to the first occupation of each unit in any phase of the development hereby approved, a noise assessment that shall detail any mitigation measures to control noise emanating from the development to a rating level (as defined in British Standard BS4142: 2014 A1:2019 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas) measured in free field that does not exceed a level based on a criteria of LA90,T+0dB(A) at noise sensitive receptors (at any time), shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be carried out and completed in full before the respective unit is brought into occupation and shall be retained thereafter.
- 36) Following the first use of any unit in any phase of the development hereby approved, no additional externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted, on an individual unit basis, unless full details thereof, including design, acoustic emissions data and any mitigation measures required to meet the noise rating level in condition 35 of this permission, have first been submitted to, and approved in writing by, the Local Planning Authority.
- 37) Prior to the first use of each unit in any phase of the development hereby approved, a Noise Management Plan (NMP) relevant to that unit shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures within the NMP shall be carried out and completed in full before the respective unit is brought into use and shall be retained thereafter.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

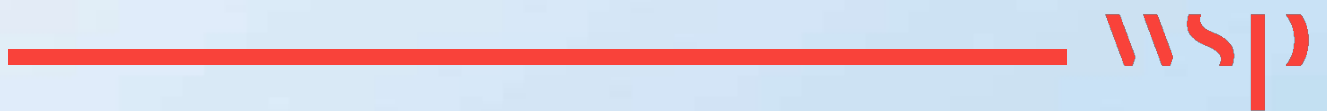
SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix C





Ministry of Housing,
Communities &
Local Government

Mr Philip Grant
Avison Young
Norfolk House
7 Norfolk Street
Manchester
M2 1DW
philip.grant@avisonyoung.com

Our ref: APP/M0655/W/19/3222603
& APP/M0655/V/20/3253083
Your ref: 04B813115

2 November 2020

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 77 & 78
APPLICATION AND APPEAL MADE BY LIBERTY PROPERTIES & EDDIE STOBART
LTD.
LAND AT BARLEYCASTLE LANE APPLETON THORN, WARRINGTON
APPLICATION REFS: 2017/31757 & 2019/34739**

1. I am directed by the Secretary of State to say that consideration has been given to the report dated 11 December 2019 of David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI who held a public local inquiry on 15-17 October 2019 with respect to your client's appeal against the decision of Warrington Borough Council to refuse your client's application for planning permission for demolition of all existing on-site buildings and structures and construction of a National Distribution Centre building (Use Class B8) with ancillary office accommodation (Class B1(a)), vehicle maintenance unit, vehicle washing area, internal roads, gatehouse, parking areas, perimeter fencing, waste management area, sustainable urban drainage system, landscaping, highways improvements and other associated works, in accordance with application ref 2017/31757 dated 3 July 2018.
2. Consideration has also been given to the Inspector's subsequent addendum report dated 9 September 2020, which reconsidered some matters relating to the above appeal, and also dealt with your client's application for demolition of all existing on-site buildings and structures and construction of a National Distribution Centre building (Use Class B8) with ancillary office accommodation (Class B1(a)), vehicle maintenance unit, vehicle washing area, internal roads, gatehouse, parking areas, perimeter fencing, waste management area, sustainable urban drainage system, landscaping, highways improvements and other associated works, in accordance with application ref 2019/34739 dated 1 April 2019. On 21 May 2020 the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that this application be referred to him instead of being dealt with by the local planning authority.

Ministry of Housing, Communities & Local Government
Andrew Lynch Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 43594
Email: PCC@communities.gov.uk

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and the called-in application be refused.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendations. He has decided to dismiss the appeal and refuse the application. A copy of the Inspector's reports are enclosed.
5. For the purposes of clarity within this decision letter Main Report (MR) refers to the Inspector's first report dated 11 December 2019 (APP/M0655/W/19/3222603) and Addendum Report (AR) refers to the Inspector's subsequent report (APP/M0655/V/20/3253083). All references to paragraph numbers, unless otherwise stated, are to those reports.

Environmental Statement

6. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at MR10 & 11 and AR8, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

7. The sequence of events which led to the AR being submitted is set out in AR1-15. The Secretary of State notes that the appeal scheme and the application scheme are effectively identical (AR), and agrees with the Inspector for the reasons given at MR6 and AR3-5 that no one with an interest in the case would be unacceptably prejudiced by that approach.

Matters arising since the close of the inquiry

8. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the Warrington Local Plan CS, adopted in July 2014, and the Appleton Thorn Ward Neighbourhood Development Plan ("the NDP"), which was made in June 2017. The Secretary of State considers that relevant development plan policies include those set out in the SoCG paragraphs 4.4 to 4.6, as referred to at MR25.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Standards for Parking in New Development SPD (2015); the Environmental Protection SPD (2013); the Design and Construction SPD (amended in 2016); and the Planning Obligations SPD (2017) (MR26).
12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

13. The emerging plan comprises the Proposed Submission Version of the Local Plan (PSVLP). The Secretary of State considers that the emerging policies of most relevance to this case include the Warrington Garden Suburb policy MD2 and Garden Suburb Employment Area policy MDA2.3.
14. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State notes (MR29) that the PSVLP is at an early stage of preparation, the timetable for progressing the plan has slipped (MR29) and that the Council are unable to confirm an adoption date for the new plan (AR141). For the reasons given in MR29 and AR140-148 the Secretary of State agrees with the Inspector's conclusion at MR29 and AR148 that the emerging plan carries limited weight.

Main issues

15. The Secretary of State agrees with the Inspector that the main issues with regard to the determination of this case are those set out in MR291 and AR112, with additional matters which parties maintain have materially changed since the Inquiry being set out at AR113.

Green Belt

16. The Secretary of State notes at MR295 that it is common ground that the proposed development would be inappropriate development in the Green Belt and agrees that this definitional harm must be given substantial weight, in accordance with paragraph 144 of the Framework.
17. In relation to the purposes of the Green Belt as set out in NPPF para 134 and for the reasons given in MR296-299 the Secretary of State agrees with the Inspector that the proposal site makes a strong contribution to safeguarding the countryside from encroachment (MR297), and accordingly makes a strong contribution to fulfilling the fundamental aim of the Green Belt in protecting the openness of the Green Belt (MR299). He also agrees that the site makes a moderate contribution to assisting in urban regeneration (MR299) and a weak contribution towards preventing towns from merging into one another (MR299).
18. The Secretary of State agrees with the Inspector at MR300 that the proposed development would represent a clear encroachment into the countryside and considers it would give rise to significant harm in terms of Green Belt Purpose "c" and Purpose 3 of

the CS Policy CS5. Further he agrees with the Inspector at MR303 that the construction of this very large building and its associated vehicular activity would have a very significant impact on the spatial aspect of openness.

19. For the reasons given at MR301-305, the Secretary of State agrees with the Inspector at MR305 that this very large building would have an appreciable adverse visual impact on openness, particularly when seen from Barleycastle Lane, and the view across the site would be dramatically transformed from a relatively flat, open undeveloped, area, into an intensively developed area housing a very large building and an appreciable number of vehicles. He further agrees the visual harm to the openness of the Green Belt would be severe (MR305).
20. The Secretary of State agrees with the Inspector at MR306 that the definitional harm arising from the proposal being inappropriate development, coupled with the significant harm to the Green Belt purposes and the severe and significant harm to openness, mean that in accordance with Framework guidance this harm to the Green Belt has to carry substantial weight. The Secretary of State further agrees that the proposal would be in conflict with CS Policy CS5.

Visual Impact

21. For the reasons given in MR307-313 and MR416, the Secretary of State agrees with the Inspector at MR313 that there would be an adverse impact on the character of the area, and some adverse visual impact, both of which would be mitigated over time, and some harm in both character and visual terms. He agrees with the Inspector that this harm carries moderate weight (MR416).
22. In terms of compliance with development plan policy, for the reasons given in MR314-319 the Secretary of State agrees with the Inspector at MR319 that this brings the proposal into conflict with Neighbourhood Development Plan (NDP) Policies AT-D1 and AT-D2 and CS Policy CC2 (unless very special circumstances are found to exist. This is addressed at paragraph 50 of this letter).

Heritage assets

23. For the reasons given at MR320-327, the Secretary of State agrees with the Inspector at MR322 that, due to the condition of these buildings, they can only be considered as heritage assets of moderate significance. He further agrees with the Inspector at MR323-324 that the measures set out in the Landscape Strategy would soften the views of the proposed development and reduce noise from the on-site operation.
24. He further agrees with the Inspector at MR324 that the limited harm to these heritage assets would be "less than substantial" and taking into account the poor condition of the buildings, agrees with the Inspector at MR416 that notwithstanding the special regard that should be had to the desirability of preserving listed buildings and their settings, this harm attracts a small amount of weight.
25. For the reasons given in MR325 the Secretary of State agrees with the Inspector that the effect of the proposal on Beehive Farmhouse, grade II listed, would be negligible.
26. For the reasons given in MR326-327 the Secretary of State agrees with the Inspector that the public benefits of the proposal (which are summarised in paragraph [52] below) would outweigh the less than substantial harm to these buildings' setting.

27. In accordance with paragraph 196 of the Framework, the Secretary of State therefore concludes, like the Inspector at MR327, that the less than substantial harm to the heritage assets would be outweighed by the public benefits of the proposal and that the proposal would not conflict with CS Policy QE8.

Traffic and Transport

28. For the reasons given in MR328-351 and MR425-427, the Secretary of State agrees with the Inspector at MR351 that the proposed development would not have any materially adverse impacts in traffic or transport terms, or on the safety and convenience of users of the nearby highway network. He further agrees there is no conflict with the relevant development plan policies, nor with guidance in paragraph 109 of the Framework. He agrees with the Inspector at MR427 that the highway benefits carry moderate weight.

Air Quality

29. For the reasons given at MR352-354, the Secretary of State agrees with the Inspector's conclusion at MR355 that the proposal would not have an adverse effect on air quality and as such there is no conflict with CS Policy QE6.

Agricultural Land

30. For the reasons given at MR356-358 and MR416, the Secretary of State agrees with the Inspector at MR358 that the loss of 2ha of Best and Most Versatile (BMV) land would carry minor weight against the proposal but would not have an unacceptable impact on the availability of the BMV agricultural land within the Borough.

Drainage and Flood Risk

31. For the reasons given at MR360-362, the Secretary of State agrees with the Inspector's conclusions in MR362 that the proposed development would not give rise to any material problems in flood risk or drainage terms and would accord with CS Policy QE4, CS Policy QE6 and NDP Policy AT-D3.

Prematurity

32. For the reasons given in MR365-376, the Secretary of State agrees with the Inspector at MR376 that the proposal should not be considered as premature, in the light of the current status of the Council's emerging Local Plan. The Inspector reviewed that matter at AR140-144 and noted that none of the representations which were submitted in the context of the call-in application raised any matters which caused him to reach a different conclusion (AR144). The Secretary of State agrees with this assessment.

33. For the reasons given in AR145-148 the Secretary of State agrees with the Inspector that the updated version of the Council's Economic Growth & Regeneration Programme 'Warrington Means Business' is a 'live' document which will be amended accordingly when the new Local Plan is adopted. As such he agrees with the Inspector's view/conclusion at AR148 that this document cannot add any material weight to the appeal/application proposal at the present time.

Benefits

34. For the reasons given in MR377-387 and MR417-419, the Secretary of State agrees with the Inspector at MR388 that the economic benefits of the proposal would be significant.

The Secretary of State notes at MR378 that the proposal would support 240 FTE jobs during construction, and once completed would create 480 new FTE jobs with the potential to create additional employment opportunities in the future together with a further 250 FTE off-site jobs generating a potential 730 FTE new jobs with an additional £18m net additional value added (MR379), and agrees with the Inspector at MR419 that these benefits warrant being given significant weight.

35. For the reasons given in MR389-390 the Secretary of State agrees with the Inspector at MR390 that the proposal will also result in social benefits from employment generation including security, improved living standards, social cohesion and health benefits. Overall he considers that the economic benefits of the proposal carry very significant weight.
36. Additionally, the Secretary of State notes at MR380 that a financial contribution of £100,000 towards local employment would be secured through the S106 agreement and would help maximise the employment, learning and training opportunities for local communities and agrees with the Inspector for the reasons given at MR420 that this benefit carries moderate weight.
37. The Secretary of State agrees that the resulting built and landscaped environment of high design quality would have a positive social impact on user of the development (MR390), and considers that this carries moderate weight in favour of the development.
38. For the reasons given in MR393-394 the Secretary of State considers that the package of ecological and landscaping enhancements which are proposed along with measures to address climate change and minimise waste carry moderate weight in favour of the proposal.
39. The Secretary of State notes the proposed benefits of co-locating the National Distribution Centre and the existing ESL headquarters as set out in MR233 (i) and agrees with the Inspector at MR423 that environmental benefits from co-location carry minimal weight.

Other Matters

40. For the reasons given in MR400-402 the Secretary of State agrees with the Inspector that a road-based freight proposal would not be unacceptable as a matter of principle. With regard to the financial standing of Eddie Stobart Limited (ESL), the Secretary of State agrees with the Inspector's opinion at MR405 and AR139 that the matters raised in MR403-405 and AR134-139 do not constitute valid and reasonable planning grounds to weigh against the proposal.
41. For the reasons given in MR408-411 the Secretary of State agrees with the Inspector's conclusions on these matters.
42. With respect to the effect of the Covid-19 pandemic, for the reasons given in AR114-132, the Secretary of State agrees with the Inspector's conclusion at AR133 that, although the Covid-19 pandemic has resulted in a variety of significant impacts on, and change to, daily life in the UK, these impacts and changes do not affect the conclusion or weightings set out in the MR.
43. With respect to the availability of alternative sites set out in AR149-159, the Secretary of State notes that the Inspector has set out the updated position on site availability and potential availability of brownfield sites within the Warrington area. For the reasons given in AR149-158 the Secretary of State agrees with the Inspector's conclusion at AR158

that none of the sites referred to can realistically be considered as offering suitable and available alternatives to the current appeal/application site and further agrees at AR159 that nothing new or materially different in the way of available alternative sites has been provided to justify changing the conclusions or weightings in the MR.

44. With respect to HS2 and climate change the Secretary of State acknowledges that, since the recovered appeal inquiry, the government has given Notice to Proceed for the construction of Phase 1 HS2 (AR160). He also notes (AR162) that the Inspector considered matters relating to road-based freight provision at the appeal inquiry (MR400-402). The Secretary of State agrees with the Inspector at AR162 that there is no firm evidence before him to suggest that there is no place at all for road-based freight provision in the future. For the reasons given in AR160-164 the Secretary of State agrees with the Inspector's conclusion at AR164 the matters raised in this respect have no material impact on the conclusions and weightings arrived at in the MR.
45. With respect to the new Conservative manifesto and for the reasons given in AR165-170 the Secretary of State agrees with the Inspector's conclusion at AR171 that there is nothing new or materially different in this Conservative manifesto sufficient to change the conclusions and weightings in the MR.
46. The Secretary of State agrees with the Inspector's reasoning and conclusions on the question of the planning permission running with the land, as set out in AR172-174.
47. The Secretary of State agrees with the Inspector at AR176 that none of the matters raised by parties and set out in the AR are sufficient to materially alter the conclusions and weightings reached by the Inspector in the MR. Further he agrees with the Inspector at AR178-179 that the proposed development would conflict with CS and NDP both of which have been adopted and made sufficiently recently to be considered up-to-date. He therefore also shares the Inspector's views that the presumption in favour of sustainable development does not apply in this case.

Planning conditions

48. The Secretary of State has given consideration to the Inspector's analysis at MR406-407, the recommended conditions set out at MR Appendix C and AR Appendix C and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework, with the exception of condition 31 (MR407). However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

49. Having had regard to the Inspector's analysis at MR397-399, the planning obligation dated 17 October 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in MR398 that the first 3 of the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework and further agrees with the Inspector at MR399 that the final obligation, whilst desirable, cannot be considered as necessary to make the development acceptable in planning terms. Like the Inspector, the Secretary of State has therefore not had regard to this particular obligation when coming to his conclusion on the

proposal. Overall, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

50. For the reasons given above, the Secretary of State considers that the appeal scheme and called in application are not in accordance with CS Policy CS5, CS Policy CC2, NDP Policy AT-D1 and NDP Policy AT-D2 of the development plan and are not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
51. The Secretary of State considers the harm to the Green Belt (encompassing definitional harm, significant harm from encroachment, and severe and significant harm to openness) carries substantial weight, harm to character and appearance carries moderate weight, harm to the listed buildings carries a small amount of weight and loss of BMV land carries a minor amount of weight.
52. The Secretary of State considers the economic benefits carry very significant weight, the financial contribution to local employment carries moderate weight, high design quality carries moderate weight, the highway benefits carry moderate weight, the package of ecological and landscaping enhancements which are proposed along with measures to address climate change and minimise waste carry moderate weight, and the environmental benefits of co-location of the NDC and ESL carries minimal weight.
53. Overall, the Secretary of State agrees with the Inspector at MR327 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Booths Farm Farmhouse and Booths Farm Shippon. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.
54. The Secretary of State concludes that the benefits of the proposal before him are not sufficient to outweigh the harm to the Green Belt. He therefore concludes that very special circumstances required to justify granting permission for inappropriate development in the Green Belt do not exist in this case.
55. Overall, the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan, i.e. a refusal of permission.
56. The Secretary of State therefore concludes that the appeal should be dismissed and the called-in application should be refused.

Formal decision

57. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby dismisses your client's appeal and refuses planning permission for demolition of all existing on-site buildings and structures and construction of a National Distribution Centre building (Use Class B8) with ancillary office accommodation (Class B1(a)), vehicle maintenance unit, vehicle washing area, internal roads, gatehouse, parking areas, perimeter fencing, waste management area, sustainable urban drainage system, landscaping, highways improvements and other associated works, in accordance with application ref 2017/31757 dated 3 July 2018.

58. He further refuses planning permission for demolition of all existing on-site buildings and structures and construction of a National Distribution Centre building (Use Class B8) with ancillary office accommodation (Class B1(a)), vehicle maintenance unit, vehicle washing area, internal roads, gatehouse, parking areas, perimeter fencing, waste management area, sustainable urban drainage system, landscaping, highways improvements and other associated works, in accordance with application ref 2019/34739 dated 1 April 2019.

Right to challenge the decision

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State’s decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

60. A copy of this letter has been sent to Warrington Borough Council, South Warrington Parish Councils and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

This decision was made by the Secretary of State and signed on his behalf

ANNEX A SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Andy Carter MP	7 September 2020



Addendum Report to the Secretary of State for Housing, Communities and Local Government

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI
an Inspector appointed by the Secretary of State

Date 9 September 2020

TOWN AND COUNTRY PLANNING ACT 1990

WARRINGTON BOROUGH COUNCIL

APPLICATION BY

LIBERTY PROPERTIES DEVELOPMENTS LTD & EDDIE STOBART LTD

**ADDENDUM REPORT TO BE READ ALONGSIDE THE REPORT INTO
APPEAL REFERENCE APP/M0655/W/19/3222603, DATED 11 DEC 2019**

Application dealt with by written submissions – all representations received by 24 July 2020

Land to the north of Barleycastle Lane, Appleton Thorn, Warrington

File Ref: APP/M0655/V/20/3253083

TABLE OF CONTENTS

	Page
Background and Procedural Matters	2
Structure of this Addendum Report	6
Updated Positions of the Parties:	6
The Rule 6(6) Party – SWP	7
Interested Persons Opposing the Proposals	10
The Applicants	13
The Council	20
Inspector’s Conclusions	21
Recommendations	33
Appendices	34
<i>A Additional Documents and Representations Submitted as a Result of the Secretary of State’s Call-In Letter</i>	34
<i>B Documents – as listed in the main Report:</i>	34
<i>Core Documents</i>	34
<i>Proofs of Evidence</i>	36
<i>Other Documents submitted before the Inquiry opened</i>	36
<i>Documents submitted at the Inquiry</i>	36
<i>C Conditions – applicable to the called-in application</i>	37
<i>D List of Abbreviations – relevant to the main Report and also this Addendum Report</i>	48

File Ref: APP/M0655/V/20/3253083

Land north of Barleycastle Lane, Appleton Thorn, Warrington

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 21 May 2020.
- The application is made by Liberty Properties Developments Ltd & Eddie Stobart Ltd.
- The application Ref 2019/34739 is dated 1 April 2019.
- The development proposed is demolition of all existing on-site buildings and structures and construction of a National Distribution Centre building (Use Class B8) with ancillary office accommodation (Class B1(a)), vehicle maintenance unit, vehicle washing area, internal roads, gatehouse, parking areas, perimeter fencing, waste management area, sustainable urban drainage system, landscaping, highways improvements and other associated works.
- The application has been considered on the basis of written representations.

Summary of Recommendation: That the application be refused.

Background and Procedural Matters

1. An application for full planning permission for the development described in the banner heading, above, was made by Liberty Properties Developments Ltd & Eddie Stobart Ltd (referred to mainly in this Addendum Report as "the Applicants", and in the main Report as "the Appellants") under reference 2017/31757, dated 3 July 2018. This was refused by the Council, against Officers' recommendations, by notice dated 14 November 2018. The reasons for refusal are set out in full in a Statement of Common Ground¹ (SoCG), but in summary the reasons were that the proposal would be inappropriate development in the Green Belt, for which no very special circumstances had been identified; and that the proposed development would be premature in light of the Council's emerging Local Plan².
2. The Applicants appealed against this refusal in February 2019, and the proposal was considered at an Inquiry which sat for 3 days on 15 to 17 October 2019 ("the Inquiry"). In April 2019, shortly after lodging this appeal, the Applicants submitted a revised planning application which is now the subject of this Addendum Report.
3. The description of development and extent of the site for this revised application were the same as for the original application, and included the same package of proposed off-site highway improvements. Some minor amendments were, however, made to the detailed design of the proposal³, including a reduction in the height of the main building from 18.5 metres (m) to 18.0m. This revised application also included a further financial contribution, towards securing local employment, and a commitment to implement a signage scheme to further control the routing of heavy goods vehicles (HGVs).
4. The revised application was reported to the Council's Development Management Committee (DMC) on 24 July 2019, where it was recommended for approval subject to conditions, the completion of a planning obligation⁴ and referral to the Secretary of State (SoS). A copy of the DMC Report (and Update Report) can be

¹ See section 3.4 of Document (Doc) OD/1

² This emerging, or Draft Local Plan is referred to throughout the main Report, and this Addendum Report, as the Proposed Submission Version Local Plan - PSVLP

³ See paragraph 3.22 of the SoCG (Doc OD/1) for further details of the proposed design changes

⁴ Made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended

found at Appendix 2 of the SoCG. At this meeting Council Members resolved to approve the revised planning application, subject to it not being called-in by the SoS and completion of the S106 agreement. Although the application was referred to the SoS, by the opening of the Inquiry no decision had been made as to whether the SoS wished to call it in.

5. At the Inquiry the Applicants requested that the appeal should proceed on the basis of the scheme plans and drawings submitted with the revised application, as set out in Appendix 4 of the SoCG, together with the S106 agreement and the additional contributions agreed during the consideration of the revised application. There were no objections to this approach and I considered that no-one with an interest in the case would be unacceptably prejudiced by proceeding in that manner. I therefore held the Inquiry on that basis. As it transpired the SoS recovered the appeal for his own determination, by a direction dated 16 September 2019, explaining that the reason for the direction was because the appeal related to proposals for significant development within the Green Belt.
6. Prior to the opening of the Inquiry, the Council withdrew both of its reasons for refusal and indicated that it would not be presenting any evidence against the proposed development at the Inquiry. Indeed the formal position of the Council, as set out in its opening submissions to the Inquiry⁵, was that the appeal should be allowed and that planning permission should be granted for the proposed development. As such, the Council was content to agree a comprehensive SoCG with the Applicants, to which reference has already been made.
7. In these circumstances the main opposition to the proposal at the Inquiry was offered by the South Warrington Parish Councils' Local Plan Working Group (SWP), who appeared as a Rule 6(6) Party, together with a number of interested persons. Council Officers attended the Inquiry sessions to discuss the submitted S106 agreement (to be found at Doc 20), and the suggested planning conditions. In addition, a written statement from the Council, explaining how the proposed planning obligations would accord with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) is at Doc 4.
8. The proposed development meets the applicable thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, and the Applicants submitted an Environmental Statement⁶ (ES), along with an Addendum which, together, assessed the likely effects of the proposed development on a wide range of environmental receptors. The ES, along with its Addendum and other relevant documentation submitted with the planning application, consultee responses and representations made by other interested persons constitutes the "environmental information", which I have taken into account in coming to my recommendations.
9. I visited the appeal site and the surrounding area on the morning of 17 October 2019, in the company of representatives of the Applicants, the Council and SWP. In addition, I undertook further unaccompanied visits to the site and surrounding area on 17 and 18 October 2019 to visit and observe locations highlighted by the main parties, SWP and other interested persons.

⁵ Doc 2

⁶ See Core Documents (CD) 52-55

10. Following the close of the Inquiry I prepared my Report, which was submitted to the SoS on 11 December 2019. My recommendation to the SoS was that the appeal should be dismissed.
11. The outcome of the sequence of events outlined above is that the appeal scheme considered at the Inquiry (ref 2017/31757) and the current application scheme (ref 2019/34739) are now effectively identical. Because of this the SoS considered that they should be joined and, by a direction⁷ made under section 77 of the Town and Country Planning Act 1990, dated 21 May 2020, he called this application in for his own determination.
12. However, as an Inquiry had already been held into the appeal scheme the SoS did not consider that a further Inquiry would be necessary, but did accept that as some time has elapsed since that Inquiry it is possible that some material matters may have changed. He therefore wished to give parties the opportunity to make representations in this regard. The main considerations in the case would remain those discussed during the Inquiry.
13. Parties with an interest in this case were therefore invited to submit representations on any material change in circumstances, fact or policy, that may have arisen since the Inquiry closed, and which the parties consider to be material to the SoS's further consideration of this appeal and application. Those representations received within a stipulated 6 week period were then circulated to parties for their comments, with the Applicants given the opportunity of having the final say.
14. This process resulted in:
 - A new Statement of Case (SoC) from the Applicants⁸;
 - No further submissions from the Council - just a reference back to its Committee Report for the scheme considered at the Inquiry, and to the SoCG agreed at that time⁹;
 - A new SoC from the Rule 6(6) Party, SWP¹⁰;
 - 80 individual representations from interested persons, groups and organisations - including from several who spoke at the Inquiry¹¹;
 - Final comments from SWP¹²; and
 - Final comments from the Applicants¹³.
15. I have considered all the representations made, and have prepared this Addendum Report, which should be read alongside the already submitted Report into Appeal Reference APP/M0655/W/19/3222603. Throughout this Addendum Report I refer to this original Report, submitted on 11 December 2019, as "the main Report". Matters which are common to the 2 Reports are not repeated here, unless they assist in clarifying particular points.

⁷ Doc AD1

⁸ Doc AD2

⁹ Doc AD3

¹⁰ Doc AD4

¹¹ Doc AD5

¹² Doc AD6

¹³ Doc AD7

16. Accordingly, the main Report should be consulted for full details of the following:

- The appeal/application site and the surrounding area;
- Planning Policy and Guidance, including:
 - The National Planning Policy Framework (“the Framework”) and other National Guidance;
 - The Development Plan;
 - Supplementary Planning Guidance/Documents;
 - Emerging Development Plan Policy.
- The appeal/application proposal;
- Agreed facts;
- Original cases of the parties:
 - The Rule 6(6) Party – SWP;
 - Interested persons who spoke at the Inquiry, opposing the proposals;
 - The Appellants/Applicants;
 - The Council;
 - Interested persons opposing the proposals, who relied on their written submissions.
- Conditions;
- The Planning Obligation.

17. The main Report should also be referred to for my Conclusions, reached at that time, which dealt with the following main considerations:

- The effect of the proposed development on the purposes and the openness of the Green Belt;
- The visual impact of the proposed development and its effect on the character and appearance of the surrounding area;
- The effect of the proposal on the significance of nearby heritage assets;
- Its effect in traffic and transport terms, on the safety and convenience of users of the nearby highway network;
- Its effect on air quality;
- Its effect on the availability of the best and most versatile agricultural land;
- Whether there would be any drainage or flood risk problems associated with developing this site;
- The extent to which the proposed development would be consistent with the development plan for the area;
- Whether the proposal would be premature, in the light of the Council’s emerging development plan;
- Whether the proposal would represent sustainable development, in the terms of the Framework;
- Whether the submitted S106 agreement would satisfactorily address the impact of the proposed development; and
- other matters which did not fall neatly into the above headings.

18. The main Report also sets out my assessment of the planning balance, having regard to the matters set out above, and led to my overall conclusion that very

special circumstances do not exist in this case, such that this inappropriate development in the Green Belt is not justified. I further concluded that the proposed development would conflict with the Adopted Warrington Local Plan Core Strategy (CS), adopted in July 2014, and the Appleton Thorn Ward Neighbourhood Development Plan ("the NDP"), which was made in June 2017. As a result I concluded that the appeal should be dismissed and, as noted earlier, that was my recommendation to the SoS.

19. However, the main Report makes it clear that if the SoS takes a contrary view and decides to grant planning permission for the scheme, then 30 conditions which are appropriate to the proposed development and all meet the relevant tests set out in paragraph 55 of the Framework should be imposed. These conditions are set out in Appendix C to the main Report and repeated, in appropriately amended form, at Appendix C to this Addendum Report. The Report also explains that in these circumstances the SoS will also need to consider whether or not to impose Condition 31, suggested by SWP.

Structure of this Addendum Report

20. In the following sections this Addendum Report summarises the additional representations which have been submitted, dealing first with those received from SWP and other objectors, and then setting out the additional matters put forward by the Applicants. The additional documents and representations submitted specifically for the consideration of this called-in application are listed in Appendix A.
21. It should be noted, however, that many of the representations do not discuss new or changed matters, but simply comprise, in essence, a re-working or re-wording of matters already put forward at the time of the Inquiry. To some extent this includes the submissions from both the Applicants and SWP. Unless there is a specific need to repeat matters already raised, for reasons of clarity or understanding, I have omitted these repetitious matters from the summaries of the parties' cases, set out below. As just noted, however, the representations can be seen in full in Appendix A.
22. I have also retained the same lists and numbering of Core Documents, Proofs of Evidence, Other Documents Submitted before the Inquiry opened, and Documents Submitted at the Inquiry and Inquiry Documents, as were contained in Appendix B of the main Report. Details of these documents can therefore also be found in Appendix B to this Addendum Report.
23. Having set out the updated positions of the various parties, I then set out my conclusions, in the light of the additional representations, and then make my recommendations to the SoS.

Updated Positions of the Parties

24. As with the main Report, I again consider it appropriate and sensible to summarise the updated positions of the objectors first, before setting out the updated case of the Applicants. I have already noted that the Council is fully supportive of this proposed development, and has simply chosen to rely on its case as presented to the Inquiry. For completeness, the Council's current position is confirmed later in this Addendum Report.

The Rule 6(6) Party – SWP¹⁴

The material points were:

Planning Policy

25. Notwithstanding the passage of time since the Inquiry, the PSVLP has not advanced beyond the Section 19 consultation stage. It therefore remains the case that the development proposed in the current application cannot draw any validity from any adopted development plan. The Applicants have previously accepted the substantial harm to both definitional and spatial aspects of the Green Belt and the need to demonstrate very special circumstances to justify development of the type, scale and form currently proposed.
26. SWP continues to maintain that the proposed development should be seen as premature in the context of the PSVLP. Throughout the consideration of the 2 applications now under consideration, Eddie Stobart Ltd (ESL) has consistently made reference to the PSVLP and an associated master plan for a "Garden Suburb". However, these are based on an increasingly dated evidence base, with economic data, Green Belt appraisal, and traffic and transport data more than 5 years old in some cases. This, in a context of seismic change prompted by Brexit and by the consequences of the Coronavirus/Covid-19 pandemic.
27. If this application was to be approved, it would be a material consideration for any future determination of the "Six 56" proposal¹⁵, and would support that proposal. Approving this application would develop around 14% of the proposed employment land of the Garden Suburb, which would be out of step with the comprehensive and co-ordinated development envisaged by the PSVLP. It could well mean that by the time the controversial issue of Green Belt release was being discussed at a Local Plan examination, a significant proportion of that Green Belt would already have been developed.
28. This would, in effect, be a pre-emption of proper process for Green Belt release, and would undermine the plan making process by limiting the objections that the public could make at any examination. This is why the SWP still maintains that this appeal/application warrants a refusal on prematurity grounds.

Changes affecting the case for very special circumstances

29. ESL has consistently presented the argument that the economic benefits of the development would be so exceptional as to constitute very special circumstances which outweigh the agreed substantial harm to the openness of the Green Belt and purposes of retaining land within Green Belt. However, there has been no change in circumstance since the Inquiry to suggest that the basis for this submission has changed in any way which might reinforce this submission.
30. Members of the public and local Parish and Borough Councillors expressed concern that this extreme dependence on the specific characteristics of ESL could not be relied upon, in part as a consequence of the apparent financial position of ESL. The Inquiry heard reassurances that this financial position would not impact on the ability to deliver the benefits arising from development and was advised

¹⁴ Doc AD4

¹⁵ See paragraph 17 of the main Report

that additional information would be submitted to the Inquiry, as and when it was possible to do so, given the restrictions of financial and company legislation.

31. SWP has not seen any such update, but is aware that ESL is now under different control and has different board members. Furthermore, the Financial Reporting Council has announced its intention to investigate audits of previous years' accounts, and SWP notes that the Chief Financial Officer (CFO), appointed in April 2019 has resigned. SWP continues to consider that the Council was overly influenced by the fact that the applicant was ESL and that the recommendation of approval was driven by the expectations of the specific benefits potentially to be delivered by ESL, when the development was first promoted in 2017. That position no longer pertains, and there is even less reason to consider that such matters represent very special circumstances than was previously the case.

Other changes since the Inquiry

32. In addition to the impact of the changes to ESL as a business, the impact of the Coronavirus/Covid-19 pandemic, and the absence of progress with the PSVLP, there are other changes, detailed in the following paragraphs, which are considered to be of relevance to the consideration of the application.
33. Alternative sites. SWP has not seen any update of the availability of alternative sites beyond the September 2019 paper provided by the Applicants at the Inquiry¹⁶. It is noted, however, that the Parkside development in St Helens has been recommended for approval and the decision has been called in by the SoS. This site brings all the benefits of the current appeal/application site in terms of relationships with the motorway network. It mostly relates to previously developed land and is actually closer and more accessible to the main areas of high deprivation in Warrington. Crucially, in terms of sustainability and climate change the site has rail access, with a connection onto the West Coast Main Line (WCML) and therefore to other rail freight interchanges permitted and being opened in the East and West Midlands.
34. The status of the Fiddlers Ferry power station in west Warrington was the subject of consideration at the Inquiry. The site formally closed on 31 March 2020 and is now at the beginning of a decommissioning process. The availability of this rail-linked site is now confirmed rather than predicted.
35. Since the close of the Inquiry it has also been announced that the Unilever site in the centre of Warrington is to cease production and close, albeit a stay of closure has been prompted by the Covid-19 pandemic. It is not contended that this site provides alternative provision for the proposed ESL National Distribution Centre (NDC), but the availability of both this site and the Fiddlers Ferry site should prompt a review of the need for Green Belt release and the justification for large-scale development on greenfield sites in the Green Belt.
36. It is also worthy of note that the former Travis Perkins warehouse and distribution site is now vacant. This site adjoins the existing ESL site at Appleton Thorn and would appear to provide an option of expansion and an opportunity for more efficient use of the current ESL sites, with large expanses of trailer and tractor unit storage.

¹⁶ See pages 33-34 of Appendix 2 to Doc OD/1

37. High Speed 2 (HS2) and Climate Change. The desire to secure modal shift of freight movement is reflected by the Government's decision to sanction progress of Phase 1 of HS2, which will impact on rail freight capacity and encourage a shift of freight away from road to rail. The proposed ESL development is entirely road-based and would add traffic to a network already recognised as being above its design capacity. The sustainability and viability of large-scale road-based logistics projects, located away from rail freight interchanges, is inconsistent with Government investment in rail-based infrastructure.
38. The Government's commitment to net zero carbon emissions has been the subject of increasing focus across 2019 and into 2020. Although somewhat derailed by the current Covid-19 pandemic and lockdown, the Committee for Climate Change has highlighted the need to ensure that recovery from the pandemic must recognise the need for reduction of emissions across society, including transport. It would seem illogical in this context to promote a site which creates some 750 HGV trips daily, and which would signal acceptance of wider development on adjoining greenfield sites in the Green Belt. In the 8 months since the Inquiry, and with a new Government in place, it would seem an anathema to support development which runs counter to the objectives of climate change in such a clear and obvious manner.

Summary

39. It remains the position of the SWP that the proposed development represents inappropriate development in the Green Belt. There is a presumption against granting planning permission for such development. The Applicants' claim of very special circumstances continues to be contested. Nothing has arisen since the Inquiry to change or enhance the very special circumstances claimed to pertain to the proposed development.
40. The need to release large greenfield areas in the Green Belt for development has diminished. The PSVLP has not advanced since the Inquiry and thus provides no justification for the development. There are in fact more challenges to the evidence base and approach of the PSVLP than was previously the case. Granting planning permission would prejudice the appraisal of proposed Green Belt release, which should take place through the development plan process. It would therefore be premature to grant permission ahead of proper scrutiny of the proposed controversial Green Belt release through the local plan making process.
41. The economic benefits of the development are not exceptional or very special and do not justify the loss of openness or the loss of land which serves a clear Green Belt purpose. The Council's DMC placed undue weight on economic benefit and was misdirected to consider the benefits accruing because of the specific company seeking planning permission. Even if weight could be given to the company-specific issues, the makeup and stability of ESL has changed and there is no clarity as to forward-looking business models/ plans. Alternative sites should be reviewed as brown field sites emerge – for example, Fiddlers Ferry and Parkside.
42. Government policy and approach to climate change and related support to modal shift of freight to rail reinforces the need to ensure that logistics-related development takes place in a sustainable manner. The grant of planning permission for a road-based development of the scale proposed here would be inconsistent with such objectives.

Interested Persons Opposing the Proposals¹⁷

43. As noted earlier, some 80 individuals, groups and organisations took the opportunity to submit representations regarding this application, in response to the SoS's call-in letter. However, despite this letter making it quite clear that the SoS only wanted to be advised about any material changes in circumstances, fact or policy that may have arisen since the Inquiry, many of the representations did not raise any new matters, but simply repeated points and arguments which had already been submitted at the time of the Inquiry.
44. These included assertions that the proposal was premature in the context of the emerging Local Plan; that Warrington has poor infrastructure and that the town suffers from traffic problems and congestion; that the town suffers from high levels of air pollution; that the appeal/application site is not served by public transport; that the proposal would not result in a benefit to the local economy; and that no justification has been put forward for this inappropriate development in the Green Belt. I have not repeated these matters in this Addendum Report, as they have been discussed in the main Report.
45. In addition, some representations were clearly not directed to the specific proposal under consideration here, but appeared to embrace wider matters (possibly the "Six 56" proposal on adjoining land), commenting that the proposal would result in the loss of 600 acres (about 243 hectares (ha)), and that the application site comprises Grade 2 agricultural land in full production. Such assertions are plainly incorrect, as is made clear in the main Report. For the avoidance of doubt, paragraph 13 of the main Report states that the appeal/application site extends to about 17.7 ha (about 38.8 acres); whilst paragraph 201 explains that just some 2 ha (about 4.9 acres) is of the best and most versatile quality – at Grade 3a – with the rest of the site being lower quality agricultural land.
46. That said, some additional matters were raised, which I have summarised in the following paragraphs - but in the main I have not considered it necessary to identify individual objectors. All representations can, however, be seen in full at Appendix A. The representations cover some of the same topics dealt with by SWP, but as slightly different matters were raised a certain amount of duplication is unavoidable.

The material points were:

Coronavirus/Covid-19

47. The United Kingdom (UK) economy has suffered a significant and sustained downturn as a result of the Covid-19 pandemic, which is likely to last for years. This has brought with it an increase in unemployment and business failures, which in turn will have a concomitant impact on consumer spending and house prices, to name just 2 effects. In addition, the pandemic has highlighted the value of open spaces to the town's residents - especially the Green Belt areas of South Warrington. Residents have been flocking to such areas to enjoy a small slice of peace and calm, and to combat stress and depression, in a time when mental health is being challenged like never before.

¹⁷ Doc AD5

48. Post Covid-19, the UK will need to prioritise outdoor space, including safeguarding the current Green Belt, for both amenity and agricultural purposes. Because of this, the open, Green Belt space which comprises the appeal/application site should not be destroyed to create more warehouse distribution centres which have so blighted vast areas of Warrington in the past.

The status and financial position of ESL

49. ESL was experiencing significant financial difficulty prior to the Covid-19 pandemic and this has now worsened, with a plummeting share price and a huge debt burden which it is unable to service at current levels. Since the Inquiry ESL's CFO has resigned; share trading was suspended for a time; and the Financial Reporting Council has launched an investigation into auditing of ESL. Moreover, the business has changed ownership and a re-structuring has taken place with the suggested implication of job losses.
50. The company was on the brink of collapse and in December 2019 shareholders accepted an offer of a £55 million loan from DBay in exchange for a total holding of 51% of ESL. This resulted in a current market value of 7.3p per share, which despite good trading has not varied much since it returned to the market. For the financial year 2019 the company recently declared a final pre-tax loss of £238.9m, compared to a pre-tax loss of £22.3 million in its restated financial year for 2018. The company debts for 2019 stood at £214.5 million.
51. Because of the financial difficulties ESL found itself in during December 2019, the Unite Union had to seek reassurances as to current job security as a result of the company's takeover by venture capitalists DBay, let alone any growth of employment planned by this appeal/application proposal. In a report dated 26 February 2020, Unite renewed its call for a high-level meeting with the company to better understand the short, medium and long-term plans for the workforce, coinciding with the publication of the company's half-year results which revealed heavy losses. The report also indicated that union members were becoming increasingly unsettled and unsure about their future, because such a meeting had not been held.
52. These points indicate that ESL is not best placed to grow. Recent financial indicators have shown that it is more likely to struggle to retain the size of its current operation, let alone increase it. Reduced liquidity, increased debt, a rescue package, massively reduced capitalisation value on the basis of a massive drop in share value, and a business rationalisation initiative have all occurred since the Inquiry. This is a company in difficulty, not in an expansion phase, and this calls into question whether it will be in a position to offer the hundreds of jobs, and employment prospects it promised at the time the Council sought to approve this application.
53. In the uncertain economic climate arising from a stubborn pandemic and an uncertain Brexit outcome many businesses are at risk, some of which will be ESL customers. Indeed even with reported recent changes in business structure and organization, ESL itself appears financially unsound and its future is very uncertain. As a result, the construction of large, permanent, commercial premises on the edge of Appleton Thorn by such a financially vulnerable business would be inappropriate if not reckless.

54. Some interested persons also raised concerns that approval of this proposal would result in the appeal/application Green Belt site becoming a saleable asset for ESL's new owners, DBay. As such, some objectors commented that any justifications for very special circumstances, such as the projected economic benefit to the local community, might then be irrelevant, and that any S106 contributions to the Council might become unenforceable.

Greater availability of brownfield sites

55. Like SWP, many interested persons argued that there had been a number of changes regarding the availability of brownfield sites since the Inquiry. In particular, the Fiddler's Ferry power station closed on 31 March 2020 and is now at the beginning of a decommissioning process which will include decontamination to appropriate standards for either industrial or housing use. This is a rail-linked site with good road infrastructure, but was not included by the Council as a potential development site in the PSVLP. Moreover, since the confirmed closure of the power station the Council has not, to date, indicated any possible usage plans for this very large site, despite its clear potential as alternative land to any release of Green Belt.
56. Reference was also made to the proposed Parkside development in St Helens, to the north-west of Warrington, which has recently been recommended for approval and has also been called in by the SoS. This site has a number of potential benefits in comparison to the site proposed by ESL. It already has a rail head, is located close to a motorway network and it already has good road infrastructure suitable for HGVs. It mostly relates to previously developed land, does not require release of a large tract of Green Belt and is more accessible to the main areas of high deprivation in Warrington.
57. A further potential brownfield site is the current Unilever site near the centre of Warrington, which has been identified by Unilever for imminent cessation of production and permanent closure. Whilst it is unlikely that this site would be suitable for a warehouse facility of the size and type proposed by ESL it is evidence of the need for all available brownfield sites to be incorporated into a coherent strategy/plan before any decisions are taken to release particular pieces of Green Belt.
58. Also newly relevant is the recently vacated site previously occupied by Travis Perkins warehouse and distribution centre. This site adjoins the current ESL headquarters in Appleton Thorn and could offer either an immediate short-term solution or an effective longer term solution for ESL expansion.
59. Finally, reference was also made to the large Shearings coach interchange hub at Appleton Thorn, which lies adjacent to the ESL appeal/application site. Shearings went into administration in the first quarter of 2020, and whilst it was announced in June 2020 that the business had been taken over by Leger Holidays, there will be question marks over the future of this site. It would be sensible for the Council to engage with Leger Holidays to explore whether this existing, ideally located brownfield site is available for purchase, and explore its suitability for ESL's expansion plans.
60. With such newly available brownfield sites either available immediately, currently undergoing planning review, or available after decommissioning, it is no longer the case that ESL have no alternatives to its proposals to use Green Belt land.

Air quality improvements since the start of the Covid-19 pandemic

61. One positive effect of the Covid-19 pandemic has been a significant improvement in air quality around Warrington in general. In the first 2 weeks of lockdown Warrington saw levels of nitrogen dioxide (NO₂) drop further than any other town/city in the UK. Granting planning permission for this proposal would result in worse air quality conditions than pre-lockdown, and the proposal should therefore be rejected on local community health impairment grounds.

Notice to Proceed – HS2 Phase 1

62. Since the Inquiry the Government has given the Notice to Proceed for the construction of HS2 Phase 1. This now means that, once opened, the southern section of the WCML will have very significantly increased capacity for railfreight. Railfreight, via electrified lines, is the only realistic way of drastically reducing carbon emissions from freight currently moving by road. Proceeding with the construction of HS2, and the resultant released capacity on the WCML, will be a major influence in the ability to switch significant additional amounts of freight to rail. This makes the choice of a rail-served site for any ESL NDC all the more imperative, fitting in with wider Government policies on carbon reduction. The Barleycastle Lane site is thus wholly unsuitable.

New Conservative Government Manifesto

63. The new Conservative Government's manifesto, delivered to the electorate in December 2019, stated the following, with regards to the Green Belt "*We will protect and enhance the Green Belt. We will improve poor quality land, increase biodiversity and make our beautiful countryside more accessible for local community use. In order to safeguard our green spaces, we will continue to prioritise brownfield development, particularly for the regeneration of our cities and towns*". This manifesto commitment alone must ensure that this application is not approved. This proposal goes against every promise that the Conservative manifesto made to safeguard the Green Belt. Brownfield sites – Fiddlers Ferry and Unilever – are available and must be prioritised before any Green Belt loss.

The Applicants

64. The Applicants set out their response to the SoS's invitation for additional information in a new SoC¹⁸, which was submitted on 7 July 2020. They then responded to representations submitted by SWP and interested persons by means of a further document submitted on 21 July 2020¹⁹. Relevant matters from both of these documents are summarised below.

The material points were:

Material Changes in Circumstances

65. The passage of time since the close of the Inquiry has not resulted in any change to the very significant benefits which would be delivered by the proposed development, and ESL's need for the NDC remains just as acute as it was in October last year. However, the outbreak of the Covid-19 pandemic has had and

¹⁸ Doc AD2

¹⁹ Doc AD7

will continue to have, far-reaching consequences at a national and international level, including a range of unprecedented economic, social and environmental impacts. These impacts, when combined with the continued uncertainty regarding Brexit, mean that the UK is currently facing a period of unprecedented challenge and the threat of a deep-seated economic recession.

66. In light of the Covid-19 pandemic and the severe economic recession it has caused, the Applicants are firmly of the view that the very significant benefits and positive economic contributions that would be delivered by the proposed development must be accorded even more weight in the planning balance and in the assessment of very special circumstances, such that the case in favour of the proposed development becomes even more compelling. Of particular relevance to the consideration of the proposal in this regard are firstly, the increasingly central importance of the logistics sector to the UK economy and secondly, the impact of the pandemic on the ESL business. These are considered in turn below.

The Increasing Importance of the Logistics and Warehousing Sector

67. Logistics and warehousing is already a key part of the burgeoning service economy, being the enabler of modern day living, and a lifeblood for the UK economy. Without it, nothing moves, and the country cannot be expected to thrive without efficient, competitive logistics. The sector has undergone a major period of growth over the past decade, fuelled by a change in consumer habits, most notably the switch from the traditional mediums of physical shopping to on-line retail and an expectation of fast fulfilment.
68. The critical importance of the logistics and warehousing sector, and in particular logistics supply chains, has been highlighted during the Covid-19 crisis, with the sector taking on an absolutely central role during the pandemic. In this regard, attention is drawn to a letter dated 16 July 2020 from the SoS for Transport and the Minister for Roads, Buses and Places²⁰. Whilst principally addressing the lorry parking needs of the haulage industry it nevertheless pays tribute to the “incredibly important work that delivery drivers make to the nation, the economy and businesses”, and highlights the “crucial role” that the logistics and haulage sector plays in transporting essential items across the country.
69. Indeed, the structural changes in shopping patterns that have taken place as a result of Covid-19 have accelerated the already inexorable move towards more on-line purchasing. During the pandemic, several key businesses/industries have been responsible for supplying critical goods and services, and a number of supermarkets, personal protective equipment manufacturers/distributors and third party logistics providers (3PL) have required substantial additional warehouse space to ensure they could hold enough stock to service the significant increase in customer demand that has arisen.
70. There has been a major shift in consumer behaviour, with 6.5 million more UK citizens buying groceries on-line than before the start of the pandemic, represented a doubling of the market, as households have sought to self-isolate and avoid supermarket queues. The only means by which the major supermarket chains can substantially increase their delivery capacity is to build more warehouses. Asda, Tesco, Marks & Spencer, Aldi, Lidl and Sainsbury's have all

²⁰ See Appendix 1 to the Applicants' Final Comments – Doc AD7

taken on additional warehousing space during the crisis to ensure they can serve the UK population and meet the significant increase in on-line orders that has been received. Increasing demand for home delivery has not simply been in the convenience shopping sector but in all other retail sectors too.

71. In addition to retailers, the National Health Service (NHS), through working with landlords direct and through specialist 3PL companies such as ESL, Clipper Logistics, Ceva Logistics, Unipart and DHL, has substantially increased its warehouse capacity, occupying an additional 14 million square feet²¹ (sqft) as a result of Covid-19. This has allowed the NHS to store essential items and help ensure it has enough equipment to protect its staff. It is anticipated that the NHS's additional storage requirements will inevitably translate into more permanent requirements in the long-term rather than a short-term solution only needed during the pandemic.
72. In the medium to long-term, it is expected that many manufacturers and retailers will review whether to retain their own warehousing, or whether it would be more appropriate (and a lower risk financially) to outsource their storage to 3PLs such as ESL. If they decide that directly employing workforces is too much of an uncertain ongoing financial burden, then 3PLs will receive a boost from outsourcing. They will also want to leverage 3PLs' existing networks and benefit from the flexibility which they can provide. This is a situation already being experienced by ESL.
73. Businesses in the logistics sector such as ESL need to make judgments on whether the shifts in supplier patterns that have come about during the Covid-19 pandemic will remain once the crisis is over, evaluate their current warehouse and fulfilment spaces, and make decisive changes. Some of the temporary stop-gaps that have recently been introduced will undoubtedly become permanent. Good real estate planning will allow businesses to be flexible and keep operations moving in times of crisis, yet readily available land for warehouse development is already at a historical low in the UK, which is a major cause for concern.
74. Notwithstanding the current uncertainty, there is no doubt that the shift towards modern, sophisticated warehousing networks will continue to dominate the retail, manufacturing, and supply chain sectors for decades to come, and this has been brought into even greater focus during the current pandemic. A serious shortage of available land for development, and an increase in warehousing capacity demand, remain key challenges for the UK logistics market. The delivery of more significant logistics developments such as the proposed ESL NDC at Appleton Thorn would help to address these challenges and future-proof the economy for new crises that may occur in years to come.
75. The need for an expanded premises at Appleton Thorn was already clear at the close of the Inquiry, but that need has significantly increased in the subsequent months. In the light of Covid-19 pandemic it is now widely recognised that the UK is in its deepest recession for 300 years. In these circumstances it is clear that the benefits which this proposal would give rise to, and in particular the positive economic contributions that would be delivered, must be accorded further substantial weight in the planning balance and in the assessment of very special circumstances. In the Applicants'/Appellants' view – as noted earlier - this

²¹ About 1.3 million square metres (sqm)

means that the case in favour of the proposed development has become even more compelling since the Inquiry closed.

Impacts of Covid-19 on Eddie Stobart

76. For ESL, the Covid-19 crisis has underscored the critical need to develop a state-of-the-art NDC, and the land off Barleycastle Lane remains the only deliverable option capable of meeting this requirement without seriously disrupting the company's adjacent existing headquarters facility on the Appleton Thorn Trading Estate. It is a source of considerable regret to the company that this long-planned investment has not been in place to help serve the north of England logistics market during this time of national crisis.
77. The proposed NDC has been designed to service either a dedicated key customer or act as a multi-user facility to serve a range of sectors such as groceries, pharmaceuticals, consumer goods, and/or E-commerce fulfilment. ESL initially planned for the development to be operational by the first quarter of 2020, but has had to put its future growth plans on hold as a result of the delay in securing planning permission.
78. This delay in the delivery of the NDC, which would be a key piece of logistics infrastructure for one of the UK's leading logistics operators, has had real world effects during this crisis which has only served to emphasise just how important this investment is for all of the reasons that were drawn to the attention of the Inquiry in October 2019. Importantly, as the Inquiry was advised, funding is in place for the proposed development, which would be rapidly delivered once permission is granted – thereby adding to jobs and local Gross Value Added.
79. By operating from the Appleton Thorn site, ESL would be able to easily access major urban areas such as Manchester, Liverpool, Stoke-on-Trent as well as those in the Midlands, to deliver to their other regional distribution centres. The continuing need for the development and its critical importance to the ESL business, as set out in the previous paragraphs, is confirmed and endorsed in an up-to-date letter dated 1 July 2020 from the company's Executive Chairman²².
80. Although a number of parties raise concerns regarding the current financial and corporate status of the ESL business, including inferences and assertions that the company is no longer able to deliver on its commitment to develop the new NDC, the aforementioned letter from ESL's Executive Chairman confirms that the NDC proposal remains an absolute priority for the business. The letter also explains that the company has been restructured and has a strong foundation to deliver a high quality service to national brands serving the UK, both during the current Covid-19 crisis and over the longer term.
81. Allegations that the proposed development cannot be delivered by ESL and its development partner, Liberty Properties Developments Ltd, are entirely without foundation. Assuming planning permission is granted, the development will be constructed and the new jobs and economic benefits that are anticipated will be delivered. As just noted, the capital investment required to build the NDC has already been sourced and the Applicants/Appellants remain fully committed to the scheme. The SoS is invited to place reliance upon this clear and

²² See Appendix 1 to Doc AD2

unambiguous statement by the company, and not those assertions made by third parties who have no access to the factual position surrounding the company in general, and this development in particular.

Policy Framework

82. No changes in development plan policy have arisen since the Inquiry, and there have been no changes to any of the other planning documents that were identified at the Inquiry as being relevant to the determination of the appeal, including the Framework and several Warrington Supplementary Planning Documents.
83. However, the evidence submitted to the Inquiry on behalf of the Applicants identified the 2017 version of the Council's Economic Growth and Regeneration Programme, "Warrington Means Business", as an important contextual document in terms of the town's economic landscape and a key statement of the strength of ambition which the Council has to improve economic prospects for its residents. Since the closure of the Inquiry, a revised version of this document has been published²³. The aim of the revised document remains unchanged, but it introduces a number of important additional concepts, such as inclusive growth and enhancing productivity, and also reinforces the need for Warrington to look beyond its boundaries to its wider economic hinterland and wider connectivity.
84. The document expressly references the PSVLP proposal for the development of a major new business location at the intersection of the M6 and M56, which builds upon the existing successful logistics area of Appleton Thorn and Barleycastle, with ESL and other significant businesses. It states that this new business area will be one of the best located new logistics and business destinations in the UK, straddling 2 key motorways and centrally located mid-way between the Liverpool and Manchester conurbations, further noting that subject to the PSVLP's progress and the planning process this extended site will come on stream in 2020.
85. The document also seeks to grow local supply chains and create quality local jobs for local people by working with local businesses, including pre-recruitment training and skills development to ensure all local people have access to skills, development and lifelong learning, including those from some of Warrington's disadvantaged areas. The proposed NDC would contribute positively towards meeting these objectives of the revised "Warrington Means Business" document, delivering significant economic benefits not only in Warrington but beyond its boundaries, and it is deserving of some weight in the planning balance.
86. It is recognised that very little weight can be afforded to the emerging Local Plan and that the case presented both to Council Members in July 2019 and at the Inquiry in October 2019 was that very special circumstances existed to warrant development in the Green Belt. Nonetheless it is of note that in resolving to grant permission Council Members concluded that very special circumstances were proven, and in promoting the site for Green Belt release the Council also concluded that exceptional circumstances to warrant Green Belt release exist. Those circumstances remain undiminished.

²³ See Appendix 2 to the Applicants' new SoC – Doc AD2

Alternative Sites

87. Several parties made reference to various alternative sites, asserting that these sites have the potential to accommodate the proposed development. The Applicants/Appellants respond as follows to these comments:
88. Parkside, St Helens. It should first be noted that a planning application for development on this site was recently called-in by the SoS. Moreover, like the appeal/application site, Parkside is located within the Green Belt and is also the subject of a draft Local Plan allocation. In addition, SWP seeks to argue that approval of the NDC for ESL at Appleton Thorn would “subvert” the principle of the plan-led process, and would “prejudge the appraisal of proposed Green Belt release, which should take place through the development plan process.” But it cannot credibly raise these concerns regarding the appeal/application site, whilst at the same time actively promoting Parkside as a realistic alternative site given its very similar planning position. It remains the case that it is not possible to bring forward a development at Parkside which could meet ESL’s requirements even if it were to be available and suitable, which it is not.
89. Fiddlers Ferry power station, Warrington. SWP and others point out that this site formally closed in March 2020 and is now at the beginning of a decommissioning process, meaning that its availability for redevelopment is now “confirmed rather than predicted”. However, as discussed at the Inquiry it remains the case that the decommissioning and demolition of the power station will take years to complete. Thereafter, site remediation will be required. The future use or uses of this site, once the decommissioning/remediation process is complete, will need to be considered by the Council. Its availability and practical deliverability therefore fall well outside what would be considered reasonable for any alternative site assessment, and particularly in the context of the urgent need for the NDC for ESL to enable the continued growth of the business. The position is therefore unchanged since the Inquiry. Fiddlers Ferry power station is clearly not a realistic alternative site for the proposed development.
90. Unilever site, Warrington. SWP and others refer to the recent announcement that the Unilever soap factory site in the centre of Warrington is to cease production and close, albeit this closure has been delayed by the Covid-19 pandemic and the site continues in active use today. However, many objectors acknowledge that an urban, edge of town centre location such as this would be wholly unsuited to the traffic generation and access requirements of an NDC. As such, it clearly cannot be considered a suitable alternative site for the proposed ESL NDC, and it is therefore questionable why this site has been referenced at all.
91. Travis Perkins warehouse and distribution site, Appleton Thorn, Warrington. This site, which adjoins the existing ESL premises, has also been referred to by SWP and others as appearing to provide an opportunity for expansion for the ESL business. However, this site has recently been acquired by another developer for a logistics development which is proposing a redevelopment scheme of 22,575sqm of distribution space. It is clear from this that when comparing this site’s capacity with the scale of the NDC proposal (56,197sqm), the Travis Perkins site is far too small to accommodate the development needed to meet ESL’s requirements. It is therefore not a realistic alternative site for the proposed development.

92. Finally, it is relevant to draw attention to the SoCG²⁴ dated 16 September 2019 which was entered into between the Council and the Applicants/Appellants in advance of the Inquiry. This states that the land north of Barleycastle Lane represents the only available and realistic location capable of accommodating the development proposed within the Borough of Warrington. The Council confirmed in an email²⁵ sent on 8 July 2020 that this SoCG remains true and relevant to the consideration of the conjoined called-in application and appeal. This confirms the position of the Local Planning Authority, with which the Applicants/Appellants agree, that there has been no material change in the status of any of the alternative sites examined at the Inquiry and no suitable or available alternative site exists to accommodate the development proposed.

Prematurity

93. Although several parties have suggested within their representations that the proposed development is premature in the context of the PSVLP, it was demonstrated at the Inquiry, and is common ground between the Council and the Applicants, that there is no serious basis to consider the proposal premature in this regard. The scheme was shown to fail on both counts in terms of the test of national policy, set out in the Framework, which explains that prematurity may only arise if 2 circumstances are met.

94. The first test relates to the relative scale of the proposed development, which has not changed since the Inquiry. The second test relates to the stage that the emerging plan has reached. At the time of the Inquiry, the Council was aiming to submit the PSVLP to the SoS for examination by the end of 2019, but this has now been delayed, with the Council advising that submission will not now take place until September 2020 at the earliest. In the light of this delay it remains the case that the PSVLP is not yet at an advanced stage, and the application and appeal proposals therefore cannot credibly be claimed to be "premature".

Additional Matters Raised

95. Representations submitted by parties objecting to the development have raised concerns in relation to several other matters, including impacts on ecology, air quality, transport and the loss of Green Belt. However, those matters were all addressed within the evidence presented to the Public Inquiry and the Applicants/Appellants are not aware of any changes in circumstances, fact or policy that have arisen in relation to any of these matters since the Inquiry closed, which are material to the SoS's further consideration of both the application and the appeal.

Summary and Conclusion

96. To summarise the above points, the passage of time since the closure of the Inquiry has not resulted in any change to the very significant benefits that would be delivered by the proposed development at Appleton Thorn. On the basis of the evidence presented, which has equal resonance to this duplicate application, it is clear that planning permission should be granted. However, in the light of Covid-19 pandemic and the severe economic recession this has caused, it is also clear

²⁴ Doc OD/1

²⁵ Doc AD3

that these benefits and in particular the positive economic contributions that would be delivered must be accorded even more weight in the planning balance and in the assessment of very special circumstances, such that the case in favour of the proposed development becomes even more compelling.

97. The logistics and warehousing sector has taken an absolutely central role during the crisis, but a shortage of available land for development and an increase in warehousing capacity demand remain key challenges for the sector. The delivery of more significant logistics developments such as the proposed ESL NDC at Appleton Thorn would help to address these challenges and future-proof the economy for new crises that may occur in years to come.
98. The only material change in policy that has arisen since the Inquiry is the publication of a revised version of the Council's Economic Growth and Regeneration Programme, "Warrington Means Business". The proposed NDC would contribute positively towards meeting this document's objectives, delivering significant economic benefits not only in Warrington but beyond its boundaries, and it is deserving of some weight in the planning balance.
99. Preparation of the PSVLP has been delayed and it is still not at an advanced stage. It remains the case therefore that the application and appeal proposals cannot credibly be claimed to be "premature".
100. For the reasons described above and those set out in the evidence presented to the Public Inquiry, as summarised in the Closing Submissions²⁶ on behalf of the Appellants at the Inquiry, the SoS is invited to grant planning permission for this vitally important development.

The Council²⁷

The material points were:

101. The Council's position remains as set out in the 24 July 2019 DMC report which recommended that the application be approved, subject to conditions and a S106 planning obligation, all subject to referral to the SoS. The SoCG²⁸ dated 16 September 2019 entered into between the Council and the Applicants remains relevant for this current application.
102. In relation to the Local Plan Review, the Council accepts that the timetable for the PSVLP has slipped since the application was reported to the DMC in July 2019. The Council received over 3,000 representations to the PSVLP consultation. All of the responses have been carefully reviewed, and the Council is now carrying out additional work to respond to these. The main focus of this work is to ensure the Council is able to deliver the necessary social, health, transport and green infrastructure to support Warrington's projected growth. The emerging plan has multiple preparation stages to pass through before it becomes part of the development plan, and due to the ongoing work the Council cannot currently confirm what the anticipated date of adoption of the new Local Plan will be. As a result, the Council remains of the opinion that whilst a material consideration, only minimal weight should be attached to the PSVLP at this time.

²⁶ Doc 29

²⁷ See Doc AD3

²⁸ Doc OD/1

Inspector's Conclusions

103. I begin these conclusions by briefly setting out the background, purpose, scope and structure of this Addendum Report. Throughout the conclusions, references in superscript square brackets [...] are to preceding paragraphs in this Report, upon which my conclusions draw.
104. For the avoidance of doubt it should be noted that the Public Inquiry held in October 2019, under the Appeal Reference APP/M0655/W/19/3222603, resulted from the Council's refusal to grant planning permission for application reference 2017/31757, dated 3 July 2018^[1]. However, before the Inquiry took place the Applicants submitted a revised planning application (reference 2019/34739, dated 1 April 2019), for the same site and the same development description, but with some minor amendments to the design of the proposal and with some additional contributions and commitments^[2,3].
105. When this revised application was reported to the Council's DMC in July 2019, Council Members resolved to approve it, in line with Officers' recommendations, subject to the application not being called-in by the SoS, and the completion of a S106 agreement^[4]. However, by the time of the Inquiry, no decision had been made as to whether or not the SoS wished to call this application in for his own determination^[4].
106. The Inquiry continued into application reference 2017/31757, which had been recovered by the SoS, but in view of the similarity between the original and revised schemes I was asked to consider the appeal on the basis of the plans and commitments which comprised the revised application, reference 2019/34739. As there were no objections to this approach, and as I considered that the relatively modest differences between the 2 schemes would not result in anyone with an interest in the case being unduly prejudiced, I agreed to this request^[5].
107. I therefore considered the appeal and reached my conclusions on this basis, resulting in the main Report reference APP/M0655/W/19/3222603, which was submitted to the SoS on 11 December 2019. Having regard to the information before me at that time I concluded that no very special circumstances existed, such that the proposal would amount to inappropriate development in the Green Belt, in conflict with the CS and the NDP. Accordingly, my recommendation to the SoS was that this appeal should be dismissed^[10].
108. The SoS was, however, aware that the sequence of events described above meant that the appeal scheme (ref 2017/31757) and the revised application scheme (ref 2019/34739) are, effectively identical^[11]. He therefore considered that they should be joined, and by way of a direction dated 21 May 2020, he called the revised application in for his own determination. He did not consider that a further inquiry was necessary, but as some time had elapsed since the Inquiry he accepted it was possible that there could have been some material changes in circumstances, fact or policy, and wished to give parties the opportunity to make written representations on any such matters^[12,13].
109. Representations were therefore invited, and these were circulated to the parties for their comments, with the Applicants having the opportunity of the final say. My consideration of these representations forms the basis of my conclusions and recommendation in this Addendum Report, which should be read alongside the main Report. The first part of the main Report stands unaltered by this process, and should be consulted for many factual matters relating to this proposal, as they are not repeated in this Addendum Report.

110. However, because the Addendum Report does contain updated material considerations, it is potentially capable of superseding the conclusions and recommendation in the main Report. Whether that is indeed the case is explored in the following sections of these conclusions, where I consider the additional matters put forward by the various parties as part of this call-in exercise, and assess whether or not they change the conclusions I had previously reached on the main considerations for this appeal/application.

111. For ease, I repeat these main considerations, below, and then summarise the matters which parties maintain have changed since the Inquiry. I then deal with these additional matters, in turn, to be able to assess whether and/or how these matters affect the conclusions I reached and the planning balance I undertook in the main Report. Finally, I set out my overall conclusions and recommendations on both the appeal scheme and the current application.

Main Considerations on which the appeal scheme was considered

112. I reached my conclusion on the appeal scheme, following the Inquiry, on the basis of the following main considerations:

- a) The effect of the proposed development on the purposes and the openness of the Green Belt;
- b) The visual impact of the proposed development and its effect on the character and appearance of the surrounding area;
- c) The effect of the proposal on the significance of nearby heritage assets;
- d) Its effect in traffic and transport terms, on the safety and convenience of users of the nearby highway network;
- e) Its effect on air quality;
- f) Its effect on the availability of the best and most versatile agricultural land;
- g) Whether there would be any drainage or flood risk problems associated with developing this site;
- h) The extent to which the proposed development would be consistent with the development plan for the area;
- i) Whether the proposal would be premature, in the light of the Council's emerging development plan;
- j) Whether the proposal would represent sustainable development, in the terms of the Framework;
- k) Whether the submitted S106 agreement would satisfactorily address the impact of the proposed development; and
- l) other matters which did not fall neatly into the above headings.

Matters which the parties maintain have materially changed since the Inquiry

113. Having considered the additional matters put forward by the parties, I summarise them as:

- a) The various effects of the Coronavirus/Covid-19 pandemic;
- b) The current status and financial standing of ESL;
- c) Planning policy, prematurity and the emerging Local Plan;
- d) The availability of alternative sites;
- e) HS2 and climate change;
- f) The new Conservative manifesto.

The various effects of the Coronavirus/Covid-19 pandemic^[26,47-48,61,65-81]

114. By far the biggest and most far-reaching change which has occurred since the Inquiry has been the onset of the Coronavirus/Covid-19 pandemic, which was completely unforeseen at that time and which has had, and continues to have, wide-ranging impacts. In the period of severe lockdown, it resulted in significant changes to people's work, shopping and travel patterns which, in turn, resulted in an unprecedented reduction in road traffic. This gave rise to an unexpected benefit with regards to local air quality within Warrington, which I understand improved significantly^[61].
115. But whilst this cannot be disputed, in my view it would be unrealistic to expect traffic levels to remain at the very low levels they dropped to at the height of the lockdown. Indeed, as the Government has sought to bring the country out of lockdown traffic levels have risen again, and whilst this has undoubtedly begun to reverse some of the air quality gains just referred to, it is important to have regard to the way this matter was addressed at the Inquiry.
116. My conclusions on this matter are set out in paragraphs 352 to 355 of the main Report, where I considered the likely effect of the proposed development on air quality. These conclusions note that the only authoritative technical evidence dealing with air quality was that submitted by the Appellants as part of the ES, and that this was scrutinised by the Council's Environmental Protection Officer, who considered the air quality assessment to be acceptable, and raised no objections to the proposed development.
117. My conclusions further noted that the Committee Report for the now called-in application explains that in the area of the proposed development the air quality has been assessed to be significantly below national standards, known as objective limits, set for NO₂ and particulates (PM₁₀). Moreover, the levels of fine particulates (PM_{2.5}) in the area were assessed as meeting the World Health Organisation value. This Committee Report also agrees with the findings of the ES, that the impacts of the proposal would be negligible and the predicted levels of air pollution would not be significant, or cause a significant effect on air quality.
118. In the light of this detailed technical evidence, and the absence of any firm, authoritative evidence to the contrary, I concluded that the proposed development would not have an adverse effect on air quality, and therefore would not be at odds with CS Policy QE6, dealing with such matters. No new evidence has been submitted to cause me to take a contrary view for this called-in application. As such, my conclusions on this matter in the main Report still stand.
119. Once lockdown began to ease, objectors claim that it also highlighted the importance of the availability of undeveloped, open, countryside locations, for recreational purposes, and to provide areas where people could enjoy peace and calm, to combat stress, anxiety and depression^[47,48]. However, as both national policy in the Framework and local policy in the CS already seek to protect Green Belt areas such as the appeal/application site – unless very special circumstances apply – I am not persuaded that these points raised by interested persons should be given any specific weight in the consideration of this proposal
120. Looked at from a different perspective, the Applicants point out that the changes in shopping patterns brought about by the Covid-19 pandemic has amounted to significant increases in the number of people shopping on-line, with some 6.5

million more UK citizens buying groceries on-line than before the start of the crisis^[70]. The Applicants also state that during the pandemic, a number of supermarkets, personal protective equipment manufacturers/distributors and third party logistics providers (3PL) have required substantial additional warehouse space to ensure they could hold enough stock to service the significant increase in customer demands^[69].

121. In some cases the supermarket chains and others have built their own warehouses, but in the medium to long-term the Applicants argue that many manufacturers and retailers will need to decide whether to retain their own warehousing, or whether it would be more appropriate and cost-effective for them to outsource their storage to 3PLs such as ESL, to make use of existing networks and benefit from the flexibility which 3PLs can provide. The Applicants state that 3PLs would receive a boost from such outsourcing, and say that this is already being experienced by ESL^[72].
122. The Applicants further point out that increased demand for home delivery has not simply been in the convenience shopping sector but in all other retail sectors too^[70], and that in addition to retailers, the National Health Service (NHS) has also substantially increased its warehouse capacity by working with landlords direct and through specialist 3PL companies, including ESL. As a result, the NHS has had access to an additional 14 million sqft²⁹ of warehouse space during the pandemic. In the Applicants' view, the NHS's additional storage requirements will inevitably translate into more permanent requirements in the long-term rather than a short-term solution only needed during the pandemic^[71].
123. I acknowledge that the pandemic has highlighted the critical importance of the logistics and warehousing sector, and note that the Applicants maintain that this sector has taken on an absolutely central role during the crisis. In this regard I further note that in a recent letter, dated 16 July 2020, the SoS for Transport referred to the "incredibly important contribution that delivery drivers make to the nation, the economy, and businesses" and the "crucial role" that hauliers play in transporting essential items across the country^[68]. Although these comments were made primarily in the context of developing a lorry parking strategy to improve roadside facilities for the road haulage industry, I see no reason to dispute the Applicants' assertion that they nevertheless underscore the general importance of the logistics and haulage sector, particularly at this time.
124. From the Applicants' standpoint, the matters set out above, when coupled with what it describes as a serious shortage of available land for development and an increase in warehousing capacity demand^[74], demonstrate that the need for expanded premises at Appleton Thorn has significantly increased since the time of the Inquiry^[75]. They further argue that the benefits which this proposal would give rise to, and in particular the positive economic contributions that would be delivered, must be accorded further substantial weight in the planning balance and in the assessment of very special circumstances. As such, the Applicants maintain that the case in favour of the proposed development has become even more compelling since the Inquiry closed^[75,96].
125. However, whilst not disputing many of the factual matters detailed above, in my opinion it does not automatically follow that any increased importance of the

²⁹ About 1.3 million sqm

logistics and haulage sector during the Covid-19 pandemic should translate to additional weight being given to the benefits of the proposal. In taking this view I have been mindful of the fact that other sectors and “key workers” have also played very important and indeed vital roles during the pandemic, and in these circumstances it is difficult to see how it could be justifiable and equitable to, in effect, value any one sector’s contribution more than any other.

126. In terms of the benefits which the proposed NDC would bring, I assessed these in the planning balance section of the main Report (paragraphs 412 to 429), and I re-visit them here, to consider whether or not they should in any way be assessed differently in the context of the on-going pandemic.
127. I previously concluded that the economic benefits arising from the creation of around 240 full-time jobs during the construction phase, and around 480 full-time jobs on the site itself, once completed – with a further 250 full-time off-site jobs, should be given significant weight. These figures have not changed as a result of the Covid-19 pandemic – a point acknowledged by the Applicants^[65,96] – and because of this I do not consider that there is any sound basis or reason to increase the weight to be given to these benefits.
128. Since the Inquiry there has been no change to the proposed financial contribution of £100,000 towards local employment, aimed at maximising the employment, learning and training opportunities for local communities. There is therefore no reason for me to conclude that it should attract any more than the moderate weight I determined in paragraph 420 of the main Report.
129. For similar reasons I find no justification for increasing the minimal weight I considered should be given to the benefits of the proposed co-location of the NDC and the existing ESL headquarters (paragraph 423 of the main Report); the significant weight to the social benefits of the proposal (paragraph 424); the moderate weight to certain environmental benefits (paragraph 425) and the moderate weight to the various highway benefits (paragraph 428).
130. Put simply, in light of the points set out above I am not persuaded that ESL’s continuing role during the Covid-19 pandemic, as one operator in the admittedly very important logistics and haulage sector, amounts to any clear or justified reason to increase the weight of the specific benefits which I consider would arise with this proposed development.
131. I acknowledge that further matters were put forward by the Applicants as part of their very special circumstances case, and I summarised these in paragraphs 381 to 383 of the main Report. They cover such matters as:
- ESL’s pressing need to construct an NDC, required so as to keep pace with and facilitate the future successful growth of the company;
 - the fact that the scheme would make a substantial contribution towards further strengthening Warrington’s logistics sector, which is recognised as being critical to the future growth of the local economy and of regional, if not national importance;
 - the fact that the proposed development would create a number of entry level positions which, with the appropriate training, would be accessible to the most economically disadvantaged residents of the Borough, including young people not in education, employment or training;

- that the appeal/application site is located within 7 kilometres (km) of half of Warrington's most deprived areas, and within 10km of all the most deprived areas in Warrington; and
- the current economic value of ESL, described as a unique and hugely important asset for the local economy

132. In the main Report I did not see any reason to doubt these points, which set out in detail the type and location of jobs to be created and the extent of the company's impact and contribution to the Warrington and wider economy, including its support for local businesses through spend in its supply chain. But in my view, these matters did not translate into additional, quantifiable benefits of the appeal proposal, over and above those already identified earlier. Considering this matter afresh, in the context of the continuing Covid-19 pandemic, and having regard to the more recent representations, I do not consider that any firm, persuasive evidence has been submitted to justify why these points should add further weight to the benefits of the proposed development.

133. In summary, although the Covid-19 pandemic has resulted in a variety of significant impacts on, and changes to, daily life in the UK, in my assessment these impacts and changes do not affect my conclusions or weightings set out in the main Report.

The current status and financial standing of ESL ^[31,41,49-53,76-81]

134. Perhaps not surprisingly, 2 very different pictures of the current status and financial standing of ESL are painted in the representations received from objectors, and from the company itself. To recap, in paragraphs 403 to 405 of the Conclusions section of the main Report, I referred to a number of points made by Mr Roberts, concerning the financial position of ESL, and the response to these matters put forward by the Appellants. I concluded, on the basis of the evidence before me, that the matters raised by Mr Roberts did not constitute valid and reasonable planning grounds to weigh against the appeal proposal.

135. Interested persons have, however, drawn attention to a number of changes since the Inquiry, including the resignation of ESL's CFO; the fact that share trading was suspended for a time; that the Financial Reporting Council has launched an investigation into auditing of ESL; and that in December 2019 shareholders accepted an offer of a £55 million loan, thereby passing the controlling interest in ESL to DBay. This resulted in a market value (at the time the representation was made), of 7.3p per share, representing a massively reduced capitalisation value. Objectors also point out that that ESL declared a final pre-tax loss of £238.9m for the 2019 financial year, compared to a pre-tax loss of £22.3 million in its restated 2018 financial year, and that the company debts for 2019 stood at £214.5 million^[49,50].

136. Interested persons also highlight the fact that the Unite Union has had to seek reassurances as to current job security as a result of the company's takeover by DBay, and maintain that these facts point to ESL being a company in difficulty, not one in an expansion phase. As such, they further question whether ESL would be in a position to offer the hundreds of jobs, and employment prospects it promised at the time the Council sought to approve this application^[51,52].

137. However, the Applicants state that any allegations that the proposed development cannot be delivered are entirely without foundation, reiterating that

if planning permission was to be granted, the development would be constructed and the new jobs and economic benefits that are anticipated would be delivered. They go on to confirm and repeat that the capital investment required to build the NDC has already been sourced, and that they remain fully committed to the scheme^[81].

138. Attention is also drawn to a letter dated 1 July 2020 from the company's Executive Chairman which confirms that the NDC proposal remains an absolute priority for the business, and explains that the company is now reorganised and has a strong foundation to deliver a high quality service to national brands serving the UK, both during the current Covid-19 crisis and over the longer term. As such, the Applicants invite the SoS to place reliance upon this clear and unambiguous statement by the company, and not on the less well-informed assertions made by third parties^[81].
139. As noted at the beginning of this section, these are 2 quite widely differing views, and owing to the nature of the written representations process, the accuracy and reliability of these statements cannot be tested. That said, it is clearly not unreasonable to assume that the Applicants know their own position and business better than outsiders, and I therefore place greater weight on the position being as described by the Applicants. But regardless of the veracity of the points put forward by either side, I remain of the view which I set out in the main Report, namely that these matters do not constitute valid and reasonable planning grounds to weigh against the appeal/application proposal.

Planning policy, prematurity and the emerging Local Plan^[25-28,40,82-86,93-94,102]

140. At the time of the Inquiry, and as stated in the main Report, the position regarding the PSVLP was that the consultation period closed in June 2019, and the representations made – over 3,000 – were still being reviewed by the Council. The Council acknowledged, however, that the timetable for progressing the PSVLP had slipped, and as a result it was of the opinion that only minimal weight should attach to this emerging Local Plan. The Applicants and SWP similarly agreed that the PSVLP should only be given limited weight in the consideration of the appeal.
141. In its email of 8 July 2020, setting out its current position for the purposes of this call-in application, the Council repeated its acceptance of the fact that the PSVLP timetable has slipped since the application was reported to the DMC in July 2019, and confirmed that it was currently carrying out additional work to respond to the representations received. Due to this ongoing work, the Council stated that it cannot currently confirm what the anticipated date of adoption of the new Local Plan will be. As a result the Council remains of the opinion that only minimal weight should be attached to the PSVLP^[102].
142. To my mind this clearly means that there has been no material change in the status of the PSVLP since the Inquiry, and since the preparation and submission of the main Report. As such, my conclusions on the consideration of whether the proposal would be premature, in the light of the Council's emerging development plan, set out in paragraphs 365 to 376 of the main Report still stand.
143. In summary, I highlighted the fact that the Framework makes it clear 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 permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an 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.

144. My consideration of these matters led me to the firm conclusion, set out in paragraph 376 of the main Report, that the appeal proposal should not be considered as premature, in the light of the current status of the Council's emerging Local Plan. To reiterate, none of the representations which have been submitted in the context of this call-in application raise any matters which cause me to reach a different conclusion on this matter.
145. On a separate, albeit related matter, the Applicants draw attention to the fact that since the Inquiry, an updated version of the Council's Economic Growth & Regeneration Programme "Warrington Means Business" has been published^[83,98]. The Applicants describe this as an important contextual document in terms of the town's economic landscape, and a key statement of the strength of ambition which the Council has to improve economic prospects for its residents.
146. The document makes direct reference to the PSVLP proposal for the development of a major new business location at the intersection of the M6 and M56, stating that this would build upon the existing successful logistics area of Appleton Thorn and Barleycastle, with ESL and other significant businesses. The Applicants argue that the proposed NDC would contribute positively towards meeting the objectives of this revised "Warrington Means Business" document and, as such, maintain that this is deserving of some weight in the planning balance^[85,98].
147. I note, however, that amongst other things, the Introduction to this document explains that it is a "live" document, with the proposals set out within it being consistent with the Draft Warrington Local Plan (the PSVLP). It goes on to explain that all proposals are subject to the normal planning processes, and that should the Local Plan be amended when finally adopted, then "Warrington Means Business" will be amended accordingly. In these circumstances it is clear that progress with the PSVLP is key to the proposals within "Warrington Means Business", and that current proposals could therefore change to accord with the eventual form and content of the future adopted Local Plan.
148. In view of these points, and as there is general agreement between the parties that the PSVLP can only carry minimal weight at the present time, I do not consider that the publication of the revised version of "Warrington Means Business" can reasonably be considered as adding any material weight to the appeal/application proposal. Accordingly, I do not consider that this matter affects my conclusions or weightings set out in the main Report.

The availability of alternative sites^[33-36, 55-60, 87-92]

149. SWP and other interested persons are correct when they point out that the situation with regard to brownfield sites has changed since the time of the Inquiry^[33-36,41,55-60]. However, the important question is whether or not these changes have a material impact on the conclusions I reached in the main Report.

150. At the Inquiry, much was made by objectors of the fact that the closure of Fiddlers Ferry power station had recently been announced. I acknowledge that this situation has moved on, and that the power station actually closed at the end of March 2020, but it is clear that much still needs to be done in the way of decommissioning, demolition and remediation, before this site is available for any other alternative form of development^[89].
151. In these circumstances there seems to be very little, if any, change from the position set out in paragraph 384 of the main Report, namely that this site would only become available in the medium to long-term, and therefore does not represent a feasible or realistic alternative option for ESL's current requirements. Accordingly the recent closure does not alter my original conclusions regarding this site.
152. Insofar as other sites are concerned, it does not seem to me that the Parkside site at St Helens, put forward by SWP and a number of other interested persons, could reasonably be said to be a realistic alternative^[33,41,56]. I have not been provided with full information regarding this site, or any development currently proposed for it, but my understanding of the submitted evidence is that whilst development on this site has been recommended for approval, the application has been called-in by the SoS – like the ESL proposal. Furthermore, although the site is described as being located close to the motorway network, and already has rail-head, it appears to also be located within the Green Belt (contrary to the assertions of some interested persons^[56]), and be the subject of a draft Local Plan allocation – again like the appeal/application site^[88].
153. The Applicants have stated clearly that even if this site was available and suitable – which in their view it is not - it would not be possible to bring forward a development at Parkside which could meet ESL's requirements^[xx]. There is no firm, detailed evidence to the contrary, and because of this I see no reason to dispute the Applicant's view on this matter.
154. Although the Unilever site in the centre of Warrington has also been referred to as a brownfield site which is likely to become available at some time in the near future, it appears to be the case that a stay of closure has been prompted by the Covid-19 pandemic, and I understand that the site is still in use at the present time^[35,90]. In any case, no-one is seriously suggesting that this centrally-located site would be an appropriate location for a large warehousing and distribution development, as is proposed through the current appeal and application.
155. SWP does argue that the availability of both this site and the Fiddlers Ferry site should prompt a review of the need for Green Belt release and the justification for large-scale development on greenfield sites in the Green Belt^[35]. But whilst that may be the case, it is not something which can be undertaken through this appeal/application process. The simple fact of the matter is that this Unilever site cannot be considered as a realistic alternative for the current ESL proposal.
156. Reference has also been made to the former Travis Perkins warehouse and distribution site at Appleton Thorn, which adjoins the existing ESL site. But although SWP and some others suggest that this site could provide expansion opportunities for ESL^[36,58], the Applicants have stated that this site has recently been acquired by another developer, who is proposing a logistics development which would be only about two-fifths the size proposed for the ESL NDC^[91]. Therefore, not only is this site not available, even if it was it is not large enough

to be suitable for ESL's current proposal. In these circumstances it is clear that this site cannot be considered as a realistic alternative to the appeal/application site.

157. Some representations drew attention to the fact that the holiday company Shearings, who have a coach interchange hub at Appleton Thorn very close to the ESL appeal/application site, went into administration in the first quarter of 2020. Whilst these interested persons point out that the business was subsequently taken over by Leger Holidays, they suggest that there may well be question marks over the future of this site^[59]. However, that is as far as the information before me goes. There is no firm evidence, at this time, to suggest that this site is available, or that it is of a suitable size to accommodate the proposed NDC. Again, it is clear that this site cannot be considered a realistic alternative for the current proposal.
158. Drawing the above points together, it is clear that there have been some changes in the availability or potential availability of brownfield sites in the general Warrington area, since the Inquiry. However, in light of the matters just discussed, I have to conclude that none of the sites referred to can realistically be considered as offering suitable and available alternatives to the current appeal/application site. This is clearly the Applicants' view^[92], and also reflects the Council's latest and current position^[92,101].
159. Accordingly, there nothing new or materially different in the way of available alternative sites, to cause me to change any of my conclusions or weightings in the main Report.

HS2 and Climate Change^[37,38,42,62]

160. SWP and interested persons point out that since the Inquiry the Government has given the Notice to Proceed for the construction of HS2 Phase 1^[37,62]. In the view of these objectors this action means that, once opened, the southern section of the WCML will have very significantly increased capacity for railfreight, and that railfreight, via electrified lines, is the only realistic way of drastically reducing carbon emissions from freight currently moving by road. It is argued that this will impact on rail freight capacity and encourage a shift away from road to rail, such that the sustainability and viability of large-scale road-based logistics projects located away from rail freight interchanges, as is proposed here by ESL, would be inconsistent with Government investment in rail-based infrastructure^[37].
161. Objectors also comment that the Committee for Climate Change has highlighted the need to ensure that recovery from the Covid-19 pandemic must recognise the need for reduction of emissions across society, including transport. In this regard the objectors argue that it would be illogical to promote a site which would generate some 750 HGV trips daily, and which would signal acceptance of wider development on adjoining greenfield sites in the Green Belt. They argue that such actions would clearly run counter to the objectives of climate change^[38].
162. These points are noted, and I accept that the Government's Notice to Proceed with the construction of Phase 1 of HS2 is a clear change to the circumstances which were pertaining at the time of the Inquiry. However, it is not as though the general arguments being put forward now by objectors on this matter were not also aired at the Inquiry. Paragraphs 400 to 402 of the main Report deal with

these matters which were mainly raised then, as now, by Mr Thrower. In my assessment it remains the case that notwithstanding the impetus given to rail as a result of this announcement, there is no firm evidence before me to suggest that there is no place at all for road-based freight provision in the future.

163. Indeed, in paragraph 401 of the main Report I noted that the Chapter on Freight Management in the Council's Local Transport Plan 4 states that the strategic spatial location of Warrington on the highway network is a vital asset for the town in attracting freight and logistics companies that support the local economy. I do not consider that this position will have been unduly affected by the aforementioned HS2 announcement.
164. Furthermore, in paragraph 402 of the main Report I concluded that the proposed development would not be in conflict with CS Policy MP5, dealing with Freight Transport, which clearly accepts that there will be road-based freight transport during the lifetime of the plan. Nor did I find any conflicts with the transport-related policies in the NDP. With these points in mind I concluded that none of the rail-related matters raised by parties at the Inquiry led me to think that a road-based freight proposal would be unacceptable as a matter of principle. In light of these points I am not persuaded that the recent HS2 announcement has materially affected this position. Accordingly, this matter has no material impact on the conclusions and weightings I arrived at in the main Report.

The new Conservative Manifesto^[63]

165. This matter was not commented on by the Applicants, but a number of interested persons highlighted the fact that the manifesto of the Conservative Government which was elected in December 2019, contains a commitment to "protect and enhance the Green Belt", and to "prioritise brownfield development", in order to "safeguard our green spaces". Some interested persons argue that this manifesto commitment, alone, must ensure that the application is not approved^[63].
166. However, the manifesto, in itself, does not constitute planning policy, although I consider that it does amount to a material consideration in this case. That said, there is nothing in this manifesto commitment which seems to me to run counter to, or be materially different to, guidance on Green Belts contained in the Framework – which is also a material consideration in the consideration of these proposals.
167. As noted in paragraphs 24 and 25 of the main Report, Section 13 of the Framework is entitled "Protecting the Green Belt", with paragraph 133 explaining that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. It goes on to state that the essential characteristics of Green Belts are their openness and their permanence, whilst paragraph 143 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.
168. Paragraph 144 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

169. Furthermore, paragraph 21 of the main Report confirms that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this regard CS Policy CS5 "Overall Spatial Strategy – Green Belt" states, amongst other matters, that development proposals within the Green Belt will be approved where they accord with relevant national policy – in other words, with guidance in the Framework.
170. Insofar as the Conservative manifesto states that brownfield development will be prioritised, this, again seems to me to largely reflect guidance in the likes of Section 11 of the Framework, entitled "Making effective use of land". Amongst other things this section makes it plain that planning decisions should give substantial weight to the value of using brownfield land within settlements for development needs.
171. In light of these points I am not persuaded that there is anything new or materially different in this Conservative manifesto, sufficient to change any of my conclusions or weightings in the main Report.

Other matters

172. It is relevant at this point to comment on a further matter of concern highlighted by some interested persons, the fact that any planning permission would run with the land. The objectors express a fear that a grant of planning permission in this case would mean that this land would become a valuable asset to the new owners, DBay, who could then sell the land for development by a third party if ESL is unable to proceed with the proposal^[54].
173. However, it is the case that if planning permission was granted for this proposal, this would not remove the land from the Green Belt. Rather, the permission would be for a development on Green Belt land, for which the decision maker was satisfied that very special circumstances to justify the development existed. Moreover, if planning permission was granted, but ESL was unable to proceed with the development, it would not be the case, as interested persons seem to fear, that any development could then simply take place on this land. A grant of planning permission, whilst not tied to the current Applicants, would be for the specific development set out on the application form.
174. Whilst included here for the sake of completeness, I do not consider that this matter should carry any weight in the determination of this appeal/application.

Effect of the above conclusions on the planning balance, and the consideration of very special circumstances

175. As has been made clear earlier in this Addendum Report, the SoS provided the opportunity for all parties with an interest in this case to submit additional representations, concerning the application proposal, to ensure that any material changes in circumstances fact or policy that may have arisen since the Inquiry closed, could be highlighted and assessed. The purpose of this exercise was to establish whether any such changes would be of sufficient magnitude to significantly affect and alter the planning balance and the consideration of very special circumstances that are set out in paragraphs 412 to 429 of the main Report.
176. The matters put forward have been discussed, in earlier sections of this Addendum Report, and I have considered the representations made. It is

certainly the case that there have been a number of changed circumstances since the time of the Inquiry, most notably the onset and continuation of the Covid-19 pandemic, and its repercussions. However, as detailed above, I have concluded that none of the matters raised are sufficient to materially alter the conclusions and weightings I reached in the aforementioned paragraphs 412 to 429 of the main Report.

Summary and overall conclusions

177. In light of all the above points, my assessment of the planning balance is unaltered from the main Report, and I largely repeat the concluding paragraphs from that Report here, for completeness and ease.
178. My assessment of the planning balance leads to the overall conclusion that very special circumstances do not exist in this case, such that this inappropriate development in the Green Belt is not justified. The proposed development would conflict with the CS and the NDP, both of which have been adopted or made sufficiently recently to be considered up-to-date.
179. Even if I am wrong on this last point, and the SoS considers that the policies which are most important for determining this proposal are out-of-date, such that determination follows the route of paragraph 11(d) of the Framework, the application of protective policies in relation to the Green Belt, referred to in the footnote to paragraph 11(d)(i), provide a clear reason for refusing the development proposed. As the first limb of the presumption in favour of sustainable development has not been met, there is no need to consider the application of paragraph 11(d)(ii) of the Framework.
180. With these points in mind, it is my overall conclusion that insofar as the appeal scheme (ref 2017/31757) is concerned, the appeal should be dismissed.
181. Insofar as the called-in application (ref 2019/34739) is concerned, my conclusion is that planning permission should not be granted.
182. However, if the SoS takes a contrary view, and decides to allow the appeal and approve the application, and grant planning permission for the scheme, then the Conditions Nos 1-30 set out in Appendix C to the main Report should be imposed in respect of the appeal scheme; with the Conditions set out in Appendix C to this Addendum Report being relevant to the called-in application. These conditions and the reasons for their imposition have been agreed between the parties. They are appropriate to the development proposed and all meet the relevant tests set out in paragraph 55 of the Framework. The SoS will also need to consider whether or not to impose Condition 31, suggested by SWP. If considered necessary, then this condition would also meet the relevant tests set out in the Framework.

Recommendations

183. For the appeal scheme (ref 2017/31757) I repeat my recommendation from the main Report, that the appeal should be dismissed.
184. For the called-in application (ref 2019/34739) I recommend that the application be refused planning permission.

David Wildsmith
INSPECTOR

APPENDIX A – ADDITIONAL DOCUMENTS AND REPRESENTATIONS SUBMITTED AS A RESULT OF THE SoS's CALL-IN LETTER

AD1	Secretary of State's Call-in letter, dated 21 May 2020
AD2	New Statement of Case submitted by the Applicants – July 2020
AD3	Email dated 8 July 2020, confirming the position of the Council
AD4	New Statement of Case submitted by the Rule 6(6)) Party, SWP – July 2020
AD5	Bundle of 80 individual representations from interested persons, groups and organisations
AD6	Email dated 15 July 2020, setting out the Final Comments of SWP
AD7	Final comments from the Applicants, contained in document entitled "Response to Other Submissions", submitted under cover of email dated 21 July 2020

APPENDIX B – DOCUMENTS – AS LISTED IN THE MAIN REPORT

CORE DOCUMENTS

Planning Application Documents	
1	Cover Letter
2	Application Forms
3	Site Location Plan (10133-P-L02_A)
4	Illustrative Site Location Plan (10133-P-LOI_A)
5	Existing Site Plan and Topographic Survey (10133-P-L03_A)
6	Proposed Site Plan (10133-P-L04_C) SUPERSEDED
7	Proposed Entrance Area - Enlarged Layout (10133-P-L05_D) SUPERSEDED
8	Proposed Truck Entrance - Enlarged Area (10133-P-L06_C) SUPERSEDED
9	Proposed Staff Car Park – General Arrangement (10133-P-L07_B) SUPERSEDED
10	Vehicle Maintenance Unit - Enlarged Layout (1033-P-L08_A) SUPERSEDED
11	Proposed External Works (10133-P-LI LB) SUPERSEDED
12	Proposed Building Plan -Ground and First (10133-P-POI_B) SUPERSEDED
13	Proposed Roof Plan (10133-P-P02_B) SUPERSEDED
14	Proposed Site Sections (10133-P-S01_C) SUPERSEDED
15	Proposed Northern Boundary Site Sections (10133-P-S02_C) SUPERSEDED
16	Proposed Southern Boundary Site Sections) 0133-P-S03_C) SUPERSEDED
17	Pond Area North East Corner— Enlarged Layout (10133-P-L09_A)
18	Vehicle Washing Area (10133-P-LIO_A)
19	Site Preparation Drawing (10133-P-LI 2_A)
20	Vehicle Maintenance Unit - Plans, Sections and Elevations (10133-P-P03_A)
21	Proposed Building Sections (10133-P-S05_B)
22	North and South Elevations (10133-P-EOI_A)
23	East and West Elevations (10133-P-E02_A)
24	Materials Elevations (10133-P-EOI_A)
25	Supporting Planning Statement
26	Section 106 Draft Heads of Terms
27	Utilities Statement
28	Lighting Assessment
29	Landscape Strategy
30	Landscape Masterplan

31	Flood Risk Assessment
32	Energy and Sustainability Statement
33	Economic Impacts Report
34	Drainage Strategy
35	Design and Access Statement
36	Contaminated Land and Geotechnical Desk Study
37	Arboricultural Impact Assessment
Supplementary Planning Application Documents	
38	Supplementary Submission Cover Letter
39	Addendum Supporting Planning Statement
40	Proposed Site Plan (10133-P-L04_D)
41	Proposed Entrance Area – Enlarged Layout (10133-P-L05_E)
42	Proposed Truck Entrance Area – Enlarged Layout (10133-P-L06_D)
43	Proposed Staff Car Park – General Arrangement (10133-P-L07_C)
44	Vehicle Maintenance Unit – Enlarged Layout (10133-P-L08_B)
45	Proposed External Works (10133-P-LI I_C)
46	Proposed Building Plan – Ground and First (10133-P-POI_C)
47	Proposed Roof Plan (10133-P-P02_C)
48	Proposed Site Sections (10133-P-SOI_D)
49	Proposed Northern Boundary Site Sections (10133-P-S02_D) 50) Proposed
50	Southern Boundary Site Sections (10133-P-S03_D)
51	Updated Landscape Masterplan
Environmental Statement	
52	Non-Technical Summary
53	Volume 2: Main Text
54	Volume 3: Appendices
55	Environmental Statement Addendum
Planning Policy Compendium	
PPC1	Local Plan Core Strategy Policies
PPC2	Appleton Thorn Ward Neighbourhood Development Plan Policies
PPC3	Supplementary Planning Documents (SPDs): <ul style="list-style-type: none"> • Standards for Parking in New Development SPD • Environmental Protection SPD • Design and Construction SPD • Planning Obligations SPD
PPC4	Proposed Submission Version Local Plan (Relevant Extracts)
PPC5	Other Relevant Documents: <ul style="list-style-type: none"> • Economic Development Needs Assessment Update • Warrington Garden Suburb Development Framework • “Warrington Means Business” Regeneration Programme • Cheshire and Warrington Local Enterprise Partnership's Strategic Economic Plan

PROOFS OF EVIDENCE

Appellants	
APP/GH/1	Proof of Evidence & Appendices – Gary Halman
APP/GH/1S	Summary of Proof – Gary Halman
Rule 6(6) Party - SWP	
SWP/JG/1	Proof of Evidence & Appendices – John Groves
SWP/JG/1S	Summary of Proof – John Groves

OTHER DOCUMENTS SUBMITTED BEFORE THE INQUIRY OPENED

INSP/1	Inspector's Pre-Inquiry Note, dated 19 September 2019
OD/1	Statement of Common Ground between the Council and the Appellants, with Appendices
OD/2	Bundle of correspondence from Avison Young on behalf of the Appellants, containing a response to Mr Groves' Appendix 5, and a Final Report by Hatch Regeneris dated 22 March 2019

DOCUMENTS SUBMITTED AT THE INQUIRY

Doc 1	Opening Statement of behalf of the Appellants
Doc 2	Opening Statement on behalf of the Council
Doc 3	Opening Statement on behalf of the Rule 6(6) Party SWP
Doc 4	CIL Regulations Compliance Statement, submitted by the Council
Doc 5	Statement and photographs from Mr Appleton
Doc 6	Statement from Cllr Palmer
Doc 7	Bundle of 2 Statements from Cllr Harris
Doc 8	Statement from Mr McAloon
Doc 9	Statement from Mr Fensom
Doc 10	Statement and Summary Statement from Mr Thrower
Doc 11	Statement from Mr Mack
Doc 12	Statement from Cllr Bate
Doc 13	Statement from Mr Roberts
Doc 14	Extracts from the WBC Local Plan Green Belt Assessment – July 2017, submitted by the Appellants
Doc 15	Consultation Draft of the Warrington Fourth Local Transport Plan (LTP4), March 2019, submitted by the Council
Doc 16	Extracts of a Report to St Helen's Council's Planning Committee on 17 January 2017, relating to Application P/2016/0608/HYBR for the development of land at Florida Farm North, Slag Lane, Haydock, submitted by the Appellants
Doc 17	Extracts of a Report to Rochdale Borough Council's Planning and Licensing Committee on 15 March 2018, relating to Application 16/01399/HYBR for the development of land at South Heywood, submitted by the Appellants
Doc 18	Note from Ramboll, containing additional air quality information, submitted by the Appellants
Doc 19	Errata Sheet to Mr Halman's Proof of Evidence, submitted by the Appellants
Doc 20	Signed and executed S106 Agreement, along with a copy of the dated front page

Doc 21	List of Planning Conditions agreed between the Council and the Appellants
Doc 22	Email from Rupert Nichols of ESL, dated 16 October 2019, confirming the number of ESL employees who are resident within Warrington Borough
Doc 23	Report on the Economic Impact of ESL and its Proposed Expansion - Clarification Note from Hatch Regeneris, dated 17 October 2019, submitted by the Appellants
Doc 24	Technical Note dated 17 October 2019, prepared by Ramboll, providing a Supporting Statement regarding errant routing of ESL HGVs at Appleton Thorn, submitted by the Appellants
Doc 25	Plan showing the extent of existing Green Belt in the south Warrington area, submitted by the Appellants
Doc 26	Proposed Grampian condition submitted by SWP
Doc 27	Closing Submissions on behalf of SWP
Doc 28	Closing Submissions on behalf of the Council
Doc 29	Closing Submissions on behalf of the Appellants

APPENDIX C - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED (30 in total) – APPLICABLE TO THE CALLED-IN APPLICATION

1. The development hereby approved shall be commenced before the expiration of 3 years from the date of this permission.

Reason: *To ensure that the local planning authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.*

2. The development shall be carried out in accordance with the following approved plans, except where revised versions are required by other conditions:
 - Drawing ref P-L101: Site Location Plan (Illustrative)
 - Drawing ref P-L102: Site Location Plan
 - Drawing ref P-L103: Existing Site Plan based on Topographical Survey
 - Drawing ref P-L104: Proposed Site Plan
 - Drawing ref P-L105: Proposed Entrance Area – Enlarged Layout
 - Drawing ref P-L106: Proposed Truck Entrance Area – Enlarged Area
 - Drawing ref P-L107: Proposed Staff Car Park – General Arrangement
 - Drawing ref P-L108: Vehicle Maintenance Unit (VMU) – Enlarged Layout
 - Drawing ref P-L109: Pond Area (NE Corner) Enlarged Layout
 - Drawing ref P-L110: Vehicle Washing Area
 - Drawing ref P-L111: Proposed External Works
 - Drawing ref P-L112: Site Preparation Drawing
 - Drawing ref P-E101: Proposed Main Building Elevations (North/South)
 - Drawing ref P-E102: Proposed Main Building Elevations (East/West)
 - Drawing ref P-E103: Materials Elevations
 - Drawing ref P-P101: Proposed Building Plan – Ground & First
 - Drawing ref P-P102: Proposed Roof Plan
 - Drawing ref P-P103: VMU – Plan, Sections and Elevations
 - Drawing ref P-S101: Proposed Site Sections
 - Drawing ref P-S102: Proposed Northern Boundary Site Sections
 - Drawing ref P-S103: Proposed Southern Boundary Site Sections
 - Drawing ref P-S105: Proposed Building Sections

- Drawing ref 1620002759-XX-XX-SK-C-00008 Rev I03: Proposed Junction Design Options
- Drawing ref 1620002759-XX-XX-SK-C-00009 Rev I03: Visibility Splay Check
- Drawing ref 1620002759-XX-XX-SK-C-00011 Rev I02: Vehicle Tracking Single Decker Bus
- Drawing ref 1620002759-XX-XX-SK-C-00015 Rev I01: Barleycastle Lane Improvements Sheet 1 of 2
- Drawing ref 1620002759-XX-XX-SK-C-00016 Rev I01: Barleycastle Lane Improvements Sheet 2 of 2
- Drawing ref RAM-01-M6-DR-J-00100 Rev P03: M6 Roundabout: General Improvement
- Drawing ref RAM-01-CL-DR-J-00100 Rev P03: Cliff Lane Roundabout: General Improvement
- Drawing ref D6317.001 Rev E: Landscape Strategy Plan

Reason: *To define the permission, to ensure that the proposals deliver appropriate and satisfactory development.*

3. No development pursuant to planning application number 2019/34739 shall commence unless and until the developer has submitted full design and construction details of the required improvements to the Junction of the M6 / A50 / B5158; Such details to be agreed in writing by the local planning authority, in consultation with the secretary of State for Transport, as shown in outline on submitted drawing number RAM-01-M6-DR-J-00100 P03, including:
- a) how the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations;
 - b) full signing, lighting and highway drainage details;
 - c) signal phasing plan for all signalised elements of the highway improvements;
 - d) confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations / departures from standards);
 - e) an independent stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes; and
 - f) a timetable for the phasing of works.

No part of the development shall be first occupied unless and until the highway improvements, as shown in outline on drawing number RAM-01-M6-DR-J-00100 P03 and as furthermore agreed in detail in accordance with the above, has been implemented and received written approval of the local planning authority in consultation with the Secretary of State.

Reason: *To mitigate the impact of the development on the local and strategic highway network. The condition is required to be pre-commencement due to the need to agree and implement mitigation prior to significant new traffic movements being brought on to the highway network.*

4. The development authorised by this permission shall not begin until an agreement under s278 of the Highways Act 1980 (as amended by any subsequent legislation) or such other legal agreement as is capable of delivering the necessary highways improvement works has been agreed in writing by the local planning authority. Such an agreement shall include, but is not restricted to, the following matters:

A: A scheme to mitigate the impacts of the development on the local highway network based on the improvements shown on Drawings 1620002759-XX-XX-SK-C-00015 Rev I01 and 1620002759-XX-XX-SK-C-00016 Rev I01 (attached to Appendix 6 of the Transport Assessment Environmental Statement Addendum, September 2018), including the provision of cycle and pedestrian facilities as well as carriageway widening to Barleycastle Lane, has been submitted to and agreed in writing by the local planning authority. The scheme shall include details of works to:

- a) Improvements to Barleycastle Lane from the eastern limit of the site to the eastern side of the stopped-up spur connecting Barleycastle Lane and Grappenhall Lane;
- b) Implementation of the new accesses and bellmouths as shown on Drawing numbers P-L104: Proposed Site Plan and P-L105: Proposed Entrance Area – Enlarged Layout;
- c) Bellmouth and pedestrian facilities at the junction of Barleycastle Lane and Lyncastle Road; and
- d) Bellmouth and pedestrian facilities at the junction of Barleycastle Lane and Langford Way.

The submitted scheme shall include a timetable for implementation and detail the provision of appropriate lighting and highway drainage to an appropriate standard, the proposed works shall be informed by appropriate Road Safety Audits. All works shall be completed in accordance with the approved timetable.

B: A scheme to mitigate the impacts of errant HGV drivers taking inappropriate routes on the local highway network shall be submitted to and agreed in writing by the local planning authority.

The schemes detailed in "A" and "B" shall be implemented prior to first occupation of the development and retained thereafter.

Reason: *To mitigate the impact of the development on the local and strategic highway network and to ensure pedestrians and cycling improvements are implemented in a manner to promote sustainable travel in a safe and attractive environment in accordance with policies MP1 and MP7 of the Warrington Local Plan Core Strategy. The condition is required to be pre-commencement due to the need to agree and implement mitigation prior to significant new traffic movements being brought on to the highway network.*

5. No development shall take place within the red line area shown on drawing P-L102 until the Appellants, or their agents or successors in title, has secured the implementation of a programme of archaeological work including, if appropriate, recording and safeguarding, in accordance with a written scheme of investigation which has been submitted by the Appellants and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: *The condition is in line with the guidance set out in Paragraph 194 of the National Planning Policy Framework (2019) and policy QE8 of the Warrington Local Plan Core Strategy, and is required to be prior to commencement due to the potential impact of excavations on potential archaeological remains.*

6. No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be

provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the local planning authority.

This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: *To mitigate risks posed by land contamination to human health, controlled water, and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).*

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: *To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and the Planning Practise Guidance and policy QE4 of the Warrington Local Plan Core Strategy. The drainage details will need to be installed and understood at an early stage in the development process and therefore it is appropriate to require this detail prior to commencement of development.*

8. No development shall commence until a local employment scheme for the construction phase and engineering work associated with the development has been submitted to and approved in writing by the local planning authority. The scheme shall outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local

businesses and job opportunities for the local community/residents. The approved employment scheme shall be fully implemented.

Reason: *To facilitate the socio-economic benefits to the local workforce outlined in the application submission and required by Policy SN6 and PV3 of the Warrington Local Plan Core Strategy. This condition is required to be pre-commencement as it relates to the construction phase of development.*

9. Prior to the commencement of development, including site clearance, a detailed ecological, tree and hedgerow protection scheme shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented to protect all trees and hedgerows to be retained in or immediately adjacent to the boundary of the application site in accordance with BS5837: 2012 "Trees in relation to construction". Any tree works shall be carried out by a recognised tree surgeon, or a person who is appropriately insured and competent in such operations.

Reason: *To protect trees on the site, and to ensure the satisfactory appearance of the finished development in accordance with policy QE5 and QE7 of the Warrington Local Plan Core Strategy. The condition is pre-commencement due to the need to install tree protection measures and protect trees during the construction process.*

10. Prior to the commencement of development details of foul water drainage shall be submitted to and agreed in writing by the local planning authority. The foul water drainage scheme shall be implemented in accordance with the approved details.

Reason: *To ensure that the proposals do not result in pollution and foul water drainage. The condition is required to be pre-commencement due to the need for approved to be installed and understood at an early stage in the construction phase.*

11. a) No development shall take place, including any works of demolition, until a Construction Phase Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) Identification of "biodiversity protection zones" and management of sensitive works to avoid harm to biodiversity features (including the appointment of an Ecological Clerk of Works).

b) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.

Reason: *In the interest of Highway Safety, biodiversity and to ensure the free flow of traffic using the adjoining Highway and to safeguard the amenities of residents and occupiers in the vicinity in accordance with policy QE6 of the Warrington Local Plan Core Strategy. This condition is required to be pre-commencement as it relates to the construction phase of development.*

12. Prior to the commencement of development a Construction Traffic Routeing Agreement shall be submitted to and approved in writing by the local planning authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason: *To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site in accordance with policy QE6 of the Warrington Local Plan Core Strategy. This condition is required to be pre-commencement as it relates to the construction phase of development.*

13. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped area has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The management plan shall include the following elements:

- a) Description and evaluation of features to be managed;
- b) Details of maintenance regimes;
- c) Details of treatment of site boundaries and/or buffers around water bodies;
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period); and
- e) Details of management responsibilities.

Reason: *To ensure the protection of wildlife and supporting habitat in order to secure opportunities for the enhancement of the site's nature conservation value in line with national planning policy contained within the National Planning Policy Framework and policy QE5 of the Warrington Local Plan Core Strategy.*

14. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: *To ensure satisfactory development of the appeal site and in accordance with policy QE7 of the Warrington Local Plan Core Strategy.*

15. Prior to the completion of the main building shown on Drawing ref P-L104: Proposed Site Plan, Drawing ref P-E101: Proposed Main Building Elevations (North/South) and Drawing ref P-E102: Proposed Main Building Elevations (East/West), a local employment scheme for the operational phase of the development shall be submitted and approved in writing by the local planning authority. The scheme shall outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local businesses and job opportunities for the local community/residents. The approved employment scheme shall be fully implemented.

Reason: *To facilitate the socio-economic benefits to the local workforce outlined in the application submission and required by Policy SN6 and PV3 of the Warrington Local Plan Core Strategy.*

16. a) Prior to the first occupation of the development hereby approved details of the landscaping proposals and ecological improvements based on the principles outlined on the Landscaping Strategy Plan (Drawing Number D6317.001 Rev E)

shall be submitted to and approved in writing by the local planning authority. The landscaping proposals shall include the following details:

- a) bat and bird boxes (including number, location and size);
- b) temporary measures to be implemented during construction process;
- c) details of new ponds (including cross sections and planting detail and wetland habitats to be created);
- d) Proposed planting species, density, and size and site preparation for soft landscaping works;
- e) New hedgerow planting (including species, density and ongoing management);
- f) New tree planting (including species, density and ongoing management);
- g) Measures to safeguard the integrity of the Bradley Brook; and
- h) Full details of all proposed boundary treatments.

b) The approved scheme shall be implemented prior to the first use of the site or within the first planting season. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted and any damage to protective fences shall be made good.

Reason: *To ensure that the proposal delivers appropriate level of ecological mitigation in accordance with policies QE5 and QE6 of the Warrington Local Plan Core Strategy.*

17. The development hereby permitted shall not be taken into use until the following requirements have been met and required information submitted to and approved in writing by the local planning authority:

A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the local planning authority for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-identified contamination encountered during development works must be reported immediately to the local planning authority and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the local planning authority.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A and B above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: *To mitigate risks posed by land contamination to human health, controlled water, and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f)*

& 178 of the National Planning Policy Framework (February 2019), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

18. Prior to occupation of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan

Reason: *To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with policy QE4 of the Warrington Local Plan Core Strategy and the National Planning Policy Framework.*

19. Prior to first occupation of the development hereby permitted details of waste and recycling facilities shall be submitted to and agreed in writing by the local planning authority. The waste and recycling facilities shall be implemented in accordance with the agreed details prior to first occupation.

Reason: *To ensure satisfactory functioning of the application proposals and to promote recycling of waste in accordance with policy MP8 of the Warrington Local Plan Core Strategy.*

20. Prior to first occupation of the development hereby permitted and the installation of external lighting, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) Areas/features on site that are potentially sensitive to lighting for bats;
 - b) Detail of any proposed lux levels beyond the site boundary that may impact on the amenity of residents;
 - c) Detail through appropriate lighting lux contour plans that any impacts on bats and on the amenity of residents is acceptable; and
 - d) Specify frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Reason: *To ensure that the development does not cause light pollution and to manage the impact of lighting on protected species in accordance with Policy QE5 of the Warrington Local Plan Core Strategy.*

21. Prior to the first occupation of the development hereby permitted the internal roads, turning areas and parking areas shall be hard surfaced in a material to be submitted to and agreed in writing by the local planning authority and shall be completed and made available for use for the purposes of the development.

Reason: *To maintain satisfactory functioning of the site and in the interests of highway safety having regard to policies QE6 and MP1 of the Warrington Local Plan Core Strategy.*

22. Prior to the first occupation of the development hereby permitted the bus stop details, including details of a shelter, shall be submitted to and agreed in writing by the local planning authority and shall be completed and made available for use for the purposes of the development.

Reason: *To maintain satisfactory functioning of the site and in the interests of highway safety and in accordance with policies QE6, MP1 and MP7 of the Warrington Local Plan Core Strategy.*

23. Prior to first occupation of the development hereby permitted details of cycle store shall be submitted to and agreed in writing by the local planning authority. The cycle store shall be implemented in accordance with the agreed details prior to first occupation.

Reason: *To promote satisfactory functioning of the development and to promote sustainable and alternative modes of transport and satisfactory appearance of the site and to ensure cycle stores are provided in a secure and safe environment in accordance with policies MP1 and MP3 of the Warrington Local Plan Core Strategy.*

24. Prior to first occupation of the development hereby permitted, details of the gatehouse and barriers shall be submitted to and agreed in writing by the local planning authority. The gatehouse and barriers shall be implemented in accordance with the agreed details prior to first occupation.

Reason: *To promote satisfactory functioning of the development and satisfactory appearance of the site in accordance with policies QE6 and QE7 of the Warrington Local Plan Core Strategy.*

25. a) Prior to the first occupation of the development hereby permitted, the Final Travel Plan, based on the principles of the draft Travel Plan (Ramboll June 18), shall be submitted for the written approval of the local planning authority. The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on/promoting the use of alternative modes of transport, by:
- a) The appointment of a travel plan co-ordinator;
 - b) The establishment of targets for modal shift;
 - c) The details of measures to be employed to achieve the identified targets;
 - d) Mechanisms for ongoing monitoring and review of targets and travel plan measures;
 - e) Details of penalties and/or additional measures to be investigated/implemented in the event that the identified targets are not met;
 - f) Public transport information and ticket details;
 - g) Cycle provision, showers and lockers and associated infrastructure;
 - h) Walking and cycling initiatives; and
 - i) Car park allocation and management strategy.
- b) The approved Travel Plan shall be implemented during the 6 months following the first occupation of the premises.
- c) Within 12 months of its implementation under part "b" of this condition a review of the Travel Plan shall be carried out, and submitted to the local planning authority for written approval. The review will identify any refinements and

clarifications deemed necessary to the Plan. The Travel Plan shall be thereafter be reviewed and re-submitted annually.

The development shall comply with the requirements of the revised plan approved under part "Council" of this condition, at all times.

Reason: *To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car in accordance with policies MP1 and MP7 of the Warrington Local Plan Core Strategy.*

26. Prior to first occupation of the development hereby permitted, details of electric charging points and renewable energy provision shown on the approved roof plan (Drawing ref P-P102: Proposed Roof Plan) shall be submitted to and approved in writing by the local planning authority. Parking areas not provided with charging points shall be installed in a manner to allow the future installation of electric charging points.

Reason: *To promote low carbon technologies, to tackle climate change and to ensure that future increased use of electric vehicles is managed having regard to policy MP1 of the Warrington Local Plan Core Strategy and Standards for Parking in New Development SPD.*

27. Foul and surface water shall be drained on separate systems.

Reason: *To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy QE4 of the Warrington Local Plan Core Strategy.*

28. The proposed offices shown on the approved plans shall remain ancillary to the main building as a B8 use and shall not be used as a separate planning unit.

Reason: *The site is not in a recognised town centre and is not in a location appropriate location for office uses and to maintain satisfactory functioning of the site having regard to policy SN5 of the Warrington Local Plan Core Strategy and guidance within the National Planning Policy Framework.*

29. The Vehicle Maintenance Unit shown on Drawing ref P-P103: VMU – Plan, Sections and Elevations shall remain ancillary to the principal building on the site and shall not be separated from the main building.

Reason: *To maintain satisfactory functioning of the site.*

30. Prior to the installation of roof top solar PV panels as shown on Drawing ref P-P102: Proposed Roof Plan, the following information shall be submitted to and approved in writing by the local planning authority in consultation with the Aerodrome Safeguarding Authority for Manchester Airport:

- a) A Glint & Glare Assessment of the proposed solar PV installations;
- b) A formal management process (Bird Hazard Management Plan) to ensure that birds do not congregate or nest on the roof; and
- c) Written confirmation from the National Air Traffic Services (NATS) that there will be no adverse effect upon Instrument Landing Systems (ILS).

Any approved recommendations/measures contained therein shall be fully implemented as part of the solar PV installation and retained at all times unless otherwise agreed in writing by the local planning authority in consultation with the Aerodrome Safeguarding Authority for Manchester Airport.

Reason: *In the interest of aviation safety.*

Additional condition suggested by SWP – not agreed by the Appellants or the Council:

31. The development hereby permitted shall not be occupied until the alterations and improvements to the A50/B5356 Roundabout as shown on Drawing ref RAM-01-CL-DR-J-00100/P03, or any such alternative scheme as agreed in writing with the Council to mitigate the impact of the development on the local highway network, have been delivered and are operational.

Reason: *To mitigate the impact of the development on the local highway network. The condition is required to be pre-commencement due to the need to agree and implement mitigation prior to significant new traffic movements being brought on to the highway network.*

APPENDIX D - LIST OF ABBREVIATIONS USED IN THIS ADDENDUM REPORT

CD	Core Document
CFO	Chief Financial Officer
CIL	Community Infrastructure Levy
CS	the Warrington Local Plan Core Strategy
DMC	Development Management Committee
DMRB	Design Manual for Roads and Bridges
Doc	Document
DQRA	Detailed Quantitative Risk Assessment
ES	Environmental Statement
ESL	Eddie Stobart Ltd
GQRA	Generic Quantitative Risk Assessment
ha	hectare
HGV	heavy goods vehicle
HS2	High Speed 2
ILS	Instrument Landing Systems
km	kilometre
LTP4	Consultation Draft of the Council's Local Transport Plan
m	metre
NATS	National Air Traffic Services
NDC	National Distribution Centre
NDP	the Appleton Thorn Ward Neighbourhood Development Plan
NHS	National Health Service
NO ₂	Nitrogen Dioxide
PM ₁₀	particulates
PM _{2.5}	small particulates
PRA	Preliminary Risk Assessment
PSVLP	Proposed Submission Version of the Local Plan
S106	Section 106
SoC	Statement of Case
SoCG	Statement of Common Ground
SoS	Secretary of State for Housing, Communities and Local Government
SPD	Supplementary Planning Document
sqft	square feet
sqm	square metres
SWP	South Warrington Parish Councils' Local Plan Working Group
the Appellants/ the Applicants	Liberty Properties Developments Ltd & Eddie Stobart Ltd
the Council	Warrington Borough Council
the Framework	the National Planning Policy Framework
WBC	Warrington Borough Council



Report to the Secretary of State for Housing, Communities and Local Government

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI
an Inspector appointed by the Secretary of State

Date: 11 December 2019

TOWN AND COUNTRY PLANNING ACT 1990

WARRINGTON BOROUGH COUNCIL

APPEAL BY

LIBERTY PROPERTIES DEVELOPMENTS LTD & EDDIE STOBART LTD

Inquiry Opened on 15 October 2019

Land to the north of Barleycastle Lane, Appleton Thorn, Warrington

File Ref: APP/M0655/W/19/3222603

TABLE OF CONTENTS

	Page
Procedural Matters	2
The Appeal Site and Surrounding Area	4
Planning Policy and Guidance	5
The Appeal Proposal	7
Agreed Facts	9
Cases of the Parties:	9
The Case for the Rule 6(6) Party – SWP	9
The Cases for Interested Persons Opposing the Proposals	16
The Case for the Appellants	29
The Case for the Council	45
Written Representations	52
Conditions	52
Planning Obligation	52
Inspector’s Conclusions	54
Recommendation	80
Appendices	81
A <i>Appearances</i>	81
B <i>Documents:</i>	82
<i>Core Documents</i>	82
<i>Proofs of Evidence</i>	83
<i>Other Documents submitted before the inquiry opened</i>	83
<i>Documents submitted at the inquiry</i>	84
C <i>Conditions</i>	85
D <i>List of Abbreviations</i>	95

File Ref: APP/M0655/W/19/3222603

Land north of Barleycastle Lane, Appleton Thorn, Warrington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Liberty Properties Developments Ltd & Eddie Stobart Ltd against the decision of Warrington Borough Council.
- The application Ref 2017/31757, dated 3 July 2018, was refused by notice dated 14 November 2018.
- The development proposed is demolition of all existing on-site buildings and structures and construction of a National Distribution Centre building (Use Class B8) with ancillary office accommodation (Class B1(a)), vehicle maintenance unit, vehicle washing area, internal roads, gatehouse, parking areas, perimeter fencing, waste management area, sustainable urban drainage system, landscaping, highways improvements and other associated works.
- The inquiry sat for 3 days on 15 to 17 October 2019.

Summary of Recommendation: That the appeal be dismissed.

Procedural Matters

1. The inquiry concerned an appeal made by Liberty Properties Developments Ltd & Eddie Stobart Ltd ("the Appellants"), relating to an application for full planning permission. Against Officers' recommendations, this was refused by Warrington Borough Council (WBC or "the Council") in November 2018 for 2 reasons, which are set out in full in the Statement of Common Ground¹ (SoCG). In summary, the reasons were that the proposal would be inappropriate development in the Green Belt for which no very special circumstances had been identified; and that the proposed development would be premature in light of the Council's emerging Local Plan. The Appellants subsequently lodged an appeal on 13 February 2019.
2. Alongside this appeal the Appellants submitted a revised planning application in April 2019. The description of development and extent of the site were the same as for the original application, and it included the same package of off-site highway improvements as had been proposed for the original application. Some minor amendments were, however, made to the detailed design of the proposal², including a reduction in the height of the main building from 18.5 metres (m) to 18.0m. The revised application also included a further financial contribution, towards securing local employment, and a commitment to implement a signage scheme to further control the routing of heavy goods vehicles (HGVs).
3. The revised application was reported to the Council's Development Management Committee on 24 July 2019, where it was recommended for approval subject to conditions, the completion of a planning obligation³ and referral to the Secretary of State (SoS). A copy of the Committee Report (and Update Report) can be found at Appendix 2 of the SoCG. At this meeting Council Members resolved to approve the revised planning application subject to it not being called-in by the SoS, and completion of the S106 agreement. The application was subsequently referred to the SoS on 25 July 2019, but by the opening of the inquiry no decision had been made as to whether or not the SoS wished to call this application in for his own determination.

¹ See section 3.4 of Document (Doc) OD/1

² See paragraph 3.22 of the SoCG for further details of the proposed design changes

³ Made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended

4. Following refusal of the original application, and prior to the opening of the inquiry, the Council withdrew both of its reasons for refusal and indicated that it would not be presenting any evidence against the proposed development at the inquiry. Indeed the formal position of the Council, as set out in its opening submissions to the inquiry⁴, is that the appeal should be allowed and that planning permission should be granted for the proposed development. As such, the Council was content to agree a comprehensive SoCG with the Appellants, to which reference has already been made.
5. In these circumstances the main opposition to the appeal proposal was offered by the South Warrington Parish Council's Local Plan Working Group (SWP), who appeared at the inquiry as a Rule 6(6) Party, together with a number of interested persons. Council Officers did, however, attend the inquiry sessions to discuss the submitted planning obligation and the suggested planning conditions.
6. The Appellants requested that the appeal scheme should proceed on the basis of the scheme plans and drawings submitted with the revised application, as set out in Appendix 4 of the SoCG, together with the S106 agreement and the additional contributions agreed during the determination of the revised application. Neither the Council nor SWP objected to this approach. As the revisions to the application plans are of a relatively minor nature, with the drawings and documents having been subject to the relevant statutory consultation, I am satisfied that no-one with an interest in this case would be unacceptably prejudiced if I were to consider the proposal on the basis of these revised plans and documents. I therefore held the inquiry on this basis.
7. It should be noted, however, that by a direction dated 16 September 2019 the SoS recovered the appeal for his own determination, explaining that the reason for the direction was because the appeal relates to proposals for significant development within the Green Belt.
8. Drawing on the evidence put to the inquiry by SWP and other objectors I indicated, when opening the inquiry, that it was likely that the main considerations upon which the SoS would base his decision would be:
 - The effect of the proposed development on the openness of the Green Belt;
 - The visual impact of the proposed development and its effect on the character and appearance of the surrounding area;
 - The effect of the proposal on the significance of nearby heritage assets;
 - Its effect in traffic and transport terms, on the safety and convenience of users of the nearby highway network;
 - Its effect on air quality;
 - Its effect on the availability of the best and most versatile (BMV) agricultural land;
 - Whether there would be any drainage or flood risk problems associated with developing this site;
 - The extent to which the proposed development would be consistent with the development plan for the area;
 - Whether the proposal would be premature, in view of the Council's emerging development plan;
 - Whether the proposal would represent sustainable development, in the

⁴ Doc 2

- terms of the National Planning Policy Framework (“the Framework”);
- Whether the submitted S106 agreement would satisfactorily address the impact of the proposed development;
 - How the planning balance, involving the benefits and disbenefits of the proposed development, should be assessed; and
 - Whether there are very special circumstances, which would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal.
9. The submitted S106 agreement can be found at Doc 20, and is discussed in more detail later in this Report. A written statement from the Council, explaining how the proposed planning obligations would accord with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) can be found at Doc 4.
10. The proposed development meets the applicable thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, and the Appellants have submitted an Environmental Statement⁵ (ES) which has assessed the likely effects of the proposed development on a wide range of environmental receptors. Following discussions between the Appellants and the Council, and with statutory consultees and other stakeholders, an Addendum to the ES was issued in September 2018⁶, providing updates to a number of ES Chapters. The Council considers that the ES and its Addendum are compliant with the requirements of the EIA⁷ Regulations and form an appropriate and robust assessment of the environmental implications of the appeal proposal. I share that view.
11. The ES, along with its Addendum and other relevant documentation submitted with the planning application, consultee responses and representations made by other interested persons constitutes the “environmental information”, which I have taken into account in coming to my recommendation.
12. I visited the appeal site and the surrounding area on the morning of 17 October 2019, in the company of representatives of the Appellants, the Council and SWP. In addition, I undertook further unaccompanied visits to the site and surrounding area on 17 and 18 October 2019 to visit and observe locations highlighted by the main parties, SWP and other interested persons.

The appeal site and the surrounding area

13. A full description of the appeal site and the surrounding area is given in the Supporting Planning Statement⁸, the Design and Access Statement⁹ (DAS) and the ES and its Non-Technical Summary¹⁰, as well as in the SoCG. In summary, the site is an irregularly-shaped area of land, extending to about 15.7 hectares (ha) and comprising 2 undeveloped, arable fields divided by a low hedgerow running from north to south. Whilst appearing relatively flat, there is a fall of

⁵ See Core Documents (“CD”) 52-55

⁶ CD55

⁷ Environmental Impact Assessment

⁸ CD 25

⁹ CD 35

¹⁰ CD 52

about 7m from south to north, across the site. It is bounded to the north and west by Bradley Brook, which is bordered along its banks by various trees and scrubs. Appleton Thorn Trading Estate lies beyond Bradley Brook to the north-west, with further agricultural land lying to the north-east and east.

14. To the south, the site is bounded by hedgerows and trees along Barleycastle Lane and beyond this by agricultural land to the south-east and Stretton Green Trading Estate to the south-west. This latter Trading Estate includes the existing Eddie Stobart headquarters facility, which is accessed from Barleycastle Lane. Appleton Thorn and Stretton Green Trading Estates are often collectively referred to as Barleycastle Trading Estate.
15. There are a number of farmsteads in the immediate vicinity of the site. The closest is Booths Farm, which is located immediately adjacent to the site's south-western boundary. The farm buildings are unoccupied and have been derelict for some considerable time, with some showing signs of fire damage. Beehive Farm is located to the west of the site and Barleycastle Farm is located a short distance beyond the site's eastern boundary. Beehive Farmhouse, Booths Farm Farmhouse, the associated Booths Farm Shippon and Barleycastle Farmhouse are all Grade II listed buildings, dating back to the 17th Century. Aside from these farmsteads, the nearest residential properties are those within the village of Appleton Thorn, some 900m to the west of the site.
16. The site falls within a wider area of Green Belt land (as defined by the Adopted Warrington Local Plan Core Strategy (CS)) lying between the Warrington urban area to the west and Lymm to the east¹¹.
17. As noted above, agricultural land lies to the north and north-east of the appeal site, and it is helpful at this point to mention that the Council has received a separate planning application from Langtree PP and Panattoni, for a major development of essentially Class B8 and B1(a) development on this land. This is known as the "Six 56" proposal (application reference 2019/34799), and was referred to extensively by SWP and other interested persons.

Planning Policy and Guidance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can override development plan policy if it is not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.

The Framework and other National Guidance

19. The latest version of the Framework, issued in February 2019, emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development through 3 over-arching and interdependent objectives – economic, social and environmental. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take account of local circumstances, to reflect the character, needs and

¹¹ See Doc 25

opportunities of each area. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework.

20. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or if the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. Of particular relevance in this case is Section 13 of the Framework, which is entitled "Protecting the Green Belt". Paragraph 133 makes it clear that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.
22. Paragraph 144 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Other relevant paragraphs in the Framework are referenced, as appropriate, later in this Report.
23. The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal.

The Development Plan

24. As confirmed in paragraph 4.2 of the SoCG, the statutory development plan for the area consists of the Warrington Local Plan CS, adopted in July 2014, and the Appleton Thorn Ward Neighbourhood Development Plan ("the NDP"), which was made in June 2017.
25. A full list of the relevant development plan policies is given at paragraphs 4.4 to 4.6 of the SoCG, with copies of the policies themselves set out in CDs PPC1 and PPC2. That said, the main policy in dispute between the Appellants and SWP is CS Policy CS5 "Overall Spatial Strategy – Green Belt". This states that the Council will maintain the general extent of the Green Belt for as far as can be seen ahead and at least until 2032, in recognition of its purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; (c) to assist in safeguarding the countryside from encroachment; and (d) to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The policy goes on to explain that development proposals within the Green Belt will be approved where they accord with relevant national policy.

Supplementary Planning Guidance/Documents

26. The SoCG also notes, at paragraph 4.7, that there are a number of Supplementary Planning Documents (SPDs) which are not part of the development plan, but which comprise material considerations in the determination of this appeal. These are the Standards for Parking in New Development SPD (2015); the Environmental Protection SPD (2013); the Design and Construction SPD (amended in 2016); and the Planning Obligations SPD (2017) – all of which can be found in CD PPC3.

Emerging Development Plan Policy

27. The Council is in the process of reviewing its Local Plan, and published a Proposed Submission Version of the Local Plan (PSVLP) in April 2019, the consultation period for which closed in June 2019. The representations received are still being reviewed by the Council. The SoCG explains that one of the main employment sites proposed for allocation by the draft PSVLP is the Garden Suburb Employment Area, which is located at the junction of the M6 and M56 and covers the appeal site. This employment allocation forms part of the wider proposal to develop the Warrington Garden Suburb as a sustainable urban extension in the south-eastern part of the Borough, which will also deliver substantial new residential development, a neighbourhood centre and a network of open spaces and parkland. The draft PSVLP Proposals Map showing these allocations is at Appendix 5 of the SoCG.
28. As part of the evidence base required to inform this emerging Local Plan an update to the Warrington Economic Development Needs Assessment¹² (EDNA) has recently been carried out, on behalf of the Council. This has informed the employment land requirement and locations of employment sites in the PSVLP, and provides up-to-date evidence on the amount, type and general location of employment land required to meet Warrington's future needs. The EDNA contains a review of 52 sites within the Borough that were promoted for employment uses in an earlier Local Plan consultation exercise. Based on how well the sites performed against a number of criteria, they were graded A-E. The appeal site was included within this review and was one of 9 sites in the Borough graded A (all of which are located within the Green Belt).
29. However, the timetable for progressing the PSVLP has slipped, and as a result the Council is of the opinion that only minimal weight should attach to this emerging Local Plan. Both the Appellants and SWP agree that the PSVLP should only be given limited weight in this appeal. Whilst the parties have used slightly different words to describe the weight to be given to this emerging plan, there is no real difference of opinion, and I have therefore used "limited weight" for the rest of this Report.

The Appeal Proposal

30. As set out in Section 3 of the SoCG, the Appellants seek full planning permission for the development of the site for the construction of a National Distribution Centre (NDC) for Eddie Stobart Ltd (ESL). The NDC would be some 18.0m high and would have a gross internal floorspace of 56,197 square metres (sqm),

¹² See CD PPC5

together with 1,858sqm of ancillary office space provided over 2 floors. The main building would be located within the central portion of the site and its finished floor level would be some 4.25m below Barleycastle Lane, such that the apparent height of the building, relative to the road, would be about 14.0m. This building would allow for the storage of both ambient and chilled/frozen goods.

31. Loading bays would be located along the north and south elevations of the building, with a total of some 93 dock levellers and 6 level access bays, whilst the eastern part of the site would provide parking facilities for 465 cars, along with motorcycle and cycle parking spaces. 23 of the car parking bays would be fitted with electric charging points. The eastern part of the site would also accommodate 122 trailer parking bays. 36 trailer parking/operational bays are proposed in the southern part of the site, together with a waste management area, whilst the western part of the site would contain 106 tractor parking bays and a Vehicle Washing Area and Vehicle Maintenance Unit of some 929sqm. New landscaping would be provided on all boundaries, and there would be an 8m easement area around Bradley Brook to allow for the maintenance of this watercourse.
32. There would be separate HGV and car access points from Barleycastle Lane for operational traffic and other users, and the internal road layout would allow complete circulation around the site for HGVs, to avoid the risk of site-bound traffic queuing back onto the public highway in the event of a blockage on any of the internal roads within the site.
33. Following discussions with Highways England (HE) and the Council as local highway authority during the determination of the planning application, the Appellants agreed to make the following off-site highways improvements, to be secured via S106 and Section 278¹³ (S278) agreements:
 - Provision of a staff bus service for the wider Barleycastle Trading Estate (including the proposed NDC);
 - Off-site highway improvements on Barleycastle Lane, including road widening within the limits of the adopted highway and land controlled by the Appellants to improve safety and visibility, and the creation of a new 3m wide shared cycle/footway to improve non-car access to the site¹⁴;
 - Improvements to Junction 20 (J20) of the M6, based on a scheme which was drawn up and agreed with HE, which will deliver additional capacity to the junction and the strategic road network¹⁵ (SRN);
 - Improvements to the A50 Grappenhall Lane Roundabout and its approaches, based on a scheme which was drawn up and agreed with the local highway authority¹⁶; and
 - A contribution towards the improvement of public footpaths/cycleways between Barleycastle Lane and Grappenhall Lane.

¹³ Of the Highways Act 1980

¹⁴ See paragraph 3.15 of Doc OD/1. But note also that paragraph 5.35 of the SoCG refers to this cycle/footway being 3.5m wide, as does the Council Officers' Report to Committee. This matter was not discussed at the inquiry, but as the proposed improvements to Barleycastle Lane are covered by Condition 4, which requires details to be agreed with the Council, I consider that this matter could be resolved at that stage, if planning permission is granted

¹⁵ See paragraph 3.15 of Doc OD/1

¹⁶ See paragraph 3.15 of Doc OD/1

34. The Appellants propose to operate the NDC 24 hours a day, 7 days a week, with regular truck movements and staff working shift patterns. It is intended to employ a total of some 480 staff during the operational phase of the development, split across a 3-shift pattern covering each 24-hour period.

Agreed Facts

35. The comprehensive SoCG details the significant amount of common ground between the Council and the Appellants. In summary, this sets out agreement on such matters as the appeal site; the proposed development; planning policy compliance; planning policy summary and very special circumstances; the reasons for refusal; and planning conditions and the S106 agreement.

Cases of the Parties

36. As the Council is fully supportive of this proposed development, and as the Appellants' case addresses matters raised in objections from interested persons, I consider it appropriate and sensible to summarise the objectors' cases first, before setting out the cases of the Appellants and the Council.

The Case for the Rule 6(6) Party – SWP

The material points were:

37. It is important not to lose sight of the sheer scale of the appeal proposal, which is for an 18.0m high, 600,000 square feet¹⁷ (sqft) warehouse with a further 20,000sqft¹⁸ of ancillary office buildings, and 10,000sqft¹⁹ vehicle maintenance unit, all surrounded by around 460 car parking spaces and 250 trailer parking bays. This would take place on some 15.7ha of open agricultural fields in the Green Belt. The NDC would operate 24/7, 365 days a year²⁰, and involve about 760 HGV arrivals and departures a day²¹. There is a helpful visualisation of the scheme in the DAS, and it is respectfully requested that the Inspector and the SoS refer to this visualisation when considering this proposal, as it reinforces the fact that this would be a significant amount of development in the Green Belt.
38. SWP's presence at this inquiry reflects the level of public interest and concern that this proposal has elicited, and this has been amplified by the number of members of the public who took the time to prepare and deliver detailed, thought out and passionate statements to the inquiry. However, it is not the intention or role of SWP to co-opt or rely on those statements as its own. Instead, SWP has sought to scrutinise the Appellants' case; where appropriate raise concerns; and crucially, to provide an alternative professional expert's evidence as to the overall planning balance.
39. SWP originally envisaged that it would have supplemented the rigorous and technical opposition by the Council, in support of its Members' original decision to refuse this application on Green Belt and prematurity grounds. However the

¹⁷ About 56,200sqm

¹⁸ About 1,850sqm

¹⁹ About 930sqm

²⁰ Paragraph 4.2 of Doc APP/GH/1 & cross-examination of Mr Halman

²¹ Paragraph 5.9.4 of the Ramboll Transport Assessment – June 2018 (Appendix 10.1 in CD54)

Council's last-minute decision to not defend these reasons for refusal has forced SWP, with its limited resources, to be the main voice of opposition.

40. The first overarching question has to be whether there are very special circumstances to justify development in the Green Belt. The second overarching question is whether this proposal would be premature either warranting a stand-alone ground for refusal or being a relevant material consideration and "harm" in the very special circumstances balance.

Green Belt

41. It is accepted by all parties that this proposal is inappropriate development in the Green Belt and therefore a definitional harm arises that should be given substantial weight. It is also accepted that other relevant Green Belt harm arises to the purposes of the Green Belt, and to the openness of the Green Belt²². If a site in the Green Belt is developed upon, this must affect its continued ability to contribute to the national policy purposes of Green Belt²³. The higher the proposal's impact on the site's contribution to Green Belt purposes, the higher the weight to be attributed to the harm²⁴.
42. The Green Belt Assessment carried out by the Council in July 2017²⁵ is helpful in this regard. In relation to this site (Site R18/061) the findings were that it made a weak contribution to purpose "b"²⁶, a moderate contribution to purpose "e"²⁷, and a strong contribution to purpose "c" – to assist in safeguarding the countryside from encroachment. The Council's conclusion was that overall this site made a "Strong Contribution" to the purposes of the Green Belt. The justification for this overall conclusion was the strong contribution this site made to purpose "c" "due to its strong openness and predominantly non-durable boundaries"²⁸. It is purpose "c" which is most under threat from this proposal.
43. SWP, through Mr Groves, considers that the appeal proposal would remove any scope for securing this objective²⁹, whilst Mr Halman, for the Appellants, accepted that the proposal would have a "significant effect" on the continued ability of the site to contribute to the purposes of the Green Belt. In relation to the harm to the purposes of the Green Belt it therefore seems that the parties are not far apart in their view that this proposal would significantly effect (Mr Halman), if not entirely undermine (Mr Groves) the ability of the site to contribute to those national policy purposes, post-development. This harm should be given significant weight.
44. It is again common ground that the fundamental aim of Green Belt policy is to keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. The 22 July 2019 update to the PPG³⁰ is a useful guide to the relevant factors in considering the impact a proposal will have

²² Paragraph 2 of Doc 1 & cross-examination of Mr Halman

²³ Paragraph 134 of the Framework

²⁴ Cross-examination of Mr Halman

²⁵ Doc 14

²⁶ to prevent neighbouring towns merging into one another

²⁷ to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

²⁸ See Doc 14

²⁹ Paragraph 8.7 of Doc SWP/JG/1

³⁰ Paragraph: 001 Reference ID: 64-001-20190722 of PPG; Green Belt

on the openness of the Green Belt, and reflects case law on the point³¹. In short, it sets out that openness has a spatial and a visual aspect; that the duration of a proposal is relevant; as is the degree of activity, such as traffic generation.

45. SWP believes that this proposal would have a severe and adverse impact on the openness of the Green Belt³², whereas the Appellants maintain that there would only be moderate harm to openness³³. It is a difference of planning judgment between the 2 experts, but SWP's conclusions should be preferred, for 2 reasons. The first is the reliance that Mr Halman, for the Appellants, places on the Landscape and Visual Impact Assessment (LVIA)³⁴ to reach his conclusions. The rationale behind the "moderate" finding of harm was that while it was initially undeniable that there would be a significant impact from a spatial and visual perspective, a more nuanced approach to the visual perspective reduced this harm to moderate. The "nuanced" approach was, in effect, Mr Halman using the findings of the LVIA as a tool to inform his professional judgment.
46. While it is accepted in theory that LVIAs can be a relevant tool for assessing Green Belt openness, it is maintained that in this instance it is not. The LVIA, and its methodology³⁵, does not take account of the intrinsic value this site has as Green Belt, and therefore downplays the importance of views. Overall, its findings are for assessing the separate "other harm" of landscape and visual impact, and not Green Belt openness.
47. The second reason is that, unlike Mr Groves, Mr Halman did not expressly consider the impact that traffic would have on this site in his written evidence. This is especially relevant for a proposal which would surround the buildings with 250 trailer parking bays for HGVs. This would have a further impact on openness, and while in oral evidence Mr Halman said that this impact would be only to a very limited degree, Mr Groves' conclusions that the proposal would have a severe and adverse impact on openness should be preferred.
48. The assessment of harm to the Green Belt is not simply a mathematical exercise, but it is clear that as well as the substantial definitional harm to the Green Belt, there is further harm both to the purposes of the Green Belt and to the openness of the Green Belt. These are all important and relevant considerations for the overall planning balance and the identification of very special circumstances.

Other Harm

49. It is accepted by all parties that there are a number of other non-Green Belt harms which need to be taken into account, including the visual impact of the proposal on the landscape, the effect of the proposal on nearby heritage assets, and the loss of agricultural land. These are reflected in paragraph 5.9 of the SoCG. It should be noted that the SoCG treats the landscape and visual impact harm (as evidenced by the LVIA) as separate from the harm to openness.

³¹ *Turner v Secretary of State for Communities and Local Government* [2017] 2 P. & C.R. 1

³² Paragraph 8.18 of Doc SWP/JG/1

³³ Paragraph 5.35 of Doc APP/GH/1

³⁴ Chapter 7 of the ES

³⁵ As set out in Appendix 7.1 of the ES

Economic Benefit

50. The Appellants are mainly seeking to rely upon 3 “types” of economic benefit to clearly outweigh the harm. On a broad basis it seems that these are firstly, the wider economic benefits of ESL; secondly, the specific economic benefits of the proposal “on site”; and finally, the wider economic benefits of the proposal.
51. The Appellants’ claims for the extent of ESL’s impact on and contribution to the Warrington economy are set out in paragraph 6.8 of Mr Halman’s proof. With the exception of the last bullet point, which deals with the multiplier effect supporting jobs in the local economy, it was accepted that these benefits relate to the wider economic context rather than specific site benefits.
52. However, rather than considering the benefits of this type of economic gain if the proposal was granted planning permission, the Council looked at it the other way round, and considered the harm of the economic loss if the proposal was refused³⁶. This is an approach that needs to be treated with caution. The question of ESL’s continued presence in Warrington being dependent on this application was raised and clearly answered. It is not the Appellants’ case that if this application were refused ESL would pack up and go, albeit it would constitute a major blow to them and there would be “some” risk. This accords with the position as set out by ESL itself³⁷.
53. There are 2 different elements to the question of what the “loss” would be. Firstly, there is the undeniable loss that would arise from this application being refused – the loss of an investment in the region, and job opportunity. That can carry weight, albeit it seems to just be the negative wording of the proposed economic benefits, and it would not be right to double-count both the economic benefit of creating 480 jobs, and the economic benefit of not losing the opportunity to create 480 jobs.
54. However the second element needs to be treated more cautiously – what the Council referred to as the “potential loss of the headquarters”. The existing economic benefits of ESL’s presence in Warrington exist independently to this application, and there has been no evidence or firm submission that they would disappear, if refused. They are not “benefits which arise from this proposal”, and therefore should receive little to no weight.
55. Turning to specific “on-site” economic benefits, it is claimed that the proposal would have an economic benefit through the creation of construction jobs. However, caution should be exercised about attributing too much weight to a “generic” benefit that would arise from any development. This proposal would create 480 jobs on site, but whilst this would be a clear economic benefit, it is appropriate to ask where this benefit would be felt.
56. There was much discussion about the relevance of whether the economic benefits are local or not. Whilst a case can be made that “a job is a job whether in Widnes or Warrington”, it is right to examine whether the benefits of a proposal would be felt where the harm is felt. It does seem to be accepted by the Appellants that this is important, through the emphasis they place on the

³⁶ See page 50 of the 2019 Officers’ Report at Appendix 2 of the SoCG

³⁷ Appendix 1 to Doc APP/GH/1, paragraphs 27-31

benefits to the local economy (such as through the partnership agreements) in support of their case.

57. With that in mind it is useful to look at where the current ESL employees live. The evidence shows that around 50% of the employees who work at ESL at the Barleycastle Trading Estate are from Warrington Borough³⁸. If applied to the current proposal that would equate to 240 of the created jobs going to Warrington residents. Mr Groves accepted that just because a job is outside Warrington does not mean it is not a benefit. But it is not a binary question – benefit or no benefit. It is a question of weight, and a relevant consideration to that weight is not only the quantum of jobs created, but also their location.
58. In terms of the wider site-specific economic benefits, the Appellants claim that this proposal would create £18 million net in gross value added³⁹ (GVA), and the creation of 250 jobs in the wider regional economy. Again these are economic benefits but ones which are regional rather than local.
59. SWP accepts that in some cases, economic benefits can warrant very special circumstances (like the St Helen's⁴⁰ and Rochdale⁴¹ examples, although SWP contends that these are not suitable comparators). In the current appeal proposal it is not accepted that these economic benefits would carry enough weight to constitute very special circumstances.

Highways

60. The Appellants seek to rely on highway benefits that the proposal would provide, but it is important to consider what weight should be applied to these benefits. The works to improve the carriageway of Barleycastle Lane are primarily in response to the Council's concern over the uplift in HGV traffic from this proposal⁴², and at most should be viewed as a very local benefit⁴³.
61. The cycle benefits relate to physical improvements to Barleycastle Lane, and £20,000 via the S106 agreement to improve the link between Barleycastle and Grappenhall Lane. These physical improvements would be to a cycling route already graded as "green" for cyclists, according to the Warrington Cycle Map⁴⁴. However any cyclist coming from Warrington Town Centre would have to traverse routes meant for experienced cyclists, used to heavier and faster traffic (shaded blue and pink), before reaching those improvements.
62. One area of "pink" that prospective cyclists would have to traverse would be the route to be improved by the £20,000 in the S106 agreement. However, the implementation of this is not certain, as it is reliant on third-party land, and so this "missing link" would only occur if this land became available⁴⁵.

³⁸ See Doc 22

³⁹ See Doc 23

⁴⁰ Doc 16

⁴¹ Doc 17

⁴² Page 8 of Appendix 3 to Doc APP/GH/1

⁴³ Re-Examination of Mr Groves

⁴⁴ Appendix 9 of Appendix 10.1 in CD55

⁴⁵ Page 10 of Appendix 3 to Doc APP/GH/1

63. A concern has also been raised over the uncertainty surrounding the implementation of the required mitigation works to the A50/Grappenhall Lane roundabout⁴⁶. The current wording of the S106 agreement requires only that the money be paid, with no obligation to have the mitigation scheme operational prior to occupation of the proposal. The Appellants' own transport expert accepts that due to the Council being in control of the timing, the scheme could well open without mitigation works being in place.
64. It is accepted that the Appellants and Council took a "nil-detriment" approach, and that even without the mitigation works the proposal would not have a severe impact. But, without a Grampian condition – which SWP proposes⁴⁷ - there would be a detrimental impact on the A50 roundabout if this proposed development was occupied while residents waited (for an unspecified time) on the Council to implement the scheme. This would be a relevant "other harm".

Prematurity

65. The original second reason for refusal was that this proposal would be premature, as it would substantially prejudice the preparation of the emerging Local Plan. The only paragraphs in the Framework that deal with prematurity are 49 and 50, and the language they use is not absolute. The terms used are not "never", but "unlikely" and "seldom". This means that the criteria for prematurity in those paragraphs is not a "bar" preventing the argument being run if they are not met, but is instead setting a "high bar" for any argument that does not meet the criteria, to be accepted.
66. The language of both of these paragraphs sets out that they apply to where prematurity is used "to justify a refusal of planning permission" and refusal of planning permission "on grounds of prematurity". Paragraphs 49 and 50 are therefore guidance for when prematurity is a ground for a reason for refusal. They are silent as to how to deal with it as a wider material consideration.
67. It is also important to remember the Framework guidance on the release of Green Belt in paragraphs 136 and 137 – that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The Court has provided guidance to prematurity arguments in *Truro City Council v Cornwall City Council* [2013] EWHC 2525 (Admin) where Pattinson J set out that:

"It is quite impossible to divorce the issue of prematurity from the local plan process: after all, the impugned decision is premature to what? The essence of a successful claim of prematurity is that the development proposed predetermines and pre-empts a decision which ought to be taken in the Development Plan process by reason of its scale, location and/or nature or that there is a real risk that it might do so."

68. The High Court also recognised in *R (on the application of Luton BC) v Central Bedfordshire Council* [2014] EWHC 4325 (Admin) that the issue of Green Belt release can be relevant to a refusal on grounds of prematurity:

⁴⁶ See page 7 Appendix 3 to Doc APP/GH/1 as corrected by Errata Sheet provided 16 October 2019 (Doc 19)

⁴⁷ See Doc 26

"In the circumstances of a particular case, a planning authority might judge that the release of a site from the Green Belt by the grant of planning permission would be premature because it would pre-empt decisions which ought to be taken through a review of Green Belt boundaries, in order to prevent the plan-making process from being undermined."

69. The position of SWP is therefore two-fold. As a primary position it maintains that this appeal should be refused on a prematurity ground. However, as a secondary position, even if the Inspector (and SoS) were of the view that this application did not reach that high bar, prematurity is still a material consideration to be taken account of in the very special circumstances balance.
70. Starting with the primary position, SWP accepts that the PSVLP is not at an advanced stage, with the consultation period having just finished. However on the above reading of paragraphs 49 and 50 of the Framework that is not fatal to the argument if it can be shown that the development proposal would be so exceptional in its effect on the emerging Local Plan that it would undermine the Local Plan process, even at this early stage. The clear direction of travel in the emerging Local Plan is that it will release significant amounts of Green Belt to meet its employment needs. A substantial portion of the 277ha of employment land would come from the Garden Suburb proposal which would provide 116ha in the Green Belt. This is set out at Policy MD2⁴⁸ of the PSVLP and supported by the Garden Suburb Development Framework⁴⁹.
71. The clear vision that is set out in these documents is that the Garden Suburb would come forward through a linked-up delivery strategy and phasing plan, to ensure comprehensive and co-ordinated development. Crucially this would allow for the funding and delivery of required infrastructure improvements to be agreed before any employment development was permitted.
72. It is also important to note that the employment allocation of the Garden Suburb is predominantly made up of this proposal and the "Six 56" proposal on the neighbouring land. They are both proposals for B8 (storage and distribution) with (B1(a)) office space in the Green Belt, albeit with differences in scale.
73. If this appeal was granted it would be a material consideration for any future determination of "Six 56". Whilst a precedence argument is not being run, this does not prevent this point being relevant to prematurity. If this appeal was granted it would develop around 14% of the proposed employment land of the Garden Suburb. This would be out of step with the comprehensive and co-ordinated development envisaged by the emerging Local Plan.
74. This would provide support to "Six 56" which could then lead to a further 98ha of land earmarked for Green Belt release to be developed upon. The end result would be that by the time the controversial issue of Green Belt release was being discussed at a Local Plan examination, a significant proportion of that Green Belt would already have been developed. This would, in effect, be a pre-empting of proper process for Green Belt release, and would undermine the plan-making

⁴⁸ See CD PPC4

⁴⁹ See CD PPC5

process by limiting the objections that the public could make at any examination. This is why this appeal warrants a refusal on prematurity grounds.

75. Even if that were not the case, it does not mean these prematurity points are irrelevant. They remain a material consideration and a matter on which the Inspector, and the SoS, are entitled to place weight. Furthermore, if there was an identified harm that arose from the prematurity then this could be an "other harm" to be weighed in the very special circumstances balance. The "harm" associated with prematurity here would be the pre-judging and undermining of the emerging Local Plan and its process, especially in light of the fact that it involves the loss of Green Belt land to substantial development.

Other matters

76. Mr Groves considers the fact that drainage issues were scoped out of the EIA and the ES to be curious. He maintains that the scale of the development, the massive expanses of roof space and hard standing, and the location on a green field site in agricultural use must result in significant consequences which need to be fully appraised by the developer and understood by the decision maker.

Conclusion

77. On the above analysis the benefits of the proposed scheme would not clearly outweigh the significant harm caused to the Green Belt and any other harm. In short, very special circumstances do not exist to justify this development. Furthermore the application is premature in relation to the emerging Local Plan. In these circumstances, SWP respectfully asks the SoS to dismiss this appeal.

The Cases for Interested Persons Opposing the Proposals

78. A number of interested persons also spoke in opposition to the appeal proposal, but there was a certain amount of repetition of some matters – for example highway concerns – raised by different speakers. I have therefore not detailed every topic spoken on by every person, in the following sections, but have given an overall summary of the matters raised.

Cllr Sharon Harris⁵⁰

79. Cllr Harris addressed the inquiry as Borough Councillor for Appleton, Hatton, Stretton and Higher Walton, and as Chair of Appleton Parish Council, as well as supporting the major concerns of Walton Parish Council and Appleton and Appleton Thorn residents.
80. The appeal proposal would profoundly impact on the wellbeing of every South Warrington resident. Appleton Thorn's NDP is part of the current development plan and, as such, has legal status. The PSVLP is currently going through its own process and is delayed due to the number of objections the Council has received. The Green Belt boundaries were confirmed 5 years ago and were intended to last for 20 years. They should not be prematurely changed to accommodate a premature application when the criteria for exceptional circumstances have not been achieved. National planning policy and guidance clearly states that the permanence of Green Belt is of imperative importance, as its legacy will last

⁵⁰ Doc 7

beyond any plan period. With these points in mind it cannot be right for a premature planning application of this size and nature to take huge swathes of Green Belt land, taking no cognisance of these fundamental facts.

81. Appleton Parish Council has grave concerns about the significant reduction of the Green Belt which would arise if this appeal is allowed, and considers that in such circumstances any remaining Green Belt would lose its function in terms of all 5 purposes set out in paragraph 134 of the Framework. Since the submission of the original planning application it has been announced that Fiddler's Ferry Power Station will now be closing. This opens up an alternative large, brownfield site, which would be a more suitable site for the Appellants' aspirations to build a logistics hub, as it is also close to motorways and has rail links.
82. The appeal proposal would clearly undermine the NDP and the results for Appleton Thorn residents, in terms of increased traffic and HGVs travelling through the village, would be catastrophic. Despite, ESL's protestations that they are good neighbours, they have demonstrated to the Parish Council and residents that they are not. Actions arising from a meeting called by Appleton Parish Council in May 2019, to attempt to resolve issues such as ESL HGVs ignoring local weight limits and restrictions, have not been implemented⁵¹. Nor has a promised working group to tackle the issue of litter around the Trading Estate been set up. In these circumstances the Parish Council has no confidence that promises to review signage at junctions and key points in the local infrastructure would actually happen, and it is concerned that promised S106 money would not be used to the benefit of the local area.
83. In addition to the traffic problems Warrington experiences it should be noted that accidents on the motorways (which happen 2 or 3 times a week) subject residents to daily delays and traffic jams. Moreover, the swing bridges are often open during peak times and get stuck on a regular basis, meaning that the town is often gridlocked on a weekly basis. However, the link roads to alleviate highways problems will not be built for some time. There are genuine concerns that this proposal is heavily dependent on the building of the Garden Suburb which is part of the emerging Local Plan.
84. But there are many uncertainties as to the detail and delivery of this Plan. For example, the PSVLP shows an indicative 40m wide dual-carriageway/mass transit route cutting straight through the proposed Garden Suburb, but the Council has not been able to confirm that this route would not be accessible to HGVs heading to or from the employment zone, which is almost exclusively a logistics/transportation hub. The idea that a 40-metre wide road would be necessary for light commuter traffic coming to and from a Garden Suburb is questionable.
85. If it is intended to be an alternative route for HGVs accessing the logistics site, this would make life for residents untenable in terms of air quality. Air quality is fundamental to the health and wellbeing of our residents. We cannot see the air we breathe and so we are unable to see the effects that current poor quality air is having on the population. However, we do know that NO₂ levels in Warrington have been above DEFRA⁵² limits since 2013.

⁵¹ See attachment to Doc 7

⁵² Department for Environment, Food and Rural Affairs

86. A 2019 report by the Air Quality Expert Group⁵³ entitled "Non-Exhaust Emissions (NEE) from Road Traffic", refers to particles released into the air from brake wear, tyre wear, road surface wear and re-suspension of road dust during on-road vehicle usage. Its Executive Summary states that these emissions arise regardless of the type of vehicle and its mode of power, and contribute to the total ambient particulate matter burden associated with human ill-health and premature mortality. Emissions may also be high in areas such as motorway slip-roads. The Air Quality Expert Group recommends, as an immediate priority, that NEE are recognised as a source of ambient concentrations of airborne particulate matter, even for vehicles with zero exhaust emissions of particles.
87. With a marked increase in the numbers of HGVs that this proposal would bring on to our motorways and local roads, pollution in Warrington stands to be greatly worsened, regardless of any highway mitigation improvements. SMART motorways will increase queues on slip roads and emissions from idling HGVs will occur. The Consultation Draft of the Council's Fourth Local Transport Plan (LTP4) acknowledges that national standards for Nitrogen Dioxide (NO₂) emissions are already being exceeded. The Air Quality Action Plan highlights that a 43% reduction is required on motorways and 41% in the town's Air Quality Management Area (AQMA).
88. Finally, if the Appellants were unable to develop the site as a result of ESL's current financial difficulties, the site could then be taken by another firm with the risk that the currently proposed S106 obligations would not be fulfilled. In view of all the above points, this appeal should be dismissed.

*Cllr Ryan Bate*⁵⁴

89. Cllr Bate addressed the inquiry as Borough Councillor for the Grappenhall Ward, and also represented Grappenhall & Thelwall Parish Council, who express serious concerns about this proposal both in their own right, and as part of the South Warrington Parishes group. He is also Chair of the Rethinking South Warrington's Future group - a collective of residents and community groups who, like the South Warrington Parishes group, strongly oppose this proposal.
90. He, and the communities he represents, have lost faith in a democratically accountable local planning system, for a number of reasons. These include the fact that membership of the Development Management Committee was radically altered between the first and second applications being heard, and that Members of the Planning Committee did not know where the appeal site is located. Members also commented on the amount of Council Tax which the site would generate, and how this could contribute to the Council's revenue budget.
91. There is also concern that the Council decided not to submit evidence to this inquiry, shortly before the second planning application was to be heard, thus steering Members' attitudes towards the application. Sadly, these points seem to indicate that the main agenda behind decision-making is a drive for economic growth and revenue-raising, rather than sound and balanced planning.

⁵³ See attachment to Doc 7

⁵⁴ Doc 12

92. Almost all of the reasons claimed for the appeal proposal meeting very special circumstances for the release of Green Belt are economic. These do not seem to properly balance with the social and environmental concerns. Moreover, so many of the commitments made are specific to it being ESL delivering the site. But these cannot be grounds for supporting a planning application, not least because of the well-publicised current issues with ESL which make it questionable as to whether it would be ESL delivering the site and meeting the highly ESL-centric commitments made in the application.
93. Even aside from the current ESL situation, there can be no guarantee that ESL would always run the site, or run it on the model suggested in the application. This cannot fulfil very special circumstances, where the environmental and infrastructure impacts are much clearer and more quantifiable in terms of harm, whereas the suggested economic benefits have many questions around deliverability in the short and long term.
94. It is unclear whether there are other examples where the economic benefit of a site, with similar characteristics to the location in Appleton Thorn, is essentially the only factor used to justify the release of Green Belt land. Most case law implies that economic benefits should only be given moderate weight at most - not enough on their own to outweigh the substantial harm to the Green Belt.
95. It is also unclear what is unique about this site, in allowing very special circumstances to be met, and how this site is different from other sites elsewhere in the Borough, or elsewhere in the country. There is a concern that this site is not unique, and that it would therefore be too easy to meet the very special circumstances test on any part of Warrington's Green Belt, such that any reputable company matching the proposals presented by the Appellants would be able to develop anywhere within the Green Belt.
96. The Council has produced an EDNA, albeit this is still being disputed as part of the ongoing Local Plan process. These same needs for employment land would be justification for development in any other part of Green Belt. They do not specifically require this site. Furthermore, now that the future of Fiddlers Ferry Power Station is clearer than when the first application was submitted, or when the PSVLP was published, it is wrong to ignore the availability of brownfield land and the need for regeneration of that site. It could be argued that releasing Green Belt land is no longer necessary, if indeed it ever was.
97. The employment and training offer which the Appellants propose is a requirement of any major development and therefore is not fulfilling very special circumstances. This matter should therefore not have been given so much weight in the Officers' Report.
98. This proposal would undermine the plan-making process. The Council Officers' Report suggests that the proposed development is neither substantial nor likely to contribute to cumulative impact, with, for example, the "Six 56" proposals on the neighbouring land. But this is somewhat contradictory, as for the economic benefit to be significant enough to justify very special circumstances, surely the development is substantial. The SoS appears to consider that this site is significant, as he has asked this inquiry to provide a recommendation rather than a final decision.

99. Importantly, it is unclear why economic benefits are being given such a significant weighting by Council Officers in the planning balance. There is no clarity on how the development would support a local supply chain, if at all, and it is uncertain how much of the GVA would actually remain in the Borough as whole, let alone the immediate vicinity. This is especially relevant given that so little of that economic benefit would impact on the immediate locality, which would bear all of the environmental and social costs. It is also unclear whether there is any risk that consolidation to this new site could have a detrimental impact elsewhere in the Borough, if ESL reduced its operations at other sites.
100. Most importantly, with regards to the planning balance at the end of the Officers' Report, it is questionable how it can be justified that the harm to the Green Belt which would arise from this inappropriate development would be clearly outweighed by other considerations. Having regard to all the above points, this appeal should be dismissed.

*Cllr Gerry Palmer*⁵⁵

101. Cllr Palmer is a local resident and a Parish Councillor for Appleton Thorn. She argues that this proposal would generate high volumes of traffic on the outskirts of Appleton Thorn and Grappenhall, and further add to the high volumes of HGVs on Warrington's motorway network. Despite the Appellants' assertions to the contrary, this development would have an adverse impact on air quality. The appeal site is located within 1 kilometre (km) of 2 AQMAs, both declared for the exceedance of NO₂, and is also just 640m from the local nursery and primary school at Appleton Thorn.
102. Air quality is an important issue in Warrington as the M6, M62 and M56 motorways surround the town. Within those motorway boundaries, traffic is often unable to disperse because of the bottlenecks created by narrow Victorian crossings over the 2 canals⁵⁶ and the River Mersey, all of which bisect the town. When any of these motorways are shut, as happens almost daily, traffic diverts through Warrington, creating gridlock and increasing pollution. The Council's Joint Strategic Needs Assessment estimates that at least 145 people die early in Warrington every year because of air pollution, not to mention chronic illness.
103. The greatest concerns relate to NO₂, and small particulates (PM_{2.5}). NO₂ inflames the lining of the lungs, reduces immunity to lung infections and exacerbates asthma, especially in children. It is already recognised as a risk, and monitored levels have regularly exceeded safe limits in Warrington since 2013. PM_{2.5} are a major component of HGV emissions. These tiny particulates get deep into the lungs and enter the blood stream, causing cardio-vascular disease, respiratory disease, dementia and reduced life expectancy. The Selby Street monitor (which feeds into the World Health Organisation (WHO) database), shows that in 2018, Warrington had the highest levels of PM_{2.5} in the entire UK.
104. The Appellants' air quality assessment significantly underplays the environmental impact of the proposed distribution centre and subsequent health outcomes for the town, especially South Warrington, and did not consider the measurement of PM_{2.5}. Although not experts, residents question the robustness of the data and

⁵⁵ Doc 6

⁵⁶ The Bridgewater Canal and the Manchester Ship Canal

the soundness of the air quality assessment's conclusions. It comprised a 10-day traffic survey, DEFRA background maps and local monitoring stations, the impact of whose data was largely dismissed, as it was "too urban" and subject to local road congestion, making the high readings unreliable. However, residents consider that this is typical of the local traffic situation.

105. The receptors used were in rural locations, where pollution levels are currently quite low and, as such, offer a perfect baseline for the extrapolation of data. The Appellants' final conclusions on air quality for the completed development are, unsurprisingly "negligible" for NO₂ and PM₁₀, but residents do not consider that 600 additional HGV movements and 2,000 vehicular movements could be seen as negligible. In addition, PM_{2.5} should have been relevant to the EIA. As there are unanswered questions of assessment, methodology and omission, and as air quality in Warrington is already so poor, this appeal should be dismissed.

*Mr John Appleton*⁵⁷

106. Mr Appleton is the chairman of the Stretton Neighbourhood Development Steering group and states that he represents the majority of the residents of Stretton. The decision of the Council to refuse the original planning application was well accepted by the community and accorded with the views of the majority of South Warrington residents. It also appeared to be bringing some control over the potential overdevelopment which is proposed by the emerging PSVLP.
107. If this proposal is approved it would lead to a stark reduction in the health and wellbeing of the community of Stretton. This is important, as the health and wellbeing of the population is purported to be a prime consideration of the Council's Local Plan objectives, including its environmental objectives, which probably could not be supported if there were to be a massive increase in HGV and commuter traffic through Stretton village and the general area. Any such increases would only add to an already critical situation.
108. Stretton encompasses a major arterial route into Warrington from the south by Junction 10 (J10) of the M56, the A559 and the A49. These heavily used roads lead daily to standing traffic, especially at commuter times. However, the greater and more frequent effect upon these junctions is the increasing number of accidents on the M56, and any knock-on additional traffic resulting from M6 problems. These all lead to severe and prolonged gridlock within Stretton.
109. The appeal proposal would introduce the high potential for detrimental effects upon the environment by reducing air quality and increasing noise in and around the village of Stretton. In particular, Stretton St Matthews Primary School would undoubtedly suffer from an increase in traffic-borne pollution.
110. The proposed ESL new headquarters is in the area shown as being allocated for commercial development in the PSVLP. This emerging plan states, however, that no development should take place before a suitable highway infrastructure is in place. It is currently understood that the appeal proposal, if approved, would commence sometime in 2020, but it is highly likely that the new Local Plan would not be approved and in place by that date. The required upgrade in the traffic infrastructure would therefore not be present, and on these grounds alone the

⁵⁷ Doc 5

appeal should be refused, due to the likely high impact on the existing Stretton highway infrastructure and the fact that there are no exceptional circumstances for Green Belt release in accordance with the Framework.

111. It is of further great concern that the PSVLP includes a proposed dual-carriageway to connect with the A49 and run across current Green Belt land. This would undoubtedly become a rat-run for existing and any new ESL HGVs, amongst others, and would have a severe detrimental impact on the peace and tranquillity of Stretton village. Submitted photographs show that current HGV operations by ESL have breached the weight restrictions placed upon the B5356 (Grappenhall Road), and photographs also show HGVs make use of minor B class roads to access the existing depot⁵⁸. As ESL's existing traffic movements are not being successfully managed, Stretton residents fear that increased operations from the proposed NDC would further exasperate this current issue.
112. The Appellants maintain that the proposal would result in a financial benefit to the local community, but this is an unsubstantiated and aspirational claim, especially in reference to Stretton village, which has no retail shopping facilities nor any parking areas for HGVs. Moreover, as the majority of new employees are likely to live outside the local area, this would give rise to no financial benefit, but would simply result in more traffic movements and disruption.
113. Approval of this proposal would also be likely to result in harm to and destruction of the local flora and fauna; harm to the local wildlife; increased severe wear and tear on the structure of existing roadways; increased light pollution; increased litter at the roadside, which is already an ongoing concern; increased health risk; and increased road safety issues and a potential increase in vehicle accidents.
114. This proposal must also be viewed, not just as an individual planning application, but as a wider initiative closely linked with the PSVLP, which has recently been issued for consultation, and in which the Council seeks to allocate a vast swathe of Green Belt land to be used for logistics and distribution services. This part of the PSVLP is vehemently objected to by the wider populous of South Warrington.
115. Powerful political and coercive influences of large businesses can play a strong part in seeking changes to previous rulings which would undoubtedly result in a severe detrimental impact on the existing community of Stretton and the wider South Warrington area. This should be resisted and the original ruling to reject this inappropriate proposal should be upheld.

*Mr Kevin McAloon*⁵⁹

116. Mr McAloon spoke on behalf of the Thorn Ward NDP team, villagers, and residents from Appleton Thorn. Appleton Thorn village and its surroundings are rural in character, and whilst the village has grown somewhat over the past 50 years it now has limited capacity to accommodate significant large scale commercial development. ESL's existing HGV facility within the Barleycastle Trading Estate would be dwarfed in scale by this massive new NDC proposal.
117. The existing road network struggles to cope with traffic coming and going to the trading estate, the growing Appleton Thorn village, and the nearby motorway

⁵⁸ See Doc 5

⁵⁹ Doc 8

network. High peaks, early and late in the day, exacerbate this traffic problem giving rise to extensive periods of local heavy congestion on essentially country roads. When there is congestion on the motorways, traffic uses these local country lanes as rat runs through the village, causing even more congestion.

118. The Localism Act of 2011 provided local communities with the opportunity to have a strong say in their future by preparing NDPs which would contain policies relating to the development and use of land in their area. Over a period of some 4 years the Appleton Thorn Ward NDP was produced by a joint Appleton Parish Council and Appleton Thorn residents' committee. It was submitted to an independent examiner and approved by the Council in mid-2017. Many of its policies are concerned with preserving the local character, heritage, and landscape of our valued rural area, and special mention was made of the importance of its green spaces, including precious Green Belt land.
119. Circumstances have changed, however, in a period of just 2 years. If this proposal for a large NDC was to be allowed, it would be an unacceptable contravention of the NDP policies, as it would encroach on the Green Belt land on the eastern side of our rural village. Worryingly, there are also proposals by developers Langtree and Panattoni to develop further massive commercial warehouse premises on Green Belt land adjoining the appeal site⁶⁰. If the appeal proposal is granted planning permission the floodgates would be open to further development proposals from other commercial developers, resulting in further overwhelming commercial sprawl in and around Appleton Thorn village. These massive proposals would fundamentally undermine residents' stated preferred open rural environment as set out and highlighted in the existing NDP.
120. The appeal proposal would conflict with NDP Policy AT-D1, "Design of Development of Appleton Parish Thorn Ward", as it would destroy, rather than maintain or enhance the unique local character, distinctiveness, local identity, sense of place, and overall village character as highlighted in this policy. It would also be in conflict with Policy AT-D2: "Protecting and enhancing local landscape character and views", as this proposed large commercial development would destroy village landscape, village character, local Green Belt habitats, and undoubtedly would be highly intrusive, spoiling local rural views.
121. There would also be conflict with Policy AT-E1: "Employment Opportunities", as the proposed development would result in a large loss of local green space and Green Belt when very special circumstances for Green Belt loss do not appear to have been economically justified. In any case, land at Fiddlers Ferry Power Station at the west of Warrington could be made available as an alternative viable large brownfield site for several massive commercial developments, which would not impact our local housing developments nor hurt Green Belt.
122. Furthermore, Policies AT-TH1 and AT-TH2 refer to the implementation of good traffic management, transport improvements and sustainable transport measures, but whilst this is welcome it is the impact of constant heavy traffic around our village on overall communal safety that is by far our biggest concern. HGVs every 2 minutes, 24/7, with associated noise, light, and air pollution. There would also be serious ramifications for Warrington as a whole, as it already has the worst pollution record in the country. There would also be a significant

⁶⁰ The "Six 56" proposal

increase in heavy commercial traffic on local country roads which are ill-suited to handle extensive heavy HGV traffic.

123. In summary, the appeal proposal, previously refused planning permission by the Council, goes against the spirit of our NDP, in particular contravening these important policies. But despite the infringements of existing NDP policies, our NDP team is now being urged to engage with Council Planners again, to consider revising our NDP by developing a new set of policies to dovetail with the slowly emerging new Local Plan. The NDP team does not see why it should spend many more hours attempting to redraft another updated NDP, only for the new policies to be ignored, as with the first NDP.
124. The NDP team feels that trust has been ebbing away for us to commit further meaningful effort to another NDP exercise in which any new policies would stand the risk of failing to be honoured by the Council in the future. The Appellants and the Council should adhere to existing NDP policies before new policies are considered as part of any new Local Plan. Granting ESL and other developers permission to build extensive commercial premises on Green Belt land must be avoided as it would wipe out our NDP as a robust meaningful policy document and would undermine trust in the whole neighbourhood plan system. As the Framework states, "the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits"⁶¹. Plans should be the key to delivering sustainable development that reflects the vision and aspirations of local communities.
125. Indeed the NDP team has welcomed the 2018 Parliamentary Bill proposed by the MP for Henley, which seeks to increase the legislative stature of NDPs. There is a passionate call for Central Government to recognize the value, process and spirit on which NDPs should be judged. NDPs should be coveted as important legal documents and fully supported, rather than being subsequently ignored or infringed by Borough Councils. If circumstances change, the interactive dialogue should continue in order to reach acceptable compromises. As Appleton Thorn residents believe that the ESL proposal is overwhelmingly out of character to be part of our local rural area, and especially with Green Belt, we urge the SoS to refuse planning permission for this most unacceptable development proposal.

*Mr David Thrower*⁶²

126. Mr Thrower addressed the inquiry as a local resident. He commented on the proposal in relation to Local Government and Central Government policies for freight terminals.
127. The Evidence Base Review (EBR) of the Council's draft LTP4 states that national standards for NO_x are being exceeded on the motorway surrounding Warrington, the town centre, and roads leading into the centre. The Air Quality Action Plan highlights that a 43% reduction is required in the motorway AQMA. Transport is a major contributor of CO₂ emissions in Warrington, and lorries have poor transport energy efficiency. These modes are likely to be the main sources of the large CO₂ emissions arising from transport. The EBR also refers to a need to review and update Sustainable Transport Strategies and Programmes to further

⁶¹ Paragraph 14 of the Framework

⁶² Doc 10

support low carbon travel. Having regard to these points, the appeal proposal is wholly out of line with the spirit of the Council's own LTP4 of 2019.

128. The National Policy Statement for National Networks issued by the Department for Transport (DfT) in December 2014, states that the users and buyers of warehousing and distribution services are increasingly looking to integrate rail freight. This requires the logistics industry to develop new facilities that need to be located alongside the major rail routes. It goes on to explain that a network of strategic rail freight interchanges (SFRIs) is a key element in aiding the transfer of freight from road to rail, supporting sustainable distribution and rail freight growth, and meeting the changing needs of the logistics industry. SRFIs also play an important role in reducing trip mileage of freight movements on the national and local road networks.
129. The same document states that the Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth. The transfer of freight from road to rail has an important part to play in a low carbon economy, and in helping to address climate change. Even with significant future improvements and enhancements to the SRN, the forecast growth in freight demand would lead to increased congestion, both on the road network and at our ports, together with a continued increase in transport carbon emissions.
130. The Logistics Growth Review - Connecting People With Goods, issued by DfT in November 2011, states that it is extremely important that more modern, high specification logistics buildings and intermodal terminals in the form of Rail Freight Interchanges are now approved and built in order to give occupiers the opportunity to actively move more goods by rail.
131. A further DfT publication, the Rail Freight Strategy - Moving Britain Ahead, issued in September 2016, states that each tonne of freight transported by rail reduces UK emissions, as well as building a stronger economy and improving safety by reducing lorry miles. The Government is committed to ensuring transport plays a full part in delivering the economy-wide emissions reductions needed to meet this target, pointing out that in 2014 HGVs were responsible for 17% of total UK transport emissions. Shifting more freight from road to rail therefore has the potential to make a real contribution to meeting the UK's emission reduction targets, with the key constraint to unlocking potential in this sector being the availability/construction of suitable rail-connected terminal facilities, including SRFIs. These points show that the ESL proposal and the Council's support for it are completely out of line with DfT thinking, expressed as recently as 2016.
132. Transport for the North Enhanced Freight and Logistics Analysis Report, 2018 indicates that there are a wealth of freight assets located in the north of England which underpin a strong multimodal freight capability. These include 3 SFRIs at Ditton, Wakefield and Selby; 5 further intermodal terminals at Trafford Park, Leeds, Garston, Doncaster and Wilton. This list does not include any reference to Warrington, which is all the more extraordinary given Warrington's major role as a logistics base. It suggests a sustained failure on the Council's part to embrace the potential of rail freight, in the face of Government policy.
133. The document goes on to state that reliance on the use of HGVs to transport goods to the north of England contributes to a reduction in its competitiveness, and calls for better-informed planning and policy practices that will remove barriers to investment and development. Key interventions are stated to include

delivering growth in strategically-located rail and water-connected freight interchanges/distribution parks; and creating a long-term consistent business environment to stimulate private-sector investment in sustainable low-emission technology and distribution practices across the north of England. Neither ESL nor the Council have grasped Transport for the North's thinking, despite WBC supposedly being a part of this group.

134. In Transport for the North Strategic Transport Plan Evidence Base, January 2018, there is strong encouragement towards the decarbonisation of freight transport and a move towards low/zero emissions, which is seen as opening up many opportunities around modal shift and how it can be achieved. This document also points to improving the establishment of increased intermodal terminals across the north of England, and their connection to the rail network – which may be through working in partnership with local authorities. The ESL proposal and the Council's support for it are completely discordant with these views.
135. The DfT has also made it clear that it agrees with the Campaign for Better Transport that rail freight offers real benefits for the environment and helps to keep bulky loads off the road network, helping to ease congestion. Further support for such views can be found in the 2017 Labour Manifesto which, amongst other things, explains that Labour's energy policy will ensure we meet our climate change targets and transition to a low-carbon economy; that Labour will invest in a modern, integrated, accessible and sustainable transport system; and will encourage expansion of public freight services that will leave our roads freer of traffic and our air cleaner.
136. The overall conclusion seems inescapable - the appeal proposal is in direct contradiction with the thrust of Local and Central Government policies, and also does not appear to be consistent with national Labour Party policy. It is a 1970s solution to a 21st century problem.

*Mr William Mack*⁶³

137. Mr Mack is a resident of Appleton, having lived there for some 26 years. He considers that the transport network in the town struggles to operate effectively, due mainly to its strategic position in the motorway network.
138. To address these matters, the Council has developed a Transport Plan which includes a number of new sections of road, some of which are proposed as 40m-wide dual-carriageways. One of these is planned to be a relief road for the east of the town, from a point very close to the proposed ESL site, to the M56 at J10. But this road would be an ideal rat run for traffic wishing to bypass the tolls on the new Mersey Gateway Bridge. The operational hours for the ESL proposal would be 24/7 all year round, with hundreds of staff working a shift rota. If vehicles from the proposed ESL site were to use this new road, the effect on people living next to it would be terrible. They would have to endure noise, pollution and vibration day and night, and pedestrians and cyclists would be put in danger, especially as there are 3 schools close by.
139. Without this road the proposal to build a transport hub in Appleton Thorn is fundamentally flawed, because at present there is only one suitable route to the

⁶³ Doc 11

site. That road joins the A50 and leads to the M6 at the Lymm Junction. This stretch of road is often congested, and the impact of the ESL proposal and other plans in the pipeline is a recipe for chaos. Added to this, if there was a blockage on the motorway, which is often the case, ESL's operations would simply grind to a halt, unless their HGV drivers ignore the weight restriction on Grappenhall Lane which goes through Appleton Thorn to J10 of the M56 at Stretton.

140. HGV drivers ignoring road signs around Appleton Thorn are a regular occurrence as detailed in a message from Viscount Ashbrooke, the trustee of nearby Arley Hall, which describes how HGV drivers fail to comply with road signs. Although the Viscount's staff have been in touch with ESL regarding this matter, the problem has not yet been resolved.
141. The emerging Local Plan has proposals for an additional 4,500 to 7,000 new homes in this area, with a neighbourhood centre having a supermarket and shops. In addition, a planning application has been submitted to build another industrial development, 8 times bigger than the appeal proposal, right next to the proposed ESL site⁶⁴. On top of this, another 1,000 homes have already been given planning permission and their construction is underway. Most of the traffic from these developments, together with the existing residents, would head to either the A49 or A50 and the neighbourhood centre would attract traffic into the area, resulting in greatly increased congestion and a worsening of air quality. But as the emerging Local Plan and the draft LTP4 have not yet been approved, the new roads described above may not go ahead. In these circumstances the appeal proposal is surely presumptuous.
142. The Council should consider brownfield sites first for development, and as the Fiddlers Ferry Power Station is due to close soon, that massive site could be re-used as an industrial area as the emerging Local Plan is to cover the next 20 years so. Whilst ESL wants to build its new facility as soon as possible, it is unclear where the people they would employ would travel from. There are no suitable houses currently in the local area and the "affordable" homes the Council wants to build in the Local Plan would not be ready in time. As a large number of people employed on the Appleton Thorn Industrial Estate travel from north Warrington, Widnes and St Helens, it would make sense to use the Fiddlers Ferry site as it is a lot closer to these areas.
143. In summary, this application lacks soundness and deliverability. The determination of the infrastructure is poor and its funding is lacking in detail and the existing community has not received the proper consideration it deserves. The appeal should therefore be dismissed.

*Mr Steve Fensom*⁶⁵

144. Mr Fensom is a resident of Appleton Thorn, having lived there for some 28 years. He gave a personal statement to the inquiry, expressing his concerns about the proposal to build a transport hub to the east of the village. As this statement is presented as a summary of Mr Fensom's experiences of the planning application process, rather than specific objections to the appeal proposal, I do not set out his comments in detail here. Rather, the statement can be seen in full at Doc 9.

⁶⁴ The "Six 56" proposal

⁶⁵ Doc 9

145. Mr Fensom does, however, express his surprise at the Appellants' proposal to build a transport hub on local Green Belt land, in view of national Green Belt policy and the fact that the Appleton Thorn NDP aims to safeguard the village by gaining agreement on local guidelines for both new house build and possible commercial developments.
146. He highlights that at the time of the Appellants' second planning application there was much more public awareness of the proposals, as well as another much bigger scale proposal by Langtree/Panattoni (the "Six 56" proposal) to build on Green Belt land adjacent to the current appeal site. In addition to recording their concerns in respect of the ESL proposal on the Council's planning website, over 2,200 people signed a petition objecting to both the Appellants' and the Langtree/Panattoni proposals.
147. In summary Mr Fensom requests that the national policy on Green Belt should continue to be respected, and that developers should use valid arguments to justify very special circumstances for giving up Green Belt, rather than simply trying to transfer economic benefit for themselves into an assumed economic benefit to the local community. He also requests that the efforts of those who prepared the Appleton Thorn NDP should be respected – as should the concerns of over 2,200 people who signed a petition objecting to this development.

*Mr Bill Roberts*⁶⁶

148. Mr Roberts addressed the inquiry as a local resident, with the thrust of his submission being that ESL is in both a financial and management crisis at this time and, as such, is in no position to deliver the economic benefits that it puts forward as the primary reason - the exceptional reason - to break accepted Green Belt rules. Full details of his submission can be seen in Doc 13, with the main points summarised below.
149. ESL shares were floated on the Alternative Investment Market (AIM) around 2 years ago and were then trading at 160p. However, 2 years later, in 2019, the ESL shares are suspended from AIM and "frozen" at 70p because annual accounts were not submitted by the end of August deadline. The worth of ESL has more than halved as a result of this poor share performance, and it is a matter of public record that ESL are carrying £155 million of debt currently.
150. The accounts were not submitted as the new Finance Director had found a "profits blackhole" - initially estimated at £2 million but later described by the Times as a "multi-million pound hole". The accounts remain un-posted and the shares remain frozen until the accounts are audited and posted. No timeframe exists for this as yet. As a direct result the then Chief Executive Officer (CEO) was immediately removed from post. This was the same CEO that appeared at the Council's Development Management Committee and promised the economic benefits from the appeal proposal. He is no longer with the company and is unable to deliver those promises.
151. The new CEO then announced that his main focus was on "restructuring" the business. With my 40 years of working in big business it is my supposition that "restructuring" is code for redundancy and cost-cutting. This would then fly full

⁶⁶ Doc 13

in the face of this appeal proposal to build a new hub and generate 460 direct jobs and over 600+, after the multiplier effect. ESL is now under due diligence from 2 potential suitors, who have until 1700 hours on Wednesday 16 October 2019 to make a bid for ESL or step away, as AIM rules demand. The final dividend of ESL has been suspended and will not be paid to shareholders.

152. In summary, the falling share price; the non-payment of final dividend; the share suspension; the continued non-publication of accounts; the profits black hole; the massive company debt; the sacking of the CEO; and the fact that ESL is now a takeover target, all conspire to indicate that ESL cannot deliver on its economic arguments and, as such, this appeal should not be allowed. Valuable Green Belt land should not be given to a company that is clearly in financial crisis and will struggle to stay afloat if it is not taken over. ESL is in no position to afford or deliver the economic benefits it puts forward. Its current financial state and balance sheet tells us this, and this appeal should fail on these grounds alone.

The Case for the Appellants

153. The following paragraphs summarise the Appellants' case, which is presented in full in their written and oral evidence, including the Proof of Evidence (PoE) from their expert witness, Mr Halman⁶⁷ and the comprehensive SoCG between the Appellants and the Council⁶⁸.

The material points were:

Introductory matters

154. The determination of this appeal is the straightforward application of a classic balance of very special circumstances. There has never been any argument that the development is anything other than inappropriate development in the Green Belt and that it would significantly impact upon the openness of the Green Belt.
155. In accordance with national guidance in paragraph 145 of the Framework, the decision maker, when weighing that balance, needs to determine whether the benefits of the proposals clearly outweigh all of the harm, including the definitional harm. At no stage have either the Appellants or the Council shied away from that very high hurdle which would need to be surmounted before this appeal could be allowed. Neither have the Appellants been reticent about the substantial benefits which would arise from the proposal.
156. There would be substantial economic, and therefore social benefits from this proposal to significantly expand and consolidate ESL's operations so as to create a NDC, as well remedying the serious gap in ESL's distribution network for the north-west. That would be a powerful factor at any time, but at a time of national uncertainty, especially for the haulage industry, such a proposal should attract yet further support.
157. This proposal has been in gestation since 2017 and has involved extensive work to formulate a scheme to meet ESL's need to expand its distributional network and to expand its national and north of England support operations. By the time the application was submitted in late 2017, detailed and robust research had been undertaken as to how and where those needs could and should be met, and

⁶⁷ Doc APP/GH/1

⁶⁸ Doc OD/1

ESL had alighted on the appeal site as the best location for such an expansion. It had also ensured that funding was in place to construct its proposed expansion and had partnered with Liberty Properties to deliver it.

158. The application was eventually recommended for approval by Council Officers on 7 November 2018, with that recommendation reflecting the culmination of many months of careful consideration of this proposal, by Officers as well as by internal and external consultees. Recommendations to approve inappropriate development on 15.7ha of Green Belt land are not lightly made, and it is important to note that the recommendation was a considered one, based upon a substantial evidence base and after almost 2 years of joint working and scrutiny. Nonetheless Members chose to refuse that application.
159. Following this refusal, the Appellants appealed to the SoS and also submitted a parallel application. That proposal, too, was subject to considerable scrutiny, and was ultimately recommended for approval earlier in 2019. This time Members concluded that permission ought to be granted. Had it not been for the referral to the SoS, and the subsequent very long delay on the part of the National Planning Casework Unit, ESL would by now be in the process of discharging conditions with a view to making a rapid start on site as part of the proposed £75 million investment to generate £25 million GVA to the local economy, together with 730 full-time equivalent (FTE) jobs in early 2020.
160. That is not to say that the endorsement of the Officers of the Council, as well as internal and external consultees and latterly Members of the Council, should be determinative, but rather that the SoS should afford considerable weight to the outcome of that process and the views of those professionally and politically charged with scrutinising such proposals at a local level⁶⁹.
161. There is no technical issue identified by consultees to justify withholding planning permission; it is not considered that the proposal would prejudge the outcome of the emerging Local Plan; and most importantly, it is concluded that the benefits of the appeal proposal would clearly outweigh the harm which would arise, together with the harm by reason of inappropriateness. Similarly the benefits of the proposal would clearly and demonstrably outweigh the conflict with CS policy CS5, which duplicates the presumption against inappropriate development in the Green Belt.
162. Before turning to the main issues, it is worth recalling where the concerns of the main parties actually sit. The Council no longer opposes the appeal, and now agrees with the consistent views of its Officers that very special circumstances have been demonstrated. Whilst Cllr Palmer may not like it – the democratically elected body charged with making local planning decisions is WBC as local planning authority and it has now agreed that planning permission should be granted. The Rule 6 Party, SWP, has been professionally represented throughout the inquiry, and through Mr Groves it made clear that it was only presenting a case that the original 2 reasons for refusal were the basis upon which it invited dismissal of the appeal, and it only called evidence in respect of those 2 issues.
163. Thus, whilst others have raised issues as varied as ecology through to technical highway concerns, driver transgressions and even deliverability of the scheme, none of those points are being promoted by SWP. These other issues are raised

⁶⁹ See Appendix 2 of the SoCG

as concerns by third parties only, and where they relate to technical issues (such as highways or ecology), they are raised in the teeth of the conclusions of the careful consideration by the professional Officers of the Council and/or their professional advisors.

164. It is perhaps only deliverability which warrants comment. Mr Roberts sought to paint a picture that ESL was somehow a failing business which is on the verge of retrenchment and that because of events in late August 2019, involving the departure of ESL's former CEO and a lawful delay in filing mid-year accounts, that one should doubt ESL's commitment to this project. It is perhaps unfortunate that the inquiry has been held at a time when public comments by the company are constrained by the City Code on Takeovers and Mergers.
165. However there are 3 important points to make. Firstly, the events that Mr Roberts described pre-date the statement by ESL at Appendix 1 to Mr Halman's PoE, dated 14 September 2019 which strongly reiterates ESL's commitment to the project; and in particular re-stresses its urgent need to bring the site forward in the fourth quarter (Q4) of 2020, and that its delivery package is in place for the proposal by that date. Secondly, that the statement by Mr Roberts contains multiple inaccuracies and flawed inferences, and that it is emphatically not agreed by ESL. And, thirdly, that this appeal is not being promulgated on the basis of seeking a personal permission for ESL. Rather it is promoted as a significant proposal for a large-scale B8 distribution centre with ancillary office development for which there is an identified end-user which has, over the last 2.5 years, demonstrated and repeatedly re-stated its commitment to this project.
166. In view of these latter points, the appeal proposal can be distinguished from the 2 other recent examples referred to at the inquiry where, in the north-west, large-scale employment development has been promoted successfully in the Green Belt. These are at Heywood⁷⁰, in Rochdale Metropolitan Borough; and at Haydock⁷¹ in St Helens. In each of these cases the relevant local planning authority accepted that very special circumstances were demonstrated, in large part, because of the substantial job creation and economic benefits that would arise. It is accepted that the Heywood site was part of a larger mixed-use development; and that the proposal for the Haydock site involved an even larger B8 distribution centre in the Green Belt, but very special circumstances were proven notwithstanding that the proposals were in outline and were on a speculative basis.
167. SWP pointed out that the Haydock scheme was promoted by an experienced distribution centre developer who would have known of the intense market interest that would exist. With this in mind, the Appellants contend that the appeal scheme has even more force, since it involves a development for an identified operator and a proposal for full planning permission, which the likely operator has been committed to for many years.
168. If there is one fact in this case the decision maker can be confident of, based on the evidence before this inquiry, it is that ESL remain firmly committed to delivery of this proposal.
169. In the following paragraphs, each of the Inspector's issues are dealt with in turn.

⁷⁰ See Doc 17

⁷¹ See Doc 16

The effect on the openness of the Green Belt

170. The Appellants and SWP both consider that the appeal proposal would have a significant adverse impact upon the openness of the Green Belt, and both agreed that in accordance with paragraph 144 of the Framework, substantial weight should be afforded to any harm to the Green Belt. Given the scale of the proposed operations, at 56,197sqm gross internal area, it would be optimistic to contend otherwise. Nonetheless it is important to note that in character terms the proposed development would comprise an adjunct to the existing industrial estate, rather than isolated development in the open countryside. Mr Halman's Appendix 2 readily shows how the development would be perceived in the context of existing development, and even Mr Groves accepts that the appeal site has built development of a similar character on 2 of its 4 sides.
171. Similarly, the Appellants accept that the appeal proposal would impact upon the Green Belt purposes of encroachment into the countryside (to a "strong" degree) and assist urban regeneration to a moderate degree. Again there is amity since both Mr Halman and Mr Groves associate themselves with the 2017 Green Belt assessment⁷², which arrives at that conclusion. Indeed the level of agreement goes further, since both consider that the principal concern in relation to the purposes of the Green Belt is encroachment into the countryside.
172. Thus, there is no real dispute between the Appellants and SWP that in addition to definitional harm by virtue of inappropriateness, there is also substantive actual harm to the Green Belt which weighs in to balance against the proposal. What is also agreed by Mr Halman and Mr Groves is that where there is harm to more than one aspect of Green Belt then the weight to be afforded to that harm remains "substantial" since the approach is not that of adding unit blocks of weight in a quasi-mathematical sense. The hurdle to surmount remains that of substantial weight, even if the harm transcends merely definitional harm, as in this case.
173. Mr Groves alleges that Mr Halman seeks to "chip away" at the weight to be applied to Green Belt harm, but this is not accepted. Mr Halman agrees that any harm attracts substantial weight. But Mr Halman assesses the actual nature of that harm, so as to identify where, within the spectrum of harm, it lies. In this case he accepts definitional harm (by reason of inappropriateness), harm to the purposes (particularly that of encroachment) and harm to openness. In respect of the latter he accepts obvious harm to the spatial component of openness, it would therefore appear to be that the only very narrow difference of view between Mr Groves and Mr Halman is the approach to the impact upon the visual amenity of the Green Belt, which is addressed below.
174. In terms of any impact that traffic associated with the proposed development would have on openness, it has to be acknowledged that the site is adjacent to an existing trading estate that puts traffic onto the road network, and any impact on openness needs to be assessed in that context.

Visual impact, and the effect of the proposed development on the character and appearance of the surrounding area

175. This issue overlaps with the previous issue in the sense that visual impacts of the proposal are a free-standing issue as well as being a component of Green Belt

⁷² Doc 14

assessment. On the straight landscape and visual issues, the only evidence is that of the LVIA which is to be found at chapter 7 of the ES (which addresses a marginally higher building, but it is agreed that this makes no real difference to the assessment). On the visual amenity of the Green Belt, the evidence of both Mr Groves and Mr Halman is that the visual part of the LVIA is a relevant tool to use, and Mr Groves accepts that it is correctly undertaken and does not challenge its conclusions. The difference between these 2 professionals is therefore one of judgment, not of approach.

176. SWP sought to criticise the methodology of the LVIA on the basis that the table of "value"⁷³ did not include Green Belt as one of its sensitivities, but instead includes Areas of Outstanding Natural Beauty and National Parks in its highest tier of "value". However, Green Belt is not a landscape designation and being in the Green Belt is not an additional tier of consideration when considering landscape value. It is a freestanding policy consideration which overlaps with a visual assessment, but it is a distinct exercise when compared to an LVIA.
177. Mr Halman's assessment that the visual impact would not be significant, once the planned landscaping has matured, is therefore more plausible since it is firmly grounded in a sound methodology and is consistent with it. By contrast Mr Groves' assessment that the proposed building would have a massive visual impact is largely based upon an asserted and non-transparent judgment which does not appear to be grounded in the LVIA.
178. It is accepted that the proposed NDC would be prominent in views from Barleycastle Lane. Nonetheless, over time the proposed landscaping, together with the setting-down of the building below road level, would substantially screen the development from public vantage points, primarily along Barleycastle Lane. In public visual terms the effects would self-evidently be limited.
179. Whilst it is also accepted that the visual amenity of the Green Belt would be affected from within the site itself, from other public viewpoints the NDC would be effectively screened upon maturity of the vegetation on its boundaries, and views from footpaths would see the building against the backdrop of existing buildings, which therefore form a logical context to the development. This is all well described in Chapter 7 of the ES - "Landscape and visual impact" - whose conclusions have not been seriously challenged by any party.
180. In terms of impacts upon landscape character, the proposal would alter the nature of 15.7ha of open land to a developed site. Nonetheless, that would be land which is very closely associated with the existing industrial estate and would not comprise an isolated parcel of development in the open countryside. The moderate impact described in the LVIA is unchallenged and palpably right.
181. The appeal proposal would not alter Green Belt boundaries. In landscape terms, planting trees along the edge of the building would, of course, mitigate the impact of the building, despite not creating a "hard edge". A hard edge to the site is, in any event, already provided by the watercourse which runs along the northern boundary. This boundary would be strengthened, not diminished, by the proposed tree planting.
182. In reality, there would be an impact on the character of the area (ie where the receptor is the landscape), and some visual impact (where the receptor is

⁷³ Table 7 in Appendix 7.1 to CD54

humanity) which would over time be substantially mitigated. Both elements weigh into the “harm” side of the equation, but neither fall into the realm of significance in EIA terms.

The effect on the significance of nearby heritage assets

183. It is a struggle to see the collection of dilapidated listed buildings at Booth’s Farm from public vantage points. They sit within extensive vegetation and are visually separate and separated from their surroundings. Nonetheless, the Heritage Assessment in Chapter 9 of the ES recognises that the context of those buildings has been open land since they were constructed. Thus the appeal site forms part of the setting of the listed buildings to that very limited extent. The change which would arise from the appeal proposal would substitute built-form for what is presently open land, which contributes to a limited extent to the significance of the grouping of dilapidated buildings.
184. There is no evidence to gainsay the assessment that the effect on the significance of the assets would be minor, and at the bottom end of “less than substantial harm”, as detailed in the Framework. Moreover it is indisputable that the balance set out in paragraph 196 of the Framework, which is then engaged, is plainly passed by the substantial public benefits which would arise from the appeal proposal. In these circumstances, the very limited effect upon heritage assets weighs only marginally on the “harm” side of the planning balance.

The effect in traffic and transport terms, on the safety and convenience of users of the nearby highway network

185. A full Transport Assessment⁷⁴ (TA) and Travel Plan⁷⁵ were submitted with the planning application, as part of the ES⁷⁶, and a subsequent Transport Assessment Addendum⁷⁷ (TAA) was also submitted in the ES Addendum. All matters relating to highways and transportation have been agreed with the local highway authority and HE. It should be noted that the original reasons for refusal raised no highways objections. The SoCG records the agreement reached, and the Highways and Transport Statement in Mr Halman’s Appendix 3 provides a summary of all relevant transport matters.
186. The only expert highway evidence before the inquiry was that contained in the aforementioned documents, which detail the extensive discussions which led to the agreed position of the local highway authority and HE. This is that the appeal proposal would not have a net adverse impact upon the local road network, or the SRN. The TA and TAA class the likely impacts as “Negligible Adverse”, which is considered “Not Significant” in EIA terms. In conducting their assessments, the local highway authority and HE did not apply the yardstick of avoiding a “severe impact” on the road network, as detailed in paragraph 109 of the Framework, but instead worked to the higher threshold of “nil detriment”. Thus, the appeal proposal would not worsen existing traffic conditions, as a result of extensive infrastructure improvements.
187. Indeed, together with the funding of non-car modes of transport through the proposed Public Transport Contribution in the S106 agreement, the total bill for

⁷⁴ Appendix 10.1 of CD54

⁷⁵ Appendix 10.2 of CD54

⁷⁶ See Chapter 10 of CD53

⁷⁷ See Chapter 10 and Appendix 10.3 of CD55

the investment in local infrastructure would be a huge £6 million. In the context of the “prematurity” case argued by SWP and other interested persons this is of considerable importance, since it shows that the appeal proposal would not “under-provide” infrastructure that the wider Garden Suburb might be expected to provide, if it is ultimately endorsed as part of the emerging Local Plan.

188. That investment would accommodate the appeal proposal, but would not solve the pre-existing problems which were described by third parties and whose veracity is not disputed. However the planning system does not operate on the basis of resolving pre-existing problems, and it is no criticism of the appeal proposal that it does not do so. It is however important to note that in respect of the A50 roundabout and the M6 J20 proposals, the mitigation does more than simply mitigate to severe impact, and to that extent these works would be beneficial. More importantly still, there is not a scrap of technical evidence to suggest that the proposed mitigation would not be effective and successful.
189. SWP argued that there would be a problem at the A50 Roundabout, as the S106 agreement involves paying a sum of about £1.5 million, but then leaving it to the local highway authority to decide when best to spend it. The reasoning for this, arising from page 37 of the 2019 Officers’ Report⁷⁸, is that the local highway authority wants the flexibility to decide when would be least disruptive to travellers, and to avoid the possibility of undertaking 2 sets of roadworks in quick succession if other planning permissions are granted. It is unclear why SWP considers that the local highway authority would not act responsibly in deciding when best to intervene on the highway.
190. However, this concern resulted in SWP arguing that a Grampian condition would be necessary to secure the works before occupation, despite having never argued for such a condition previously. SWP went on to argue that if the appeal proposal came on stream before the mitigation of the A50 roundabout, in circumstances where the local highway authority thought it appropriate to delay it in order to co-ordinate roadworks, then this would result in harm. However, in reality this point is contrived and unconvincing. If there were to be a short period when there would be sub-optimal operation of the road network, in order to minimise disruption, then that could not reasonably be described as “significant harm”. Rather, it would be “responsible planning”. Arguing for this “additional harm” shows the weakness and not the strength of SWP’s case.
191. For the proposed alterations to Barleycastle Lane – the emphatic position of the local highway authority and the Council is that significant and positive benefits would arise from improving its geometry and width. Further benefits would arise from the creation of a dedicated cycleway along this length of road, which is frequented by HGVs, notwithstanding the fact that it is coloured green on the Council’s cycle network map – a point which SWP accepted.
192. The £20,000 for improvements to link the cycleway to Grappenhall Lane are not required to make the scheme acceptable⁷⁹. Thus whilst the funding is accounted for in the S106 agreement, the fact that these works would require third party land in order to be delivered is a matter of indifference, since on the Appellants’ case the monies are not required, in any event, to make the scheme acceptable.

⁷⁸ Appendix 2 of the SoCG

⁷⁹ See page 11 of Appendix 3 to Doc APP/GH/1

193. Importantly, the existing Barleycastle Trading Estate is presently not served by public transport. Based on experience of instituting dedicated, shift-friendly bus services to large employment areas in the Borough, the local highway authority has asked for a payment of £600,000 to “pump prime” such a service to the appeal site, which would provide start-up costs and fund the service on a 3-shift basis for 1 year, by which time the local highway authority expects the service to be self-financing. This would provide excellent public transport linkages between nearby residential areas and the site, and would also provide a realistic choice of mode of transport for existing workers at the estate, as well as opening up job opportunities at the site to those with no or limited access to a car. In short, it would be potentially transformative as well as rendering the appeal site readily accessible by non-car modes. It therefore amounts to necessary mitigation which would also provide wider benefits.
194. Many third parties raised complaints about lorries travelling down unsuitable roads. The appeal proposal recognises that more can be done in this regard, and through Condition 4 substantial sums would be directed to introducing additional signage aimed at discouraging lorry drivers from using unsuitable routes. The evidence shows that ESL is doing a great deal to minimise such concerns⁸⁰, although it is accepted that from time to time errors are made, both by ESL drivers and those of other contractors. Mindful of this, the signage proposals would plainly be another benefit of the proposal, not just for any newly generated traffic but also for HGVs that are on the network now.

The effect on air quality

195. The only expert evidence on this issue is that contained within the ES⁸¹, provided by Rambolls on behalf of the Appellants. This information, which was scrutinised and endorsed by the Council’s Environmental Protection Officer, concludes that there would be a negligible impact upon air quality objectives (AQOs), and no significant effect overall.
196. AQOs are primarily assessed against annual average concentrations. When assessing the effects of a proposal against those AQOs, detailed dispersion modelling is undertaken and the predicted concentrations are then judged against a matrix recommended by the Institute of Air Quality Management. In each instance in the design year the impacts are shown to not be significant. Against that are the understandable concerns of third parties – but the evidence is simply not supportive of a conclusion that there would be any significant impact or effect on air quality.
197. The only “serious” challenge to the conclusions was that by Cllr Palmer, who candidly said that she was not an expert, but who questioned why the assessment had not addressed PM_{2.5} concentrations, and in particular, against WHO guidelines. In response, a further detailed note was submitted at the inquiry⁸², which comprehensively addressed Cllr Palmer’s concerns.
198. Amongst other matters, this note points out that contrary to Cllr Palmer’s assertions, monitoring data within Warrington was not simply ignored – rather, it was not considered suitable for model verification, being remote from the appeal

⁸⁰ See Doc 24

⁸¹ Chapter 11 in CD53, and Appendices 11.1 to 11.6 in CD54; also

⁸² Doc 18

site, so an alternative, robust approach was adopted. Furthermore, the note makes it clear that whilst not specifically referenced in the ES, consideration of the impact of PM_{2.5} concentrations was effectively covered by the assessment of PM₁₀ concentrations.

199. The note also points out that although Cllr Palmer refers to PM_{2.5} readings from the Selby Street monitor pointing to the fact that Warrington had the highest levels of PM_{2.5} in the entire UK, the data she refers to actually comes from 2014 and not 2018. Up-to-date data for this monitoring station shows that the measured concentration of PM_{2.5} has fallen from the 2014 level of 14µg/m³⁸³ to an annual mean value of 9µg/m³ in 2018, putting it below the WHO annual mean guideline figure. In view of these points, and the other matters covered in this further note, it is firmly submitted that Cllr Palmer's concerns are misplaced.
200. This note also addresses NEE, referred to by Cllr Harris. It confirms that NEE are specifically included in the vehicle emission factors used for dispersion modelling, and which were used for the air quality assessment undertaken for the ES. In light of this information, and the other matters covered both in the ES and the further note, it is firmly submitted that Cllr Harris's concerns are also misplaced.

The effect on the availability of the best and most versatile agricultural land

201. Of the 15.7ha of development land, some 2ha comprise BMV agricultural land - Grade 3a - amounting to just about 13% of the site area⁸⁴. That level of loss is an order of magnitude below the 20ha threshold which warrants Natural England being notified. Moreover it is just 1% of the total landholding of the agricultural enterprise of which it is a part. There is no evidence that the loss of this very modest area of land would adversely impact upon that enterprise, let alone the overall stock of BMV land in the Borough. Only minor weight should be attached to the loss of BMV land.
202. Whilst national policy in the Framework imports a preference to avoid the loss of BMV land⁸⁵, the evidence clearly points to the need for this parcel of land being the optimum location to meet the identified needs. More importantly, there is no evidence of a better location which meets the needs of ESL and yet also avoids the loss of any BMV land. In this regard it is to be noted that SWP does not contend that there is any alternative site which could better meet ESL's needs anywhere in the Borough or the wider north-west.

Whether there would be any drainage or flood risk problems

203. The appeal site is located within the lowest flood risk area of Flood Zone 1. Nonetheless, as the site sits alongside a watercourse a freestanding Flood Risk Assessment⁸⁶ (FRA) was undertaken (as this matter had been scoped out of the EIA). The FRA assessed flood risk from all sources and found this to be low, with the exception of localised high risk for surface water flooding along the northern boundary, associated with Bradley Brook, although this does not extend significantly within the site boundary.

⁸³ µg/m³ – micrograms per cubic metre

⁸⁴ See paragraph 5.9 of Doc OD/1

⁸⁵ See footnote to Framework paragraph 171

⁸⁶ CD31

204. Based on the Flood Zone 1 classification the FRA considered that the Sequential Test was passed, as industrial buildings which are classed as “Less Vulnerable” to flooding are considered appropriate in Flood Zone 1. Development would be kept away from the area at high risk of surface water flooding along the northern boundary. In these circumstances the FRA concludes that the overall surface water flood risk to the site would remain low, even after development.
205. The FRA also explains that to ensure that there would be no increase in flood risk to downstream receptors, following any future development, surface water run-off from the proposed development would be managed using Sustainable Drainage Systems (SuDS). It is proposed to discharge surface water run-off from the development site to Bradley Brook, and to restrict run-off to greenfield rates by providing attenuation storage on-site for up to the 1-in-100 year storm event, including allowances for climate change over the lifetime of the development. In view of these points, the issues of flood risk and on-site drainage have been robustly addressed.

Consistency with the development plan for the area

206. Despite the allegation of tension with the Appleton Thorn NDP, both the Appellants and SWP consider that the appeal proposal would only conflict with CS Policy CS5 (ie the Green Belt policy). All of the other policies in the development plan (both CS and NDP), listed at pages 8 and 9 of the SoCG, are agreed to be either not breached or complied with⁸⁷. There is therefore a high degree of conformity with the adopted development plan. Moreover, insofar as the NDP assesses where large scale employment proposals should be located – it is wholly consistent with the location of the appeal proposal.
207. It is not contended that conformity with all of the other relevant policies except CS5 means that the appeal proposal complies with the development plan taken as a whole. Nonetheless, it is important that the only breach which is alleged is with Policy CS5. In all other respects the appeal proposal is development plan compliant. Moreover, if very special circumstances are proven, then the proposal would accord with national Green Belt policy and comply with the last sentence of CS5 in any event.
208. There is agreement that the weight to be afforded to the emerging Local Plan (the PSVLP) is limited, since it is not at an advanced stage and its relevant policies are the subject of extensive objection. That is all the more the case in respect of the Garden Suburb SPD.

Whether the appeal proposal would be premature, in view of the Council’s emerging development plan

209. SWP accepted that the PSVLP cannot be considered to be “advanced”, as it has not yet reached submission stage, and that paragraph 49 of the Framework is therefore not engaged in this case. Since this is the primary Framework paragraph on prematurity, that ought to have been the end of this matter. But SWP sought to argue that whilst paragraph 50 of the Framework tells one that where a Local Plan has not yet been submitted then prematurity will “seldom” be a reason for refusal, the prematurity concern could still be weighed in the planning balance as an extra harm, even if it is not a reason for refusal.

⁸⁷ See Appendix 5 of Doc APP/GH/1

210. However, that argument fails for a number of reasons. Firstly, prematurity is a policy-made concept to describe when a proposal might be refused planning permission if it undermines the plan-making process. It is not a free-standing species of land-use harm. If a proposal is not premature then it is not premature. There is no secondary consideration of a proposal which is "prematurish".
211. Secondly, although SWP argued that being a big site in the Green Belt is what brings this proposal into the sub-category of the "seldom" circumstances, referred to in Framework paragraph 50, the Appellants maintain that to be at the "seldom" end of a spectrum of "very unlikely" events, one needs to be rather more exceptional than just "big" and "in the Green Belt". Finally, although SWP accepted that the burden is on the party asserting prematurity to clearly demonstrate why plan-making would be prejudiced, whether prematurity was being asserted as a reason for refusal or as a material consideration, it could not do this in any convincing way.
212. In short, SWP has not come close to demonstrating that allowing this appeal would prejudice the outcome of the plan-making process. Prematurity is a non-issue. The appeal proposal comprises a mere 5% of the total 277ha of additional land that the Council considers it needs in the PSVLP, of which 213ha is proposed in the Green Belt. SWP pointed out that this was 14% of the 116ha of the employment land in the proposed Garden Suburb, but this would only be a tiny proportion of the overall Garden Suburb, and it is nonsense to suggest that the grant of planning permission for the appeal proposal would undermine the ability of SWP to object to the remainder of the proposals. Nor would it pre-determine the merits of any part of the rest of the Garden Suburb.
213. In any case, the much larger "Six 56" proposal is clearly not for consideration as part of the current appeal. An application for this "Six 56" development has, indeed, been submitted, but it is subject to a planning performance agreement which requires that scheme to progress in parallel with the emerging Local Plan (subject to review). This means it will not be coming forward for determination any time soon. Moreover, SWP expressly disavowed any argument of precedent, and did not attempt to argue that the grant of permission here would render an otherwise unacceptable development acceptable.
214. This was the correct approach, as there is no meaningful evidence before this inquiry as to the merits of the "Six 56" scheme. So whilst it is on Green Belt land, and is for B8/B1 uses, that is where the similarities end. It is over 6 times bigger than the appeal proposal and comprises 85% of the employment land in the Garden Suburb and 35% of the overall employment land proposed in the PSVLP. In view of the above points it is clear that there is no credible prematurity case arising from the appeal proposal.

Whether the appeal proposal would represent sustainable development

215. It is firmly submitted that with the improvements to cycleways, pedestrian links and crucially the bus improvements, there would be a choice of access to the site other than by private car, and the appeal proposal would be manifestly sufficiently accessible for the uses proposed.
216. As for the wider concepts of sustainability of economic, social and environmental effects, these are assessed in detail in Mr Halman's PoE⁸⁸, and were largely

⁸⁸ See Section 8 of Doc APP/GH/1

unchallenged at the inquiry. In summary, the proposal would strongly accord with the economic element of sustainability for the following reasons:

- It would meet ESL's pressing need to construct a NDC, which is required to keep pace with and facilitate the future successful growth of the company, which is a top-performing business in the local economy;
- Approximately 480 direct jobs would be created by the proposed development on completion. As such, it would make a significant and positive contribution to the local economy in terms of creating stable, long-term jobs which would provide an income in excess of existing local average market earnings;
- The proposed development would facilitate expenditure in the wider local economy through spin-off benefits and multiplier effects;
- It would make a substantial contribution towards further strengthening Warrington's logistics sector, which is recognised as being critical to the future growth of the local economy and of regional, if not national importance; and
- The construction phase of the proposed development would generate some direct, temporary on-site employment as well as some indirect employment through the use of local contractors/businesses.

217. The appeal proposal would also make a positive contribution to the social aspects of sustainability. It would support the creation of strong, vibrant and healthy communities, by providing a significant employment boost to the local area. The social benefits of employment generation are extensive and include improved security, improved living standards, social cohesion and health. Workforce development and training is integral to the ESL business and it already makes a significant investment in "upskilling" the local labour force. The company is committed to maximising the employment, learning and training opportunities for the local community that would be delivered by the proposed development, as secured by measures in the S106 agreement and the agreed conditions.

218. The proposed expansion of the ESL business (a major, nationally renowned employer) at Appleton Thorn would positively enhance perceptions of the area, thus supporting the growth of positive local aspirations and confidence. Moreover, the DAS describes the steps that would be taken to ensure the proposed development would achieve a high quality design which would be appropriate for the site and would be compatible with the surrounding area. The resulting high quality built and landscaped environment would have a positive social impact on users of the development.

219. In relation to the environmental role, the proposed development is in a Green Belt location and, as already noted, would encroach into the countryside. However, a substantial amount of structural planting is proposed which would reduce and mitigate the visual impact of the built-form of the proposed development and may bring about ecological benefits, especially along the watercourse. In addition, a package of specific highways, ecological, and landscaping enhancements is proposed.

220. The scheme design has incorporated a series of measures which would assist in minimising carbon dioxide emissions and the impacts of climate change on the environment such as the use of a solar voltaic array to meet a significant part of

the development's electrical demand, a *brise soleil*⁸⁹ to reduce heat gain, and a reversible Air Source Heat Pumps system.

221. Whilst the development would be highly accessible by car, the Appellants are fully committed to encouraging staff to travel using more sustainable modes of transport and have developed a framework Travel Plan⁹⁰ containing a range of measures aimed at influencing travel behaviour. The proposed development also includes measures to ensure the prudent use of natural resources and the minimisation of waste. Every opportunity would be taken to minimise waste through the provision of waste reduction and recycling opportunities.
222. The ES assesses the potential significant environmental impacts of the proposal in detail and concludes that there would be no unacceptable environmental impacts arising as a result of the proposed development⁹¹. In addition, Chapter 8 of the ES, dealing with Ecology and Nature Conservation, states that the proposed development has been designed to retain areas of relatively high ecological value, with a range of mitigation and enhancement measures provided for the construction and operational phases of the development, to ensure no net loss of biodiversity.
223. The Framework advises that the 3 dimensions of sustainable development should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. When a balanced view is taken of these 3 elements, leaving aside the separate issue of very special circumstances, the proposed development is considered to be a sustainable form of development which would accord well with the Framework in this regard.

Whether the submitted planning obligation would satisfactorily address the impact of the proposed development

224. As has already been noted, the proposal is the subject of a S106 agreement between the site owners and the Council. The Introduction to this agreement explains that ESL has exchanged contracts to buy the site from the owners, and is the intended occupier of the development. In summary, the owners agree to make the following contributions:
- £1,460,984 towards the A50 Roundabout and Cliff Lane Improvements;
 - £20,000 towards the Eastern Cycle Path Extension Works;
 - £600,000 towards the provision of bus facilities and subsequent monitoring; and
 - £100,000 to enable the Council to devise and deliver a package of employment, training and skills development initiatives for local residents so that they can access the opportunities presented by the development.
225. The highway and transport obligations are justified and necessary for the reasons set out above, save for the £20,000 contribution towards public rights of way and an extension to the cycleway between Grappenhall Lane and Barleycastle Lane. The Council considers this to be necessary, whereas the Appellants regard it as desirable, but not necessary.

⁸⁹ An architectural feature of a building that reduces heat gain within that building by deflecting sunlight

⁹⁰ Appendix 10.2 in CD54

⁹¹ Paragraph 16.10 of CD53

226. The Council considers that the contribution of £100,000 to assist in local training and education is necessary to make the proposal acceptable in planning terms, as the economic benefits and employment opportunities are a key element of the proposed development. The Appellants accept that the aspiration to tie ESL's operations still further into the local workforce and education sector is mutually beneficial. At present 50% of the workforce live in the Borough⁹², but with improved public transport links and local employment provisions, that percentage is only likely to increase.

How the planning balance, involving the benefits and disbenefits of the proposed development, should be assessed; and whether there are very special circumstances, which would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal

227. These 2 matters can be considered together because if the Inspector concludes that very special circumstances are demonstrated, then it can be readily assumed that the statutory presumption in favour of the development plan, unless material considerations indicate otherwise, is also resolved in favour of the Appellants. The latter is the case for the obvious reason that there is no real prematurity case, and therefore the only breach of the development plan is of CS Policy CS5, the Green Belt policy, which cross-references back to the application of national Green Belt policy. If very special circumstances are demonstrated, then on one reading Policy CS5 would be complied with. But if it is read as breached, then plainly it cannot establish a higher or additional test to that for very special circumstances in paragraph 144 of the Framework.

228. It is firmly submitted that the question as to whether or not very special circumstances exist is the determinative issue in this appeal. As to that, there is no issue as to how to approach that issue – which is to weigh definitional harm, together with all other harm and to weigh the benefits against that harm and only if the latter clearly outweighs the former are very special circumstances demonstrated.

229. The harms are all addressed above, but the primary harm is to Green Belt. Similarly the non-economic benefits are addressed above (notably in respect of highways and transportation, but also matters such as local education and employment provision); but the primary benefits are the economic benefits which are addressed below.

230. Before doing so it is necessary to comment on some aspects of the SWP case. Firstly, Mr Groves' suggestion that Council Members were misled about what they were told in the Officers' Report to Committee, about the potential for an adverse impact on ESL's existing operation if the appeal was allowed, is nonsense. Mr Halman told the inquiry that if the appeal is dismissed then it would be a major blow, and ESL would need to reconsider its long-term strategy in Warrington. Indeed in Appendix 1 of Mr Halman's proof, ESL say, "should this appeal be dismissed Eddie Stobart would have to immediately review its north of England operational strategy".

231. Neither of these comments says that ESL would close or reduce its operations in Warrington, but both clearly indicate that if planning permission is not granted for the appeal proposal, then everything would need to be reviewed. This is

⁹² See Doc 22

clear from the SoCG, which explains that if it is not possible to construct the NDC on the appeal site ESL would, instead, have to bring the proposed development forward on another site outside of Warrington⁹³. This is self-evidently not inconsistent with what is said at page 50 of the 2019 Officers' Report⁹⁴, namely *"so the case is not simply what Warrington would gain by allowing the development but also what it would lose if it was not permitted (eg the potential loss of the headquarters and the application proposals) in the clear aim to physically co-locate the 2 premises"*.

232. A benefit of the proposal would therefore be the removal of the likelihood of the loss of the existing ESL headquarters, by the consolidation of the ESL proposals in Warrington. Thus, whilst the primary economic benefits are those which arise from the proposed development, securing and consolidating ESL's long-term future in Warrington and removing the prospect of that review is plainly a local benefit of the proposal which it would be wrong to discount.
233. The benefits of the appeal proposal were not challenged by SWP, nor meaningfully by any of the interested persons who spoke at the inquiry. These benefits are set out in the Officers' Reports to committee as well as in Mr Halman's PoE⁹⁵, and the ESL statement⁹⁶. Most importantly they are also set out in the SoCG itself and are summarised below:
- (i) The proposed development is deliberately within close proximity of ESL's existing operations, which comprise a multiplicity of uses on a campus centred upon the company's head office and national training facility⁹⁷ which generated a turnover of £843 million in the last 12 months⁹⁸. There is an obvious synergy to an expansion adjacent to that extensive operation giving rise to transport, employee and logistical savings of co-location as well as maximising the economic impact of such co-location;
 - (ii) The proposal would meet a need that was considered to be urgent in 2017 and has become ever more acute since then. The appeal proposal is for the expansion of the national base of ESL, and forms the last part of a national distribution network which is crucial to ESL's operations which are, in turn, part of the logistical underpinning of the UK economy. ESL operate a number of regional distribution centres nationwide, with the north-west currently the only core region with no such facility⁹⁹. The proposal would operate in an innovative way which would facilitate its "last mile" business operations¹⁰⁰;
 - (iii) The proposed development would employ 480 FTE staff¹⁰¹, in addition to the 650 FTE currently employed at what is Warrington's 6th largest business (which rises to 950 FTE jobs in the local economy having regard to multiplier effects¹⁰²). The overall economic benefit of the proposal's

⁹³ Paragraph 5.34 in Doc OD/1

⁹⁴ Appendix 2 to the Doc OD/1

⁹⁵ Section 6 of Doc APP/GH/1

⁹⁶ Appendix 1 of Doc APP/GH/1

⁹⁷ Totalling some 22,650sqm gross internal floor area

⁹⁸ See paragraph 5.19 of the SoCG

⁹⁹ See paragraph 6.11 of Doc APP/GH/1

¹⁰⁰ Paragraph 6.15 of Doc APP/GH/1

¹⁰¹ Paragraph 5.25 of the SoCG and paragraph 6.24 of Doc APP/GH/1

¹⁰² Paragraph 5.19 of the SoCG

impact would be 730 new FTE jobs when multiplier effects are considered;

- (iv) The proposal would add £25 million GVA to the north-west economy – of which £18 million would be net additional¹⁰³;
- (v) The construction phase would generate 240 FTE jobs¹⁰⁴, and this could increase through multiplier effects as, for example, demand for accommodation could arise, while construction workers could well place demands on existing food and drinks operators;
- (vi) The site is within 7km of half of all of the most deprived areas in Warrington, and within 10km of all of them;
- (vii) The proposed development would create a number of entry level positions which, with the right level of training, would be accessible to the most economically disadvantaged residents of the Borough, including young people not in education, employment or training;
- (viii) The proposed S106 agreement includes a local training and employment provision to specifically direct economic benefits locally - including £100,000 of direct funding¹⁰⁵;
- (ix) It is consistent with major economic projects directed at the region such as the Atlantic Gateway project promoted by the north-west Local Enterprise Partnership and looking to secure the investment of £14 billion into the Merseyside, Greater Manchester and Cheshire economies¹⁰⁶;
- (x) It involves a capital investment of over £75 million, including £6 million in respect highways and transportation measures¹⁰⁷.

234. What is proposed is a purpose-designed national facility for one of the UK's most successful logistics companies, which is already one of the largest employers in Warrington. It comprises a very substantial investment in the local economy and would thereby generate substantial jobs and growth.

235. Mr Groves accepted that job generation and economic benefits in Warrington were "important" where they benefitted the Borough's residents, but considered that they were not important where they benefitted residents of other parts of the north-west. That appeared to be an argument initially founded on the erroneous proposition that most current employees do not live within the Borough. In fact, half of all employees do live within the Borough. But most importantly, most employees live within Warrington and its neighbouring towns of Runcorn, Widnes, St Helens and Newton-le-Willows. None of these are amongst the more affluent parts of the north-west.

236. Mr Groves' argument seemed to be that jobs for Warrington Borough's residents matter more in the planning balance, as the loss of Green Belt is in the Borough. As an objective planning judgment that is difficult to follow. To be blunt, the SoS is invited to give substantial weight to job creation at the appeal site even if that involves jobs for some people who may live in the towns close to but not in

¹⁰³ Paragraph 6.25 of Doc APP/GH/1

¹⁰⁴ Paragraph 5.24 of the SoCG and paragraph 6.23 of Doc APP/GH/1

¹⁰⁵ Paragraph 6.26 of Doc APP/GH/1

¹⁰⁶ See Paragraph 6.27 of Doc APP/GH/1

¹⁰⁷ See Paragraphs 6.41 & 6.42 of Doc APP/GH/1

Warrington Borough, especially when they are amongst the least affluent areas of the north-west. The same is true for economic benefits by the huge boost to regional GVA.

237. Overall, there has been no really meaningful challenge to the substantial economic benefits which would arise in this case, and which together with the other benefits detailed above present a compelling case in favour of allowing the appeal. The Council agrees with this conclusion.
238. In summary, the totality of the benefits of the appeal proposal decisively outweighs the totality of the harm which arises in this case, including the definitional harm as well as the conflict with local policy. This is one of those rare cases where the decision maker can be readily satisfied that very special circumstances are clearly made out and that planning permission should be granted as soon as possible. The corollary would be that the north-west would miss out on the creation of hundreds of new jobs, £75 million of direct investment and a net GVA of £18 million per annum. This is a deliverable scheme to meet the economic aspirations of one of the Borough's most important employers, and one of the country's most important logistics businesses.
239. In conclusion, the Appellants respectfully say that there is no good reason why this appeal should not be allowed. The SoS should therefore be recommended to allow the appeal and grant planning permission.

The Case for the Council

The material points were:

Introduction

240. The Council considers that the appeal should be allowed. In support of this position it relies upon the detailed consultation responses received in relation to the original and revised applications, and the Officer assessments in relation to both of the applications. The detail of the Council's position is recorded in its Officer Reports on the applications¹⁰⁸ and is condensed into the detailed SoCG produced for the purposes of this appeal.
241. The Council did not present any further written or oral evidence to the inquiry, but considered it necessary to respond to matters concerning the Council's position raised by other parties in their oral representations. This response is given in the following paragraphs, which also summarise the Council's position on the key material considerations and the overall planning balance.

The determination of the planning applications

242. Although some interested persons have criticised the way in which the Council approached the original planning application and this subsequent appeal (along with the second planning application), planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan consists of the Warrington Local Plan CS, which was adopted in July 2014; and the Appleton Thorn Ward NDP, which was made in June 2017.

¹⁰⁸ See Appendices 3 & 4 in Doc SWP/JG/1, and Appendix 2 in Doc OD/1

243. What is a material consideration depends on the circumstances of any given case and whether or not something is a material consideration is ultimately a question of law. The general approach is that set out in *Stringer v Minister of Housing and Local Government* [1971] 1 All E.R. 65, at 77 by Cook J.:

"In principle, it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances."

244. A significant material consideration is the Framework, which sets out the Government's planning policies for England and how these should be applied.

245. As a matter of law, public opposition to a planning application is not a material consideration. However, where objections raise material considerations then, of course, they are considered. Here, the Council's Officers have reviewed all objections made by local residents and other interested parties. Whilst these were not then set out word for word in the Officers' Reports, they were accurately summarised and the issues they raised were considered.

246. An emerging Local Plan is capable of amounting to a material consideration. The weight to be attached depends on the proximity of the plan to being adopted, and the extent of objections to it. The Council is currently in the process of working towards adopting a new Local Plan (the PSVLP). The current published timetable shows the Regulation 19 consultation ending in June 2019, followed by submission to the SoS in October 2019 and final adoption in December 2020.

247. The Council accepts, however, that this timetable has slipped, and is currently continuing to review the representations and objections received during the latest round of consultation. As a result, it will not be submitting the PSVLP to the SoS in October 2019, and it is not currently known when submission will take place. Consequently the Council cannot currently confirm what the anticipated date of adoption of the new Local Plan will be. In these circumstances the Council is of the opinion that only limited weight should attach to the PSVLP.

248. Interested persons have raised comments and objections to the appeal scheme based on the LTP4. However, that document is yet to be adopted and there is currently no published timetable for its adoption. Moreover, when adopted it is not a document that will form part of the development plan. Rather, it is a document that is produced as a result of the Council being a transport authority, which means it has a statutory duty to produce a Local Transport Plan. This does not mean it has no relevance to planning – indeed the PSVLP makes many references to LTP4. However, at this stage the Council considers that the contents of the draft LTP4 are not material to the determination of this appeal.

Prematurity

249. What is meant by "prematurity" in the planning context is well explained by Patterson QC sitting as Deputy High Court Judge in *Truro City Council v Cornwall City Council* [2013] EWHC 2525 (Admin):

"64. It is quite impossible to divorce the issue of prematurity from the local plan process: after all, the impugned decision is premature to what? The essence of a successful claim of prematurity is that the development proposed predetermines and pre-empts a decision which ought to be taken in the Development Plan process by reason of its scale, location and/or nature or that there is real risk that it might do so. Whether the proposed

development will actually do so is something which should therefore be addressed."

250. Paragraph 49 of the Framework states that refusal of a planning application is unlikely to be justified on grounds of prematurity other than where the following criteria are met:

"a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an 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."

251. In accordance with the assessment of the status of the PSVLP, outlined above, and given the guidance in paragraph 50 of the Framework, the Council's position is that criteria (b) set out above is not met. Officers' assessment of the application has been consistent in its treatment of the issue of prematurity. In the Officers' Report on the original application they stated:

"The proposals would be an extension to the existing employment areas on Barleycastle Lane and would need to be considered in this context. The proposals, in the context of prematurity do not undermine the preparation of the Local Plan."

252. In the report on the revised application, Officers reconsidered matters and made the same observation before concluding:

"Whilst the comments of the local residents and Parishes have been carefully considered, the proposals would not be considered premature in the context of the tests of the National Planning Policy Framework, the preparation of the new Local Plan or the plan-making process."

253. On the revised application, Members accepted that advice and for those reasons the Council's position before this Inquiry is that the application should not be refused on grounds of prematurity.

254. SWP raised the issue of how the approval of the appeal scheme could have a bearing on the delivery of development on the "Six 56" site. However, the Council can confirm that the determination of that application is subject to a planning performance agreement which provides as follows:

"1.5 This outline planning application will be prepared, submitted and determined by WBC in parallel with the preparation of the new emerging Local Plan.

8.5 WBC will report the application for decision to, as required, Development Management Committee (or its successor) in or before November 2019 unless one of the following occurs:

The current timescales for the progression of the draft Local Plan as set out in WBC's Local Development Scheme (March 2019) change; or WBC receives fundamental objections to the relevant policy in the draft Local Plan relating to this site.

8.6 Either of the above will trigger a review of the relevant timescales for the determination of the planning application and the preparation and agreement of a new project programme between the Developer and WBC."

255. For the avoidance of doubt, the Council considers that what falls to be determined in this appeal is the acceptability of the appeal proposal alone. Nor does the Council consider that the progression of the "Six 56" application would justify the refusal of the appeal proposal on prematurity grounds.

Material Considerations

256. Highways Impacts. The Council's Highways Officers and Officers from HE were actively involved in the consideration of the highways evidence submitted by the Appellants, and also in its development - providing feedback and requests for further information which were then considered and responded to by the Appellants.

257. The view of both the Council and HE is that the appeal scheme would cause harm to the highway network which would need to be mitigated. There are a number of locations which required particular consideration when assessing the highway impacts. The M6 J20 is currently at or above capacity during peak hours. The Appellants' highways evidence shows that with other committed development the appeal scheme would make the situation worse, and that the proposed development would add further to the issues of capacity, with some approaches exceeding 90% degree of saturation, which is taken as the practical capacity. As a result of this, mitigation works are required. The Appellants' highways assessment also demonstrates that the appeal proposal would have an unacceptable impact on the A50/Grappenhall Lane roundabout junction that would require mitigation.

258. In order to mitigate these impacts, detailed schemes have been worked up with the input of all relevant parties. In summary, direct access from the SRN to the site would be via J20, A50 Cliff Lane, B5356 Grappenhall Lane and Barleycastle Lane. This route is already the direct route for vehicles accessing the Appleton Thorn/Barleycastle Lane Trading Estate.

259. The improvements to Barleycastle Lane involve carriageway widening and the provision of a shared-surface footway/cycleway between the site and a point south of the B5356 Grappenhall Lane junction. This would widen the existing carriageway up to an appropriate standard to cater for 2-way HGV movements and would allow for improved access for vulnerable road users. All works would be carried out within the extent of adopted highway and/or land within the control of the Appellants. These works are ensured by agreed Condition 4.

260. The improvements to J20 of the M6 involve the signalisation of the A50 Cliff Lane approach to J20 and the M6 southbound exit arm of J20, together with carriageway widening through the existing dumbbell arrangement, a widening of the northbound M56/M6 exit arm, and associated changes to road-marking throughout the roundabout. These improvements would increase the capacity and efficiency of J20 and would be carried out within the extent of adopted highway and/or land within the control of HE. These works are ensured by agreed Condition 3.

261. Finally, the improvements to the A50 Cliff Lane/B5356 Grappenhall Lane roundabout involve the widening of the 3 approach arms and the signalisation of the roundabout. These improvements would increase the capacity and efficiency of the roundabout and would be carried out within the extent of adopted highway. A contribution for these works is secured by the S106 agreement.

262. The Council is of the view that the implementation of the highway improvement works would not simply provide mitigation but would also result in wider planning benefits, as set out in the SoCG at paragraph 5.35 and summarised below:

- Provision of a staff bus service for the wider Barleycastle Trading Estate (including the NDC) to be delivered via the S106 agreement;
- Off-site highway improvements on Barleycastle Lane, including road widening to assist in accommodating 2-way HGV movements through the bends and the creation of a new footway/cycleway, to be secured via condition and a S278 agreement;
- Improvements to J20 of the M6 (based on a scheme drawn up and agreed with HE), to be secured via condition and a S278 agreement;
- Improvements to the A50 Grappenhall Lane Roundabout (based on a scheme drawn up with the local highway authority) to be delivered via the S106 agreement;
- A contribution of £20,000 towards the improvement of public footpaths/ cycleways between Barleycastle Lane and Grappenhall Lane, to be delivered via the S106 agreement; and
- Provision of a signage scheme to mitigate the impacts of errant HGV drivers taking inappropriate routes on the local highway network, to be secured via condition and a S278 agreement.

263. Agreed Condition 3 prevents occupation of the development until the improvements to the junction of the M6/A50/B5158 are carried out; and agreed Condition 4 prevents occupation of the development prior to the implementation of improvements to Barleycastle Lane and a scheme of signage to prevent HGV drivers taking inappropriate routes.

264. The A50 Roundabout and Cliff Lane Improvements are not required to be delivered before the first occupation of the appeal scheme. This is so as to allow some flexibility in terms of the precise nature of the mitigation that is to be ultimately implemented, and for a judgment to be taken as to when the scheme is constructed, so that it can be done at a time which minimises disruption and also minimises any abortive work. The desirability of this approach was set out by Officers in the Committee Report on the revised application¹⁰⁹:

"The Council's Highways Team considers that this scheme would be deliverable and seek contributions to be able to deliver this improvement at an appropriate time which would be planned to minimise the impact and disturbance on highway users."

265. Furthermore, having requested the contributions and deemed them both necessary and as a benefit of the scheme, the Council intends to see they are delivered. Condition 4 specifically requires that a timetable for delivery of the works at Barleycastle Lane is agreed and that those works are delivered prior to first occupation of the development.

266. Air Quality. The Council is satisfied that the Appellants have produced sufficient information to allow the air quality impact of the appeal proposal to be assessed. The Council accepts the conclusion of the ES, that the impacts of the proposal

¹⁰⁹ See page 37 of Appendix 2 to Doc OD/1

would be negligible and the predicted levels of air pollution would not be significant or cause a significant effect on air quality.

267. In this regard the Council has not simply relied on the work carried out by the Appellants. The Council itself is responsible for monitoring air quality across the Borough, and has produced an Air Quality Action Plan which has the objective of improving air quality. It also produces an Annual Status Report.
268. From its own data the Council has reached the following conclusions:
- "...the Council has assessed air quality across the Borough for nitrogen dioxide and particulates. In the area of the proposed development the air quality has been assessed to be significantly below national standards, known as objective limits, set for nitrogen dioxide and particulates (PM₁₀). In addition, there is a World Health Organization (WHO) guideline value for fine particulates (PM_{2.5}), which whilst has no statutory bearing in the UK, is considered due to potential health impacts. The PM_{2.5} levels in the area are assessed as meeting the WHO value¹¹⁰."*
269. Heritage Assets. The Council is cognisant of its legal duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, and in considering the appeal proposal it accepts that special regard must be had to the desirability of preserving or enhancing the character or appearance of heritage assets. To this end, in the Officers' Report on both the original and revised applications, Council Officers produced a detailed analysis of the potential impact on heritage assets, dealing particularly with the Booths Farm buildings, which lie on the northern side of Barleycastle Lane, towards the south-western corner of the appeal site.
270. These buildings are unoccupied and in a poor state of repair, with some showing signs of fire damage. This physical damage and deterioration of the buildings' fabric has reduced their aesthetic value and substantially eroded their significance, such that a significant amount of work would be needed to bring the buildings and their curtilage back into use. In these circumstances the Council accepts the conclusions of the Heritage Assessment, that these heritage assets can only be considered to be of moderate significance.
271. Council Officers concluded that less than substantial harm would be caused to these identified heritage assets, but given the benefits of the appeal proposal, the policy tests in the Heritage section of the Framework are passed. This analysis is also the subject of agreement between the Council and Appellants as set out at paragraphs 5.10 to 5.12 of the SoCG. It is accepted that the less than substantial harm is "other harm" which must be taken into account when considering whether very special circumstances exist.
272. Alternative Sites and Fiddlers Ferry Power Station. The Council accepts that the availability of alternative sites is, in principle, capable of amounting to a material consideration. In the ES for both the original application and revised application the Appellants produced an assessment of alternative sites. These were considered and assessed by the Council who also reviewed its own employment land data to consider the issue¹¹¹. The Council's view remains as set out in the 2019 Officers' Report:

¹¹⁰ See page 39 of the 2019 Officers Report, at Appendix 2 to Doc OD/1

¹¹¹ See pages 23-24 of Appendix 3 to Doc SWP/JG/1 and pages 33-34 of Appendix 2 to Doc OD/1

"It is considered that based on the Council's review of sites and the applicant's assessment there are no other significant employment land opportunities within the Borough that are suitable or available to come forward within an appropriate timescale to meet the requirements of Stobart's operation."

273. The SWP and many interested persons made comments about the availability of Fiddlers Ferry Power Station as an alternative site. The Council does not consider that this constitutes an alternative site for the appeal proposal. Whilst closure of the plant has been announced, the decommissioning and demolition of the existing Power Station will take a number of years to complete. Further, the existing ash processing activities at the site are also expected to continue beyond the Power Station's life span, until the existing deposits are fully depleted. Consequently there is no certainty as to when the site will become available or indeed even a timetable for when that is likely to be known.
274. Economic and Employment Impacts of the Appeal Scheme. The economic benefits that would be delivered by the proposed development are substantial, as detailed in paragraphs 5.13 to 5.29 of the SoCG. In summary, key benefits include:
- The construction phase of the proposed development would support a total of around 240 FTE jobs (on-site and off-site), with further multiplier effects also likely to arise during the construction process;
 - The NDC could create around 480 new FTE jobs, with the potential for further job growth in the future;
 - The economic impact of the proposed development would be in the region of 730 new FTE jobs and £25 million of GVA (of which £18 million would be net additional); and
 - The logistics sector is a key sector for Warrington and the location of a facility of this nature in Warrington would enhance the area's reputation as a logistics hub, thus helping to unlock further investment in this area.
275. Impact on the Green Belt. The appeal proposal is by definition inappropriate development and harmful to the Green Belt. This is a material consideration of substantial weight. The Council accepts that the site makes a strong contribution overall to the Green Belt and has been identified as doing so in the Council's Local Plan Review Green Belt Assessment¹¹². The main contribution of the site to the purposes of including land in the Green Belt is safeguarding from encroachment due to its strong openness and predominantly non-durable boundaries. The Council accepts that efforts have been made to mitigate the appeal proposal's impact on openness, and its visual impact, and that it would be seen in the context of the M56 and M6 and the neighbouring industrial buildings. However, it remains a building of a substantial size and it would adversely affect the openness of the Green Belt in this location.
276. These are significant impacts that can only be only permitted if they, with any other harm caused by the appeal proposal, are clearly outweighed so that very special circumstances exist.
277. Loss of BMV agricultural land. The Officer's Report to Committee notes that the significant majority of the appeal site is classed as Grade 3b land, which is not

¹¹² Doc 14

considered BMV land. The breakdown is Grade 3b (87%), remainder Grade 3a (13%) or approximately 2ha of Grade 3a. As such, Officers concluded that the loss of BMV agricultural land would only carry minor weight against the proposal, and would not be significant in its own right.

The Planning Balance and Overall Conclusion.

278. The appeal proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The extent of the appeal proposal's policy compliance is set out at 4.3 to 4.6 of the SoCG. The Council considers that there is overall policy support for the appeal proposal. Notably the Council would point out that Policy AT-E1 of the NDP rather than opposing development of this nature is actually supportive of it.
279. Ultimately, when all other matters have been addressed, the Council considers that the acceptability of the appeal proposal stands or falls against the Framework's very special circumstances test. The development is inappropriate development. That does not mean it can never be approved, but it does mean there is a high policy threshold that must be passed in order for it to be deemed acceptable. Very special circumstances do not mean unique circumstances, but instead require that the harm caused by inappropriateness and all other harm is clearly outweighed by the benefits of the scheme.
280. The approach of the Council is not that economic benefits trump all. Such a suggestion is not borne out by a fair or reasoned reading of the Officers' Reports on both applications which show a thorough, detailed and rational analysis of the material issues raised by this appeal proposal. When considering whether very special circumstances exist, it is the Council's view that they do. This is on the basis of the breadth and scale of the economic impacts of the scheme but also for all the material benefits identified in the SoCG notably including the highway benefits.
281. The Council concludes that the harm to the Green Belt and any other harm brought about by the appeal proposal would be clearly outweighed by the benefits and that there are no other reasons which would justify refusal of the appeal proposal.

Written Representations

282. A significant number of written objections and representations have also been submitted, with those submitted at application stage being summarised in the Council Officers' Reports¹¹³. However, it seems to me that the matters they cover have essentially been put forward by those objectors who spoke at the inquiry, and raise no materially different points. I therefore do not discuss them specifically here.

Conditions

283. A schedule of 30 conditions¹¹⁴ to be imposed should planning permission be granted, is set out at Appendix C to this Report together with stated reasons why each is considered necessary. The conditions were discussed at the inquiry and agreed between the Appellants and the Council.

¹¹³ Appendices 3 & 4 in Doc SWP/JG/1, and Appendix 2 in Doc OD/1

¹¹⁴ See also Docs 21 & 26

284. A further, Grampian condition was suggested by SWP, relating to improvements at the A50/B5356 Cliff Lane/Grappenhall Lane Roundabout. This was suggested as SWP was concerned that harm to the highway network would arise if the proposed development was to become operational before this junction was improved. This condition is also set out in Appendix C, as Condition 31, but was not agreed by either the Appellants or the Council.

Planning Obligation

285. As already noted, the Appellants submitted a S106 agreement between the Council and the land owners¹¹⁵, aimed at securing various contributions and obligations, which have already been summarised in paragraph 224 above. Should planning permission be granted, the Council considers that this agreement would provide the necessary obligations to make the development acceptable and meet the requirements of Regulation 122 of the CIL Regulations 2010. To this end it has submitted a CIL Compliance Statement¹¹⁶, in which it sets out its reasons why it considers each of the obligations to be justified. The Appellants are in general agreement with the Council, except insofar as the Eastern Cycle Path Extension Contribution is concerned. On this matter the Appellants accept that this contribution may be desirable, but do not consider it necessary, as set out in paragraph 225 above.

My conclusions begin on the next page

¹¹⁵ Doc 20

¹¹⁶ Doc 4

Inspector's Conclusions

286. I have reached my conclusions on the basis of the evidence before me, the written representations, and my inspection of the appeal site and the surrounding area. References in superscript square brackets [...] are to preceding paragraphs in this Report, upon which my conclusions draw.
287. I am satisfied that the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, have been complied with, and I have had regard to the ES, the ES Addendum and the other environmental information in coming to my conclusions^[10,11].
288. The comprehensive SoCG agreed between the Council and the Appellants details the wide-ranging areas of agreement between these parties^[1,4,35]. For the avoidance of doubt, the Council fully supports this proposed development, which it considers should be granted planning permission^[240]. The appeal proposal was, however, strongly opposed by the South Warrington Parish Council's Local Plan Working Group (SWP), who appeared at the inquiry as a Rule 6(6) Party, along with a number of individuals and local Councillors. These parties provided the main opposition at the inquiry^[37-152], as the Council had withdrawn both of its original reasons for refusal, and presented no evidence at the inquiry.
289. The SoS's recovery letter^[7] explained that the reason the appeal had been recovered was because it relates to proposals for significant development within the Green Belt. All parties agree that this proposal represents inappropriate development in the Green Belt, and National policy in the National Planning Policy Framework ("the Framework"), requires there to be very special circumstances to justify allowing such development. But whether or not very special circumstances exist can only be established once all potential harms and benefits of a proposal have been considered and weighed in the balance.
290. Because of this, although I begin by considering the effect of the proposed development on the purposes and the openness of the Green Belt, I then deal with other matters of concern raised by SWP and interested persons in written representations and in oral presentations at the inquiry. I then undertake a final planning balance, so as to be able to assess whether or not very special circumstances exist. I then reach my overall conclusion and recommendation.

Main Considerations

291. In light of the above points, I have concluded that the main considerations for this appeal can best be expressed as:
- a) The effect of the proposed development on the purposes and the openness of the Green Belt;
 - b) The visual impact of the proposed development and its effect on the character and appearance of the surrounding area;
 - c) The effect of the proposal on the significance of nearby heritage assets;
 - d) Its effect in traffic and transport terms, on the safety and convenience of users of the nearby highway network;
 - e) Its effect on air quality;
 - f) Its effect on the availability of the best and most versatile agricultural land;

- g) Whether there would be any drainage or flood risk problems associated with developing this site;
- h) The extent to which the proposed development would be consistent with the development plan for the area;
- i) Whether the proposal would be premature, in the light of the Council's emerging development plan;
- j) Whether the proposal would represent sustainable development, in the terms of the Framework;
- k) Whether the submitted S106 agreement would satisfactorily address the impact of the proposed development;
- l) other matters which do not fall neatly into the above headings; and
- m) Whether there are very special circumstances to justify this proposed development in the Green Belt

The effect of the proposed development on the purposes and the openness of the Green Belt

292. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. It goes on to confirm that the essential characteristics of Green Belts are their openness and their permanence, with paragraph 134 explaining that Green Belt serves 5 purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
293. With regard to development proposals affecting the Green Belt, paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 explains that substantial weight is to be given to any harm to the Green Belt, with very special circumstances not existing unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
294. The only CS policy dealing with Green Belt is Policy CS5^[25,227]. This states that the Council will maintain the general extent of the Green Belt as far as can be seen ahead and at least until 2032, in recognition of its purposes. It then sets out the relevant Green Belt purposes, reflecting those shown in paragraph 134 of the Framework, but omitting the fourth Framework purpose, which seeks to preserve the setting and special character of historic towns. The policy goes on to state that the strategic locations and proposals set out in Policy CS2 – “Quantity and Distribution of Development” – provide for significant growth throughout and beyond the plan period, and that there is therefore no need to review Strategic Green Belt boundaries during the plan period. Finally, the policy notes that development proposals within the Green Belt will be approved where they accord with relevant national policy.
295. Paragraph 145 of the Framework sets out the uses for which the construction of new buildings in the Green Belt are not considered inappropriate, but the appeal

proposal does not sit within any of these categories. This means – as is common ground between all parties – that the proposed development would be inappropriate development in the Green Belt^[41,154,275]. In its own right this harm, which was referred to as definitional harm by the main parties, must be given substantial weight, in accordance with paragraph 144 of the Framework.

296. Insofar as the effect of the proposed development on the purposes of the Green Belt is concerned, it is helpful to refer to the Council's Green Belt Assessment document which was issued in July 2017^[42,275]. This records the results of the Council's assessments of a large number of Green Belt sites, in terms of the contribution they make to the 5 purposes of the Green Belt set out in the Framework, and detailed above. In this study the appeal site, which is given the reference R18/061, is noted as consisting of open countryside in agricultural use, being flat, with no built form and with low levels of vegetation, apart from a copse to the east of the site.
297. The Assessment considered that the site makes no contribution to checking the sprawl of large built-up areas (Purpose 1), as it does not lie adjacent to the Warrington urban area. Similarly, it is considered to make no contribution to preserving the setting and special character of historic towns (Purpose 4). The site is, however, considered to make a strong contribution to safeguarding the countryside from encroachment (Purpose 3). It lies adjacent to Barleycastle Lane along its southern and south-western boundaries, which is noted as providing a durable boundary which could prevent encroachment into the site. The Stretton Green Trading Estate which houses the existing ESL headquarters lies on the southern side of Barleycastle Lane to the south-west of the site, whilst the Appleton Thorn Trading Estates lies immediately to the west and north-west^[13].
298. However, the site is connected to open countryside along much of its northern and eastern sides, with neither of these boundaries considered to be durable. That to the east simply consists of a field boundary lined by shrubs, with the northern boundary being formed by Bradley Brook which is lined by a fence and trees, some of which are spaced intermittently. The Green Belt Assessment indicates that these non-durable boundaries would be unable to prevent encroachment beyond the site if the site was developed, and I share that view. I do note that landscaping and tree planting is proposed along these northern and eastern boundaries, but the proposed planting belts appear to be relatively narrow in places, such that I do not consider that they would reinforce the existing boundaries significantly.
299. The Assessment concludes on this purpose, by noting that the site makes a strong contribution to safeguarding from encroachment due to its strong openness and predominantly non-durable boundaries. The study's overall assessment is that the site has a strong role in preventing encroachment and, accordingly, makes a strong contribution to fulfilling the fundamental aim of the Green Belt under paragraph 133¹¹⁷ of the Framework, in protecting the openness of the Green Belt^[42]. For completeness it also concludes that the site makes a moderate contribution to assisting in urban regeneration (Purpose 5) and a weak contribution to preventing towns from merging into one another. I note that

¹¹⁷ The Green Belt Assessment actually refers to Framework paragraph 79, which was the equivalent paragraph in the 2012 version of the Framework

both the Appellants and SWP are in general agreement with this overall assessment, and I see no reason to take a contrary view.

300. Drawing these points together the proposed NDC building, which the submitted plans indicate would measure some 345m by 165m, with a height of about 18.0m, would occupy a significant proportion of the site. In addition, it would be surrounded by dock levellers and tractor, trailer and car parking bays, some of which would sit relatively close to the site's northern and eastern boundaries^[37,47]. Whilst I acknowledge that the finished floor level of the building would be some 4.25m below Barleycastle Lane, meaning that the apparent height of the building relative to the road would be about 14.0m^[30], the proposed development would still represent a clear encroachment into the countryside, giving rise to significant harm to Green Belt Purpose "c" and Purpose 3 of CS Policy CS5.
301. In terms of the effect on openness, SWP, through the evidence of Mr Groves, argued that the proposed development would have a severe and adverse impact. This would arise not simply as a result of the construction of the proposed NDC building, but also as a result of the considerable amount of parking, both HGVs and cars which would surround the proposed building, and which would impact on openness in their own right^[47].
302. Mr Halman, for the Appellants, takes a somewhat different view. In his PoE, he states that it is undeniable that the presence of a distribution building of this scale would have a significant impact on openness from both a spatial and visual perspective^[45,170,173]. However, he then tempers this assessment by arguing that the visual aspect of openness is more nuanced, and that harm would be reduced by the proposed landscaping, which would screen and reduce the visual impact of the development^[177,178]. In taking this view, he draws on the findings of the LVIA, undertaken as part of the ES, which concludes that after 15 years, when the proposed landscaping has matured, the magnitude of effect would reduce to low adverse. This causes Mr Halman to take the view that there would only be moderate harm to the visual aspect of openness^[45]. Furthermore, he maintains that any impact on openness from traffic or parked vehicles would only be limited^[47].
303. The proposed NDC building would clearly occupy a significant proportion of what is currently a vacant site, and further space would be taken up by the considerable amount of parking and vehicle standing areas proposed. The PPG confirms that the degree of activity likely to be generated by a development proposal, such as traffic generation, is a factor which can be taken into account when considering the potential impact of development on the openness of the Green Belt^[44], and in this regard I share Mr Groves' view that the parked and standing vehicles likely to occupy this site would also have an appreciable impact on openness^[47]. As such, it is my assessment that the construction of this very large building and its associated vehicular activity would have a very significant impact on the spatial aspect of openness.
304. Insofar as the visual aspect of openness is concerned, I consider that a LVIA could be a useful tool to assist in assessing the visual effects and impacts of a development proposal on Green Belt openness. But in this case, other than acknowledging that the appeal site lies within the Green Belt, the LVIA makes no further reference to Green Belt, nor is there any indication that the LVIA has had

any specific regard to openness^[46]. It certainly has not made any direct assessments of the impact on openness as a sub-set of wider visual effects. Whilst this is not surprising, as Green Belt is a policy designation, rather than a landscape designation, it does lead me to conclude that in this case the LVIA's conclusions on visual impacts cannot simply be assumed to represent an assessment of the visual aspect of openness.

305. Notwithstanding the conclusions of the LVIA on visual matters, which I look at in more detail under the next main consideration, it is my assessment that this very large building would have an appreciable adverse visual impact on openness, particularly when seen from Barleycastle Lane, the closest public viewpoint, extending all along the site's southern boundary. Whilst the roadside vegetation would provide some shielding of the building and the parked and standing vehicles, once matured, this would not be for many years. Meanwhile, the view across the site would be dramatically transformed from a relatively flat, open, undeveloped area, into an intensively developed area housing a very large building and an appreciable number of vehicles. To my mind the visual harm to the openness of the Green Belt would be severe.
306. In conclusion on this issue, the definitional harm arising from the proposal being inappropriate development, coupled with the significant harm to the Green Belt purposes and the severe and significant harm to openness, mean that in accordance with Framework guidance this harm to the Green Belt has to carry substantial weight. In addition, the appeal proposal would be in conflict with CS Policy CS5, for reasons already set out above.

The visual impact of the proposed development and its effect on the character and appearance of the surrounding area

307. As already noted, a LVIA was submitted by the Appellants in support of this proposal, and this is the only detailed and professionally prepared evidence on landscape and visual matters before the inquiry. As such, I see no real reason to dispute its findings in most areas.
308. It is clear that the proposed development would alter the site from farmland to industrial development, with associated roads and parking, but the Conclusions of the LVIA note that the development would be seen in the context of the existing warehouse development to the west and south, and would be bordered by structure planting around its boundaries to provide a "green" interface with the adjacent countryside. It concludes that this is a landscape of low sensitivity, with a moderate adverse magnitude of effect identified. As a result, the significance of effect on landscape character on completion would be moderate to minor adverse.
309. The LVIA goes on to further conclude that after 15 years the development would have become an established part of the trading estates, and planting around the boundaries would have matured to help integrate the development into its surroundings^[177,179]. This would reduce the significance of effect on landscape character to minor adverse.
310. In terms of likely visual impact, the LVIA notes that visual receptors are generally located close to the site, with Booth's Farm the closest property, located adjacent to but outside the site's western corner with the site wrapping round the farm's west, north and east sides. This farm is vacant and all of its buildings are derelict

and appear to be in a poor state of repair, with some fire damage^[15,270]. The LVIA considered that substantial work would be required to return the farmhouse to a habitable condition and therefore did not include it as part of the visual assessment, arguing that the proposed development would form part of the future baseline to property views. Having seen the state of the buildings at my site visit, this seems to me to be a reasonable approach on the Appellants' part.

311. I agree with the conclusions of the LVIA, that the greatest visual effects on completion of the development – classed as moderate adverse - would be experienced from the length of Barleycastle Lane which borders the site. As part of my site visits I viewed the appeal site from the more distant public rights of way to the east and north, and agree that the proposed development would be seen against a backdrop of existing buildings on the Barleycastle Trading Estate. In these circumstances I see no reason to dispute the assessment of an effect of moderate to minor adverse significance. From closer viewpoints from the west and south, the proposed development would again be seen in the context of buildings on the existing trading estates and, as such, the assessment of effects of minor adverse significance seem reasonable.
312. I further share the Appellants' view, expressed in the LVIA, that after 15 years the planting around the site would be establishing and provide a greater degree of filtering to views of the proposed development and would also screen ground levels views across the site. This would reduce the extent of visual impacts, with the LVIA concluding that there would be no residual significant effects of greater than moderate to minor adverse significance.
313. In summary, as accepted by the Appellants, there would be an adverse impact on the character of the area, and some adverse visual impact, both of which would be mitigated over time, as the proposed landscaping matures. Whilst not at a level which would typically be considered significant in EIA terms, there would be some harm in both character and visual terms, which will need to be weighed against the appeal proposal in the final planning balance, which I undertake later in this Report.
314. In terms of compliance with development plan policy, I note that although the LVIA details a number of policies from the CS in its "Planning Policy Context" section, it does not mention these policies further, nor does it give any indication of how the proposed development would sit alongside these policies. Moreover, the LVIA does not make any reference to the Appleton Thorn Ward NDP, which is also part of the development plan, and which contains policies of relevance to this topic^[24,80,120].
315. Somewhat surprisingly, the Council Officers' Report to Committee does not appear to carry out any assessment of the proposed development against the landscape policies in either the CS or the NDP. It states that relevant policies are CC2, CS5, QE3 and QE7 of the CS, and AT-D1 and AT-D2 of the NDP, but then says nothing further about these policies. Rather, the Officers' Report simply adopts the conclusions contained within the ES (ie, from the LVIA), that the proposal would have a moderate to minor adverse impact on landscape character, and some visual impact. The Council accepts that this harm would need to be considered in the overall planning balance, but does not equate this harm to any conflict with policy.

316. Mr Halman does assess the appeal proposal against development plan policies in his Appendix 5, and finds no conflict with CS or NDP policies, except with the Green Belt Policy CS5 – and even then, Mr Halman maintains that there would be no conflict with this policy if very special circumstances are found to exist^[207]. It is also the assumed presence of very special circumstances that allows Mr Halman to find no conflict with CS Policy CC2 “Protecting the Countryside”^[206].
317. The only meaningful references to development plan policies from those interested persons who spoke at the inquiry came from Mr McAloon, who drew specific attention to a number of NDP policies^[120-122]. In particular he maintained that the proposal would conflict with Policy AT-D1, as it would destroy rather than maintain or enhance the unique local character, distinctiveness, local identity, sense of place and overall village character, as highlighted in this policy. He also alleged a conflict with Policy AD-T2, which seeks to protect and enhance local landscape character and views. In Mr McAloon’s opinion the proposed development would destroy village landscape and character, and would be highly intrusive, spoiling local rural views^[120].
318. Drawing the above matters together, it is clear that the LVIA has found that the proposed development would give rise to some landscape and visual harm, albeit just of moderate to minor significance, and that both the Council and the Appellants accept that this harm needs to be weighed in the planning balance. These points lead me to conclude that the proposed development would have an adverse impact on the character and appearance of the surrounding area.
319. In addition, I consider that there would be some conflict with the development plan. I acknowledge that the proposed development would be well-designed in itself, thereby addressing some aspects of CS Policy QE7 and NDP Policy AT-D1. However, the fact that it would cause some agreed harm shows that it would not fully protect, maintain, enhance or protect local character and distinctiveness and the settings of open landscapes, as is required by NDP Policies AT-D1 and AT-D2. I therefore find some conflict with these policies. Similarly, until it can be established whether or not very special circumstances exist, I have to also find some conflict with CS Policy CC2, which seeks to protect the countryside.

The effect of the proposal on the significance of nearby heritage assets

320. Turning to heritage matters, the SoCG indicates that the application was accompanied by a Heritage Assessment, which is to be found in Chapter 9 of the ES. There are no designated heritage assets on the appeal site, but the Heritage Assessment records that the appeal site lies within the setting of 6 designated heritage assets. However, it is only the settings of Booths Farm Farmhouse and the associated Booths Farm Shippon that the Heritage Assessment concludes would be harmed by the appeal proposal^[183]. These are both Grade II listed buildings, and the likely impact on them was fully assessed, taking account of the statutory duty to have special regard to the desirability of preserving the buildings or their settings, or any features of special architectural or historic interest which they possess, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990^[269].
321. Policy QE8 of the CS requires development to take account of and preserve or enhance heritage assets. In addition, in assessing the likely impact of the proposed development on the significance of designated heritage assets I have had regard to paragraph 193 of the Framework, which explains that great weight

should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. The Framework's Glossary states that in the context of heritage policy, conservation means the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

322. Booths Farm lies on the northern side of Barleycastle Lane, towards the south-western corner of the appeal site, with the appeal site wrapping around the other 3 sides of this group of buildings. The buildings themselves are surrounded by mature trees, which are denser along the roadside boundary and to the south-west, and sparser on the north-western and north-eastern sides of the buildings. The buildings are unoccupied and in a poor state of repair, with some showing signs of fire damage^[15,270]. I share the Council's view, that the physical damage and deterioration of the buildings' fabric has reduced their aesthetic value and substantially eroded their significance. It is clear that a significant amount of work would be needed to bring the buildings and their curtilage back into use, and, in these circumstances these heritage assets can only be considered to be of moderate significance^[270].
323. The Appellants' detailed Heritage Assessment concludes that the proposed development would adversely affect the setting of both Booths Farm Farmhouse and the Shippon. This is understandable, as much of the setting would change from agricultural in nature to industrial. However, there would be no direct impact on the buildings or their curtilage or former farmyard. Moreover, the appeal proposal includes a Landscape Strategy which includes planting within the site boundary around these buildings, and acoustic fencing would also be placed around much of the buildings' curtilage.
324. These measures would soften views of the proposed development, and would also reduce noise from the on-site operations. With these points in mind I see no reason to disagree with the findings of the Heritage Assessment, that the magnitude of effect on the significance of these assets would be low adverse, with the significance of effect being minor adverse, or "less than substantial" in the wording of the Framework^[184,271]. In accordance with paragraph 196 of the Framework, this limited harm needs to be weighed against the public benefits of the proposal.
325. The Officers' Report to Committee also makes reference to Beehive Farmhouse, a further Grade II listed building which also fronts onto Barleycastle Lane, but lies a little further to the north-west, separated from the appeal site by an existing access road and a smaller industrial unit^[15]. An area of woodland planting is proposed for the westernmost corner of the appeal site, closest to Beehive Farmhouse, which would serve to reduce the impact of the proposed development on the setting of this listed building. Nearby agricultural land would be replaced by an industrial use and buildings, but the Heritage Assessment concludes that the magnitude of the impact would be negligible, and therefore not significant in EIA terms. Having seen Beehive Farmhouse and its setting at my site visit, I share that view.
326. The Council and the Appellants both take the view that the provision of the development, with the highway, economic, employment and social benefits (detailed later), would be capable of providing public benefits that would

outweigh this less than substantial harm to setting of the listed buildings at Booths Farm^[184,271]. As the intended layout of the proposed development would minimise the impact on the setting of these buildings I, too, consider that the public benefits of the proposal would outweigh the less than substantial harm to these buildings' setting.

327. Drawing the above points together, I conclude that the less than substantial harm to the significance of the Booths Farm Farmhouse and Booths Farm Shippon would be outweighed by the public benefits of the proposal. As such, the proposed development would not conflict with CS Policy QE8 "Historic Environment", nor with relevant paragraphs in the Framework.

The effect in traffic and transport terms, on the safety and convenience of users of the nearby highway network

328. A significant number of objections and representations from interested persons raised concerns about various aspects of traffic and transport. These cover such matters as claims that the current highway infrastructure in the area is already heavily congested and could not cope with the proposed additional HGV movements; concerns that the cumulative impact of this proposal and the "Six 56" proposal would result in constant gridlock; that the additional traffic would adversely affect residential amenity and increase air pollution; that HGV drivers currently ignore weight restrictions on some local roads; concerns about road safety; and the fact that there is a lack of public transport services in the area.

329. Some of these concerns are quite understandable, as the proposed NDC would operate 24 hours a day, 7 days a week, and is predicted to have HGV arrivals and departures each averaging about 16 an hour, meaning that there would be about 384 HGV arrivals and 384 HGV departures over a 24 hour period^[37,122]. In addition, the TAA has assumed a robust "worse case" scenario of 200 operational staff arriving and 200 leaving during both morning and evening peak hours, and with 20 office staff assumed to arrive during the morning peak and leave during the evening peak^[185].

330. There are a number of relevant CS policies. Policy MP1 indicates that the Council will support proposals where, amongst other things, they reduce the need for private car use through their location, travel planning and marketing; and any other measures to change travel behaviour; and mitigate the impact of development by delivering site specific infrastructure which will support the proposed level of development. Policy MP3 states that a high priority will be given to the needs and safety of pedestrians and cyclists in new development; whilst Policy MP4 aims to secure improvements to public transport infrastructure and services.

331. Policy MP5 indicates that proposals for freight-related development will be supported where they achieve a reduction in road traffic kilometres through their location and/or where they reduce the impact of freight traffic on local or inappropriate routes. Any such development proposals should also demonstrate that they would not have an adverse impact in terms of HGV use of local or residential roads or congested central areas; and should not produce unacceptable pollution problems for neighbouring occupiers. Finally, Policy MP7 makes it clear that appropriate TAs and Travel Plans will be required in support of significant development proposals.

332. From the NDP, Policy AT-TH1 seeks to ensure that development assesses the impact on the highway network and makes provision for appropriate traffic management and transport improvements, where necessary; whilst Policy AT-TH2 indicates that development proposals should, where appropriate, make provision for the delivery of sustainable transport measures.
333. In terms of national guidance, Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
334. In considering the various matters raised by interested persons I have been mindful of the fact that none of those who spoke at the inquiry claimed any technical expertise in highways or transport-related fields. Rather, they simply made their points as concerned lay people who live in the area, and have experience of the existing transport situation as local residents and users of the transport network. Although SWP was represented by a planning professional - Mr Groves - he indicated that it was not his intention, or within his remit, to produce detailed highway evidence, but simply reflected the concerns of his clients.
335. Set against these views, I have a wealth of technical evidence in the form of a TA, forming part of the ES; along with a TAA in the ES Addendum and the Highways and Transport Statement appended to Mr Halman's PoE^[185]. This latter document provides a synopsis of the various highways and transport issues raised and identified by the local community and other interested parties, and how the proposed development would respond to and resolve these issues.
336. It is common ground between the Appellants, the Council as local highway authority, and HE, that although without any mitigation the proposed development would worsen traffic conditions on the surrounding highway network^[257], implementation of the proposed highway improvement works would not simply provide adequate mitigation, but would also result in wider planning benefits^[187,193,194,262]. With this in mind, these parties consider that there are no highway reasons why the development should not be approved, subject to the agreed conditions and the provisions of the S106 agreement.
337. Against this background I turn to address some of the specific matters raised, dealing first with concerns that the existing highway network in the vicinity is already congested, and would not be able to cope with the additional HGV and car traffic likely to be generated by the proposed development; and that this situation would worsen if other development, such as the large "Six 56" proposal on land to the north, north-east and east of the appeal site, also came on stream^[117,129,139,146].
338. Insofar as the local highway network is concerned, the TA and TAA indicate that none of the projected increases in traffic, due to the proposed NDC, would be of the order of magnitude which would have any material effect on the functioning or available capacity of any of the local junctions modelled. The impacts are therefore classed as "Negligible Adverse", which is considered "Not Significant" in EIA terms^[186].
339. For the A50/B5356 Cliff Lane/Grappenhall Lane roundabout, the local highway authority seeks a contribution towards any future improvement, secured by the S106 agreement, which it would want to implement at the appropriate time, when it is better understood what – if any – additional development is to be approved in the area^[189,190,264]. This covers such matters as the "Six 56" proposal referred to

above, and raised by SWP and other interested persons at the inquiry. However, the progress of that proposal is linked to that of the PSVLP, and so no decision on whether or not it will be approved is likely to be issued for some time. As such, it is not a matter for this inquiry, and it is therefore not appropriate to speculate further on any highway impacts of this scheme. My role is to assess the likely impacts of the proposal at appeal.

340. SWP argues that only providing a contribution towards an improvement at the A50/B5356 roundabout could give rise to harm on the network, if the NDC became operational before this junction was improved^[63,64]. This is a valid and reasonable concern, which prompted SWP to argue that a Grampian condition should be imposed, requiring this junction to be improved before the NDC is first occupied^[64]. However, there is nothing before me to suggest that the local highway authority would not act responsibly in carrying out its duties to effectively manage the local highway network, and ensure that the extent of any such period of harm would be limited.
341. Indeed, at the inquiry session where Conditions were being discussed, the representative of the local highway authority indicated that if problems were to arise at this junction, prior to a final scheme being implemented, some interim measures could be introduced to address this situation. I do not regard this to be a wholly satisfactory situation, but on balance I see no reason to question the considered position of the local highway authority on this matter. As such I do not consider that the imposition of a Grampian condition would be either necessary or appropriate, if planning permission is granted.
342. With regards to the proposed works to widen and realign the section of Barleycastle Lane across the site frontage, improve junction access arrangements and provide lengths of shared footway/cycleway, I consider that this would result in a clear – albeit limited – benefit not just to vehicles associated with the proposed development, but for all other users of this stretch of Barleycastle Lane^[191]. The fact that the proposed cycleway would not extend beyond the eastern limit of the appeal site means that cyclists using Barleycastle Lane to the east of the site would still have to share the carriageway with other vehicles. Whilst I do not consider that this would be a material worsening of the existing situation, it does make me question the need for the agreed £20,000 contribution towards an extension of the cycleway in the S106 agreement^[192,225]. I return to this matter later in this Report, when I consider the S106 agreement itself.
343. The SRN is the responsibility of HE, and insofar as the dumbbell arrangement at M6 J20 is concerned, all parts of the junction are forecast to be operating at, close to, or beyond maximum capacity in the proposed development opening year – regardless of the introduction of the proposed NDC. However, the TA and TAA show that development traffic would only cause slight increases in the degree of saturation on junction approaches, and in these circumstances the assessments conclude that the impact of the proposed development on the SRN would only be “Negligible Adverse” which, again, would not be considered significant in EIA terms^[186].
344. The mitigation measures proposed, which would be secured by agreed Condition 3, aim to further minimise any effects, and ensure that residual effects – with the proposed NDC in place – would remain “Not Significant”. This approach is

acceptable to both the local highway authority and HE, and no persuasive, authoritative evidence was submitted to persuade me to take a contrary view.

345. Much was made at the inquiry of the fact that HGV drivers, from both ESL and other companies, disregard local weight limits and travel on unsuitable local roads^[82,111,194]. This was borne out by a number of submitted photographs^[111]. Such events clearly do happen, from time to time, but the actual extent of such contraventions has not been placed before me, and I am unable to form a view as to how serious a problem it is. But notwithstanding this, it is clearly a matter that the Appellants acknowledge, and want to try and address. This is the reasoning behind the proposed introduction of a scheme to mitigate the impacts of such "errant HGV drivers", which would be secured by agreed Condition 3, and would need to be implemented prior to first occupation of the proposed development^[194]. I consider that this is a reasonable and appropriate response to this situation.
346. Turning to concerns about the absence of public transport serving the appeal site, I understand from the Travel Plan that the nearest bus stops to the site are approximately 1.5km away, in the village of Appleton Thorn, and I therefore appreciate that access to and from vicinity of the appeal site, other than by private car, would be difficult at the present time. However, the evidence before me shows that this situation would be addressed by the provisions of the S106 agreement and a number of the agreed conditions.
347. In particular, the S106 agreement makes provision for a "Public Transport Contribution" of £600,000, which would be used to "pump prime" a shift-friendly shuttle bus service for site employees^[193,224]. It is intended that this contribution would provide start-up costs and fund the service on a 3-shift basis for 1 year, by which time the local highway authority expects the service to be self-financing. Such a service could also serve other destinations at the Barleycastle Lane Trading Estate. The final details of the proposed bus facilities would be defined in the final Travel Plan – which would be secured by agreed Condition 25. Other agreed conditions also seek to provide facilities to encourage cycling to the proposed development. I consider that these measures would serve to make the appeal site, and existing businesses in the surrounding area, more accessible by modes of transport other than the private car, and in this regard the proposal would accord with the aims of CS Policies MP1, MP3, MP4, and MP7.
348. Concerns that the proposed development would give rise to a worsening of road safety conditions are not supported by any firm evidence. In contrast, the Highways and Transport Statement appended to Mr Halman's evidence makes it clear that safety has been at the core of the NDC design process and the mitigation and improvement scheme design process^[185]. The schemes have been subject to appropriate design checks and road safety audits which, in part, have enabled HE and the local highway authority to agree to the mitigation and improvement schemes and therefore meet issues relating to the safety of all highway users. In these circumstances I am satisfied that the appeal proposal would not have a materially adverse impact on the safety of road users.
349. Similarly, concerns that the additional traffic generated by the proposed development would adversely affect residential amenity and increase air pollution are not supported by any firm, meaningful evidence^[85,101,104,109,141]. There is a clear route for HGVs from the proposed NDC location to and from M6 J20, via Barleycastle Lane, Grappenhall Lane and Cliff Lane, and I do not consider that use

of these roads by such vehicles would give rise to significant concerns of residential amenity.

350. "Errant" HGV drivers would be addressed by the proposed measures already detailed above, and concerns regarding air pollution are dealt with in the next section. None of the other traffic and transport-related matters raised in the various representations have been supported by detailed evidence, and because of this I am not persuaded that any of the objections to the proposed development on traffic and transport grounds should carry any meaningful weight.
351. In view of all the above points, I conclude that the proposed development would not have any materially adverse impacts in traffic or transport terms, or on the safety and convenience of users of the nearby highway network. Accordingly, I find no conflict with the development plan policies to which I have already referred, nor with the aforementioned guidance in paragraph 109 of the Framework, as there is nothing to suggest that any residual cumulative impacts of the proposed development on the local road network or the SRN would be severe.

The effect on air quality

352. The only authoritative technical evidence dealing with air quality was that submitted by the Appellants as part of the ES^[195,197]. This was scrutinised by the Council's Environmental Protection Officer, who considered the air quality assessment to be acceptable, and raised no objections to the proposed development^[195]. However, objections on the grounds of air quality were raised at the inquiry, primarily by Cllr Palmer and Cllr Harris, who both alleged omissions and inaccuracies in the air quality assessment^[85-87,101-105].
353. But whilst these objections were genuinely made, they contained nothing of real substance to persuade me that the findings of the ES, supplemented by the additional note submitted at the inquiry^[195,197], should be disputed. It seems to me that the assertions made by these objectors are likely to have arisen from a less than complete understanding of the air quality assessments contained within the ES, and their methodology. I say this because the assessments are comprehensively described in the ES and this information, together with that contained in the additional note, demonstrate to me that the assessments are robust and reliable. I see no reason to doubt the findings of the ES, that the proposed development would not cause any significant effect on air quality^[195,266].
354. In support of this view, I note that the Council Officers' Report to Committee for the second application explains that the Council has assessed air quality across the Borough for NO₂ and particulates. In the area of the proposed development the air quality has been assessed to be significantly below national standards, known as objective limits, set for NO₂ and particulates (PM₁₀). In addition, the levels of fine particulates (PM_{2.5}) in the area are assessed as meeting the WHO value^[199,268]. The Officers' Report also agrees with the findings of the ES, that the impacts of the proposal would be negligible and the predicted levels of air pollution would not be significant or cause a significant effect on air quality^[266]. As detailed above, I see no reason to take a contrary view.
- 355.** Taking the above points into account, I conclude that the appeal proposal would not have an adverse effect on air quality. Accordingly I find no conflict with CS Policy QE6 which, amongst other things, indicates that development which would

have an unacceptable impact on the surrounding area in terms of air quality will not be supported.

The effect on the availability of the best and most versatile agricultural land

356. Concerns about the loss of BMV agricultural land were raised in a number of the written representations, and this matter is dealt with specifically in the SoCG^[201,281]. As noted in the Officers' Report on the second application, Framework paragraph 170 makes it clear that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of BMV agricultural land, and of trees and woodland. The footnote to paragraph 171 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality^[202].
357. There is no firm definition as to what constitutes a “significant loss” of agricultural land, and in this case the overall appeal site of 15.7ha contains just about 2ha of BMV agricultural land at Grade 3a. This amounts to just some 13% of the site area. As the Appellants point out, that level of loss is way below the threshold of 20ha which would require Natural England to be consulted on this aspect of the proposal^[201]. Furthermore, information provided by the Appellants, and not disputed, indicates that this BMV land amounts to just about 1% of the total landholding of the agricultural enterprise of which it is a part^[201]. There is no evidence before the inquiry to suggest that the loss of this very modest area of land would adversely impact upon the existing farming enterprise, let alone the overall stock of BMV land in the Borough.
358. The Council and the Appellants agree that the loss of BMV agricultural land in this case should be seen as a factor which only carries minor weight against the appeal proposal^[201,277]. I share that view and conclude that the appeal proposal would not have an unacceptable impact on the availability of BMV agricultural land within the Borough.

Whether there would be any drainage or flood risk problems associated with developing this site

359. In the representations made for the first application, SWP comment that the appeal proposal appears to deal inappropriately and inadequately with drainage issues, particularly given the extensive excavation needed to accommodate the proposed development. Such matters are then pursued in the written evidence of Mr Groves, where he indicates that he finds the scoping out of drainage issues from the EIA and ES to be curious, considering the scale of the proposed development, the massive expanses of roof space and hard standing, and the greenfield location^[76]. He maintains that this is a combination of matters which needs to be fully appraised by the developer and understood by the decision maker. However, neither Mr Groves, nor any other objector, submitted any technical drainage or flooding evidence.
360. Such evidence is, however, before the inquiry in the form of a freestanding FRA which was undertaken on behalf of the Appellants, notwithstanding the fact that the appeal site is located within the lowest flood risk area of Flood Zone 1^[203]. The FRA assessed flood risk from all other sources and found this to be low, with the exception of localised high risk for surface water flooding along the northern

boundary, associated with Bradley Brook, although this does not extend significantly within the site boundary^[203].

361. Industrial buildings are considered to be an appropriate form of development within Flood Zone 1, and the submitted plans show that the proposed development would be kept away from the area at high risk of surface water flooding along the northern boundary. In these circumstances I see no reason to dispute the FRA's finding, that the overall surface water flood risk to the site would remain low, even after development^[204]. Downstream receptors would be protected from any increased risk of flooding, if the development went ahead, as a result of on-site SuDS techniques which would restrict run-off to greenfield rates by providing attenuation storage on the site. This would be designed to accommodate up to the 1-in-100 year storm event, including allowances for climate change over the lifetime of the development^[205].
362. Drawing all the above points together, I conclude that the proposed development would not give rise to any material problems in flood risk or drainage terms. It would therefore accord with CS Policy QE4 which, amongst other things, encourages sustainable design and construction, directs development to locations within the Borough at the lowest risk of flooding, supports developments which reduce flood risk elsewhere, and requires new developments to manage surface water run-off. It would also comply with CS Policy QE6 which seeks to ensure that the quality of water bodies is not affected by development proposals. In addition it would comply with NDP Policy AT-D3 which seeks to ensure that development does not result in flood risk, manages the water environment, and controls surface water run-off through the principles of sustainable drainage.

The extent to which the proposed development would be consistent with the development plan for the area

363. A list of the development plan policies considered to be relevant to this appeal is given in Section 4 of the SoCG, and I have referred to these policies, as appropriate, when dealing with each of the main considerations above. There is agreement between the main parties that the proposed development would be in conflict with the CS Green Belt Policy, CS5, unless very special circumstances can be demonstrated^[25,206,207,227]. I address this matter in the planning balance section, later in this Report. Similarly, unless it can be established that very special circumstances exist, I have found some conflict with CS Policy CC2, which seeks to protect the countryside.
364. Moreover, as there is general agreement that some harm would be caused to the character and appearance of the surrounding area, I consider there to also be conflict with some aspects of NDP Policies AT-D1 and AT-D2, as detailed earlier, in paragraph 319. I have not, however, found any material conflict with any of the other relevant development plan policies highlighted.

Whether the proposal would be premature, in the light of the Council's emerging development plan

365. The Council's emerging Local Plan, the PSVLP, includes proposals for a large, sustainable urban extension in the south-eastern part of the Borough, referred to as the Warrington Garden Suburb. This is intended to deliver substantial new residential development, a neighbourhood centre, a network of open spaces and parkland, and a significant employment area allocation, which would include the

appeal site^[27]. It is clear from the Warrington Garden Suburb Development Framework that a fundamental upgrade of the existing vehicular movement network would be required in response to the scale of change envisaged as part of the Garden Suburb^[70,84].

366. This has prompted a number of objectors, including SWP, to argue that it would be premature to proceed with the proposed NDC development at this stage. These objectors contend that any development of the appeal site should only be undertaken – if at all – as part of the overall Garden Suburb proposal, so that the appropriate and necessary infrastructure – including transport infrastructure – can be comprehensively planned for and delivered^[65-75,80,110].
367. However, the Framework is quite clear on the topic of prematurity. Its paragraph 49 states that particularly in the context of the presumption in favour of sustainable development, 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 permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an 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.
368. Dealing with this latter point first, I have already noted that the timetable for the preparation of the new Local Plan has slipped, such that it is not currently known when it will be submitted to the SoS, or when it will be put forward for examination. The main parties also agree that in these circumstances, only limited weight should attach to the PSVLP^[29,70,208,247], and with this in mind it is self-evident that the emerging Local Plan cannot be described as being at an advanced stage. This means, that without even assessing part “a” of paragraph 49, the Framework advises that in the circumstances pertaining here, arguments of prematurity would be unlikely to succeed.
369. With regards to part “a”, the evidence before me is that the appeal proposal would only amount to some 5% of the total of 277ha of additional land which the Council considers it needs to find for the PSVLP, of which 213ha is proposed in the Green Belt^[212]. Whilst I note that the appeal site area would be about 14% of the 116ha of employment land proposed in the Garden Suburb^[73,212], I am not persuaded that this development would be so substantial that it would undermine the plan-making process. Moreover, I share the Appellants’ view that a development of this size would not pre-determine the merits of any part of the rest of the Garden Suburb^[212].
370. Turning to paragraph 50 of the Framework, this states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. It goes on to explain that where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

371. As has already been noted, the Council did originally refuse this proposal on the grounds of prematurity, but after reflecting on this matter it chose not to defend this reason for refusal. It seems likely to me that this decision was taken, in part at least, because the evidence showed that in the light of the proposed infrastructure improvements, secured by condition and the S106 agreement, no unacceptable harm would be caused (if very special circumstances can be demonstrated). In view of the points outlined above, I believe that to be the correct decision.
372. SWP is quite correct that the language used in these Framework paragraphs – “unlikely” and “seldom” – does not necessarily mean “never”. It argued, further, that the criteria for prematurity in these paragraphs is not a “bar” preventing the prematurity argument being run if they are not met, but is instead setting a “high bar” for any argument that does not meet the criteria to be accepted^[65,69].
373. SWP makes it plain that it takes 2 positions. Its primary position is that the appeal should be refused on a prematurity ground^[69]. However, whilst I have had regard to the 2 judgements referred to by SWP^[67,68], I do not consider that they add anything material to this case as the Council has decided that the proposed development is not of a scale that would pre-empt decisions which ought more properly to be made through the plan-making process. I share that view.
374. I have noted SWP’s references to draft Policy MD2 in the PSVLP, and the Garden Suburb Development Framework, and its contention that the clear expectation set out by these documents is that the Garden Suburb would come forward through a linked-up delivery strategy and phasing plan, to ensure comprehensive and co-ordinated development^[70]. However, whilst I acknowledge that the PSVLP demonstrates the Council’s preferred “direction of travel”, the fact remains that I can only reasonably give limited weight to proposals in this emerging plan, for reasons already outlined. In these circumstances, provided the development could satisfactorily deal with its own infrastructure requirements – as appears to be the case from my assessment of the earlier main considerations – and accepting the Appellants’ position that it would not involve a significant proportion of the overall Garden Suburb area, then I do not accept SWP’s argument that it should be refused on a prematurity ground.
375. The secondary position that SWP adopts is to argue that even if it is considered that this proposal did not reach the high bar to be refused on prematurity grounds, prematurity should still be seen as a material consideration to be taken account of in the very special circumstances balance. In SWP’s view, the “harm” associated with this aspect of prematurity would be the pre-judging and undermining of the emerging Local Plan and its process, especially in light of the fact that it involves the loss of Green Belt land to substantial development^[69,75].
376. But whilst this is an interesting line of argument, I am not persuaded that it should be supported. It does not appear to bring anything new to the argument, as the harm which SWP alleges is simply that which has to be assessed in a straightforward “Framework paragraphs 49 and 50” assessment of prematurity in any case. In this regard I share the Appellants’ view that the proposal either is premature or it is not – and I have already concluded, for reasons given above, that the proposal should not be considered as premature, in the light of the current status of the Council’s emerging Local Plan.

Whether the proposal would represent sustainable development, in the terms of the Framework

377. The Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through 3 overarching and inter-dependent objectives – economic, social and environmental. I explore how the appeal proposal would perform against each of these roles in the following paragraphs, and what weight this should carry in my overall assessment. Whilst this matter was not discussed to any great extent at the inquiry, Mr Halman covered it in detail in his PoE^[216]. This evidence was largely unchallenged, and I therefore draw on this material in coming to my conclusions on this topic.

The economic objective

378. The submitted evidence indicates that during the construction period the proposed development would support a total of around 240 FTE jobs (on-site and off-site), with completion targeted for Q4 of 2020^[233]. Although not quantified, I see no reason to doubt the Appellants' assertion that further multiplier effects are likely to arise during the construction process as, for example, demand for accommodation could arise, while construction workers could place demands on existing food and drinks operators^[233].

379. Once completed, the NDC could create around 480 new FTE jobs, and there would also be potential for the proposed development to create additional employment opportunities in the future^[216,233,274]. A further 250 FTE off-site jobs are also predicted, meaning that the overall economic impact of the proposed development would be in the region of 730 new FTE jobs and £25m of gross value added (of which £18m would be net additional)^[159,233,274].

380. In addition, the Appellants have agreed to make a financial contribution of £100,000 towards local employment (supporting the work of the Council's Employment Development and Social Regeneration team), which would be secured through the S106 agreement^[224,226]. This would help to maximise the employment, learning and training opportunities for local communities. The Council agrees that this is an appropriate and necessary contribution which is directly related to the proposed development, and I see no reason to take a contrary view.

381. These seem to me to be the key economic benefits of this proposal, although I acknowledge that both the Council and the Appellants have claimed that further items should be seen as economic benefits. For example, in the "Economic Benefits" section of Mr Halman's PoE, he states that the scheme would meet ESL's pressing need to construct an NDC, which is required to keep pace with and facilitate the future successful growth of the company, which is a top performing business in the local economy^[216]. Mr Halman further states that the scheme would make a substantial contribution towards further strengthening Warrington's logistics sector, which is recognised as being critical to the future growth of the local economy and of regional, if not national importance^[216].

382. I have also noted that the proposed development would create a number of entry level positions which, with the appropriate training, would be accessible to the most economically disadvantaged residents of the Borough, including young people not in education, employment or training^[233]. Moreover, I acknowledge that the appeal site is located within 7km of half of Warrington's most deprived

areas, and within 10km of all the most deprived areas in Warrington^[233].

However, whilst I do not dispute any of these points, I do not consider that they constitute separate, quantifiable benefits over and above those already identified above.

383. Similarly, it seems to me that in the section in Mr Halman's PoE entitled "The Case for Very Special Circumstances", and in the SoCG, a great deal is made of the current economic value of ESL, which is described as a unique and hugely important asset for the local economy^[50,51,56,216]. Again, I see no reason to doubt any of the points raised in these sections, which set out in detail the extent of the company's impact and contribution to the Warrington and wider economy, including its support for local businesses through spend in its supply chain. But in my view, these matters, which relate to the benefits of the existing ESL operations, do not translate into additional, quantifiable benefits of the appeal proposal, over and above those already identified earlier.
384. I have also noted the Appellants' claim, supported by the Council, that there are no other suitable and available sites which would be capable of accommodating the proposed development^[202,272,273]. On this point, much was made by objectors at the inquiry of the fact that the closure of Fiddlers Ferry Power Station has recently been announced^[96,121,142]. But whilst this may well offer future redevelopment opportunities, there is general agreement between the Appellants and the Council that this site would only become available in the medium to long-term, and therefore would not represent a feasible or realistic alternative option for ESL's current requirements^[273]. That said, in my opinion it is questionable whether this matter should carry any material weight in terms of economic benefits of the proposal, although I do return to this matter when considering the case for very special circumstances, later in this Report.
385. I do acknowledge there would be some benefits of locating the proposed NDC close to the existing ESL headquarters. Indeed the SoCG states that such a location would provide an opportunity for the NDC to establish synergies with the headquarters functions, thus enabling the business to provide a significantly better service to its clients. Clearly, however, these would primarily be benefits to ESL. Whilst there would undoubtedly be some benefits arising from reduced travel distances, these would not be easy to quantify, and I therefore do not consider that this matter could be said to give rise to any significant economic benefits.
386. Finally on this matter, the SoCG makes it clear that if it is not possible to construct the NDC on the appeal site ESL would, instead, have to bring the proposed development forward on another site outside of Warrington^[231], such that the Borough would miss out on the significant contribution that the scheme would otherwise be able to make to the local economy. It goes on to indicate that such a course of action could result in the need for ESL to consider rationalisation of the company's existing facilities within Warrington.
387. Such matters were clearly of concern to the Council, as they prompted Officers to state, in their Report to Committee, that "*the case is not simply what Warrington would gain by allowing the development but also what it would lose if the development was not permitted (eg the potential loss of the headquarters and the application proposals) in the clear aim to physically co-locate the 2 premises*"^[231]. But whilst I note the concerns expressed, I do not consider that

they give rise to any other economic benefits to be considered at this stage. I return to this matter in the very special circumstances balance later in this Report.

388. Summarising the above points, in my assessment the economic benefits of creating a large number of full-time jobs, supporting existing businesses and providing funds towards supporting local employment initiatives would be significant. As a result, I consider that the proposed development would satisfy the economic objective of sustainable development. This weighs significantly in the proposal's favour.

The social objective

389. The Framework summarises the social objective of sustainable development as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
390. Clearly the appeal proposal would not result in new housing, but I see no reason to dispute the Appellant's claims that the social benefits of employment generation can be extensive, and include improved security, improved living standards, social cohesion and health. I also acknowledge that the company is committed to maximising the employment, learning and training opportunities for the local community that would be delivered by the proposed development, as shown by the local training and employment provision in the S106 agreement. In addition, I accept that the proposed development is intended to be of a high design quality, as detailed in the DAS, and share the Appellants' view that the resulting built and landscaped environment would have a positive social impact on users of the development.
391. Overall on this topic, I conclude that the proposed development would satisfy the social objective of sustainable development, and that this should also weigh significantly in the proposal's favour.

The environmental objective

392. The Framework explains that the environmental objective of sustainable development is to contribute to protecting and enhancing the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. To a great extent, the appeal proposal would be in clear conflict with this objective as the proposed development would be on Green Belt land, and is agreed by all parties to constitute inappropriate development^[41,154,275]. It would encroach into the countryside and have an adverse impact on openness.
393. I do accept, however, that there are some ways in which the appeal proposal would contribute to protecting and enhancing the natural, built and historic environment. A substantial amount of structural planting is proposed which would reduce and mitigate the visual impact of the built form of the proposed development upon maturity, at least to some extent. This planting may bring about ecological benefits, especially along the watercourse, and the ES concludes that the proposed

development would result in no net loss of biodiversity^[222]. A package of specific highways, ecological, and landscaping enhancements is also proposed^[219].

394. In addition, the scheme design has incorporated a series of measures which would assist in minimising carbon dioxide emissions and the impacts of climate change on the environment, and the proposed development also includes measures to ensure the prudent use of natural resources and the minimisation of waste^[221]. Finally, although the NDC would be highly accessible by car, the Appellants would seek to encourage staff to travel using more sustainable modes of transport, by means of a Travel Plan containing a range of measures aimed at influencing travel behaviour^[221].

395. Nevertheless, overall on this objective I consider that the harm to the Green Belt would outweigh these other matters, such that on balance the proposal would not satisfy the environmental objective of sustainable development. I consider that this harm should carry moderate weight against the proposal.

Summary

396. On this consideration as a whole, and having regard to all the above points, it is my overall conclusion that the appeal proposal would satisfy the economic and social objectives of sustainable development, as detailed in the Framework, but would not satisfy the environmental objective.

Whether the submitted S106 agreement would satisfactorily address the impact of the proposed development

397. As already noted, the Appellants submitted a S106 agreement between the site owners and the Council, providing a number of obligations, which are summarised below:

- a contribution of £1,460,984 towards alterations to improve the operation and efficiency of the existing A50/B5356 Cliff Lane/Grappenhall Lane Roundabout, in accordance with a scheme to be approved by the Council;
- a contribution of £600,000 towards the provision of bus facilities and subsequent monitoring. Final details of the proposed bus facilities to be defined in the Final Transport Plan, secured by agreed Condition 25;
- a contribution of £100,000 to enable the Council to devise and deliver a package of employment, training and skills development initiatives for local residents so that they can access the opportunities presented by the development;
- a contribution of £20,000 towards works for the provision of footway/cycleway facilities between the new footway/cycleway along Barleycastle Lane secured by agreed Condition 4, and the existing public right of way No 23, situated to the east of the site.

398. Having regard to the detailed note on this matter submitted by the Council^[9], I agree with the parties that the first 3 of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 56 of the Framework and Regulation 122 of the CIL Regulations 2010. These obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

399. However, insofar as the final obligation is concerned, I share the view of the Appellants that whilst no doubt desirable, it cannot be considered as necessary to make the development acceptable in planning terms. I reach this view because no detailed evidence on likely cycle use of Barleycastle Lane to the east of the appeal site was placed before me, and there is nothing to suggest that the proposed development could not proceed without this extended cycleway being in place. I have therefore not had regard to this particular obligation when coming to my conclusion on this proposal.

Other matters

400. Matters raised by Mr Thrower. Mr Thrower, a local resident, had undertaken an exercise to examine a number of documents published by such bodies as DfT, Transport for the North, the Campaign for Better Transport, the Labour Party, and the Council itself, with a view to demonstrating that the proposed development would be at odds with established policies^[136]. He argued that this would be the case because the appeal proposal seeks to perpetuate and cater for road-based freight transport, whereas the various documents he referred to all place increased emphasis on provision for rail freight, through facilities such as SRFIs^[126-136].
401. However, I am not aware that any of the documents referenced by Mr Thrower, suggest that there is no place at all for road-based freight provision in the future. Indeed, I note that the Chapter on Freight Management in the Council's LTP4^[248] states that the strategic spatial location of Warrington on the highway network is a vital asset for the town in attracting freight and logistics companies that support the local economy.
402. My role is to assess the proposal before me against relevant development plan policies, and to also have regard to material considerations. In this case I have found no conflict with CS Policy MP5, dealing with Freight Transport. This clearly accepts that there will be road-based freight transport during the lifetime of the plan. Nor have I have found any conflicts with the transport-related NDP policies brought to my attention (AT-TH1 and AT-TH2)^[122]. None of the matters raised by Mr Thrower or other parties cause me to think that a road-based freight proposal would be unacceptable as a matter of principle. With these points in mind I give very little weight to the matters raised by Mr Thrower.
403. Matters raised by Mr Roberts. Mr Roberts made representations about the financial standing and management of ESL, rather than putting forward any planning reasons why this development should not proceed. In summary he argued that for a variety of reasons, including that ESL is currently a takeover target, he did not believe that ESL would be in a position to afford or deliver the economic benefits it has put forward. He questioned why valuable Green Belt land should be given to a company that is clearly in financial crisis and will struggle to stay afloat if it is not taken over, and argued that on these grounds alone, the appeal should not be allowed^[152].
404. However, the Appellants strongly disputed and did not accept the points made by Mr Roberts, maintaining that his written submission to the inquiry contained multiple inaccuracies and flawed inferences. Rather, the Appellants pointed to the fact that the statement from ESL at Appendix 1 to Mr Halman's PoE post-dated the events described by Mr Roberts, and therefore represents a more up-to-date position of the company than was portrayed by Mr Roberts. Most

importantly, the appeal proposal is not seeking a personal permission for ESL, but is simply a proposal for a large-scale B8 distribution centre with ancillary office development, for which there is an identified end-user^[165].

405. The Appellants also made it clear that they felt it unfortunate that the inquiry had been held at a time when public comments by the company were constrained by the City Code on Takeovers and Mergers^[164]. I can take this matter no further, but it is likely that by the time the SoS comes to make a decision on this proposal, these points may well have been clarified, somewhat. But on the basis of the evidence before me, I do not consider that the matters raised by Mr Roberts constitute valid and reasonable planning grounds to weigh against the appeal proposal.
406. Conditions. A schedule of 30 planning conditions were agreed between the Council and the Appellants and are listed at Appendix C to this Report, along with the reasons why each condition is considered necessary. I am satisfied that these conditions all accord with the 6 tests for planning conditions set out in paragraph 55 of the Framework.
407. As has been noted earlier, a further, Grampian condition was suggested by SWP, relating to improvements at the A50/B5356 Cliff Lane/Grappenhall Lane Roundabout. This was suggested as SWP was concerned that harm to the highway network would arise if the proposed development was to become operational before this junction was improved^[64]. This suggested condition is also set out in Appendix C, as Condition 31. I have slightly changed the wording from the version submitted by SWP, to take on board amendments suggested by the Appellants and the Council. As I have already concluded earlier, I do not consider this condition to be necessary, as there is no reason to expect the Council, as local highway authority, not to act reasonably in managing the local highway network.
408. General points. Many of the matters raised as objections by interested persons relate to proposals in the PSVLP – such as the 40m wide dual-carriageways referred to by Cllr Harris, Mr Appleton and Mr Mack^[84,111,138] – or to the “Six 56” proposal^[72-74,98,146] – rather than to the appeal proposal itself. However, these are not matters which are before me at this inquiry – and the inquiry is not the correct forum at which these matters should be discussed. Notwithstanding the concerns of some interested persons, the appeal proposal is put forward as a stand-alone development, with a package of highway and transport improvements to address its own predicted impacts. I have assessed it as such, and therefore give very little weight to these other matters raised by interested persons.
409. Similarly, although Mr Appleton, and others, raised a number of general concerns, such as harm to and destruction of the local flora and fauna, harm to local wildlife, increased severe wear and tear on the structure of existing roads, increased light pollution, an increased health risk, and an increased road safety risk, no further details were provided regarding the substance of these concerns^[113,122]. Most of these points have, however, been comprehensively dealt with in the ES, and in the absence of any further evidence I give these concerns very little weight.
410. Finally, several of the interested persons raised concerns about the amount of litter at the roadside around the Barleycastle Trading Estate, and maintained that

the proposed development would result in a worsening of this situation^[82,113]. I note, from the minutes of a meeting held between ESL and a number of the local Parish Councils, earlier in 2019, that this matter had been previously raised with ESL, but that no progress had been made on setting up a "working group" to address this problem^[82]. But whilst I accept that this is clearly a topic of concern to local Councillors, there is nothing in the evidence before me to show either that ESL is a primary cause of this problem, or that the proposed development would result in an increased litter problem.

411. In any case, I note from the same meeting minutes that this matter would be addressed, at least in part, by the proposed works to Barleycastle Lane, which would create a landscape which would make it far easier to clean up litter in the future. In view of these points I am not persuaded that this matter should add any material weight against the appeal proposal.

Planning balance, and consideration of whether very special circumstances exist to justify this inappropriate development in the Green Belt

412. In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise.

413. A key policy in this case is CS Policy CS5, which states that the Council will maintain the general extent of the Green Belt for as far as can be seen ahead and at least until 2032, in recognition of its purposes – one of which is to assist in safeguarding the countryside from encroachment. The policy goes on to state that development proposals within the Green Belt will be approved where they accord with relevant national policy.

414. This national policy is to be found in the Framework, which makes it clear that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. With regards to proposals affecting the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. All parties agree that the development proposed through this appeal should be seen as inappropriate development in the Green Belt.

415. In addition, I have concluded, earlier, that the proposed development would result in a clear encroachment into the countryside, giving rise to a significant harm to one of the purposes of the Green Belt, and that the harm to the openness of the Green Belt would be severe and significant. Taken together with the definitional harm by reason of inappropriateness, the Framework makes it clear that **substantial weight** should be attached to this harm.

416. In terms of other harm, I have concluded that the proposed development would have an adverse impact on the character and appearance of the surrounding area, to which I attach **moderate weight**. I also attach **moderate weight** to the harm which would result from the proposed development's failure to satisfy the environmental objective of sustainable development. It is also the case that there would be less than substantial harm caused to the significance of the Booths Farm listed buildings. Whilst I have concluded that this would be outweighed by the public benefits of the proposal, it is still necessary to account for

this harm here, to ensure that it is not overlooked in the overall assessment. Notwithstanding the special regard that should be had to the desirability of preserving listed buildings and their settings, I consider that a **small amount of weight** should be attached to this harm. It is also right to record that there would be a **minimal amount of weight** attached to the harm arising from the loss of BMV agricultural land.

417. Against these items of harm, there are a number of factors which weigh in the proposal's favour, as detailed below. Firstly, there would be clear and significant economic and employment benefits arising from the proposed development, both in terms of temporary jobs created during the construction period, and permanent jobs created once the NDC is completed and operating^[216,233,274].
418. On this point I note that initially, through Mr Groves' written evidence, SWP were doubtful as to whether economic factors should comprise part of a very special circumstances balance. It was to address this concern that the Appellants submitted 2 local authority decisions, from Heywood in Rochdale Metropolitan Borough and at Haydock in St Helens, concerning large-scale development proposals in the Green Belt, where economic factors had been accepted as part of very special circumstances cases, in favour of the proposals^[59,166]. Whilst neither of these developments are directly comparable to the appeal proposal, they do provide examples of where economic benefits were counted as part of very special circumstances cases, and where the SoS decided not to call in or recover either scheme.
419. As such, I am satisfied that the inclusion of economic benefits of the appeal proposal represent a legitimate element of the very special circumstances case. It is estimated that around 240 full-time jobs would be created during construction, and around 480 full-time jobs on the site itself, once completed – with a further 250 full-time off-site jobs^[216,233]. These are appreciable figures, and I therefore consider that these benefits warrant being given **significant weight**.
420. The proposed financial contribution of £100,000 towards local employment, aimed at maximising the employment, learning and training opportunities for local communities would be a clear benefit of the scheme – but as this contribution is deemed necessary to make the proposal acceptable^[226], I consider that it just warrants **moderate weight**.
421. However, it does not seem to me that the other economic and employment matters put forward by the Appellants as part of their very special circumstances case should actually be seen as items carrying weight in this balance. Many of the points noted relate specifically to the current standing of ESL and its contribution to the economy of Warrington and the wider region. But as these are existing features of the ESL operation, they cannot, in my opinion, carry weight in favour of the proposed development.
422. Similarly, I am not persuaded that the absence of any other suitable sites to accommodate the proposed development, within the area canvassed, can add any material weight in favour of this proposal. Indeed the Appellants have made it quite clear in the SoCG, that if it is not possible to construct a NDC on the appeal site ESL would, instead, have to bring the proposed development forward on another site outside of Warrington, such that the Borough would miss out on the significant contribution that the scheme would otherwise be able to make to

the local economy^[230]. Whilst this identifies a reason why the Council does not seek to oppose this proposal, it does not, to my mind, indicate any planning imperative for the proposed development to be restricted to Warrington Borough.

423. Insofar as any benefits from the proposed co-location of the NDC and the existing ESL headquarters on the Stretton Green Trading Estate are concerned, it seems likely that some environmental benefits could arise as a result of reduced travel distances. However, as no attempt has been made to quantify any such benefits, I can only give them **minimal weight**.
424. I have concluded that there would also be some social benefits such as improved security, improved living standards, social cohesion and health, arising from the employment generation and the training opportunities the proposed development would offer. In addition, the high-quality design of the proposed development and the landscaped layout would result in a positive social impact. Overall I consider that these social benefits warrant being given **significant weight**.
425. In traffic and transport terms, there would be some benefits from the proposed contribution to "pump prime" a shift-friendly shuttle bus service for site employees. However, although the local highway authority expects the service to be self-financing after a year, this cannot be known for certain. To my mind the relatively limited time-span involved means that the weight to be given to this benefit has to be somewhat lessened.
426. The proposed improvements to M6 J20, and the A50/B5356 Roundabout would benefit not only development-related traffic, but also other traffic on the network. However, producing a "nil detriment" situation at these junctions implies to me that there would be no overall improvement. Both junctions would be congested in the design year without the proposed development – and both would still be congested if the development was to proceed. In these circumstances it is questionable whether users of the network would be able to discern any real benefit.
427. Some benefits would arise as a result of the improvements proposed for Barleycastle Lane, and these would be available to all users of this road, not just traffic associated with the proposed development. But as the improvements would be limited in extent, the benefits would likewise be limited. Furthermore, whilst the proposed signing scheme to prevent HGV use of unsuitable roads could also be seen as beneficial, it would, in fact, only be ensuring that existing weight restrictions etc are properly observed. Overall I consider it appropriate to give **moderate weight** to these various highway benefits.
428. Drawing all the above matters together, it is my firm view that the **substantial** weight arising from the Green Belt harm, together with the other harm identified, would **not** be clearly outweighed by the other considerations detailed above. As such, I conclude that very special circumstances do not exist to justify this inappropriate development in the Green Belt. Accordingly, the proposal would conflict with CS Policies CS5 and CC2, and with NDP Policies AT-D1 and AT-D2. It would also be at odds with Green Belt policy in the Framework.

Summary and overall conclusion

429. In light of all the above points, my assessment of the planning balance leads to the overall conclusion that very special circumstances do not exist in this case,

such that this inappropriate development in the Green Belt is not justified. The proposed development would conflict with the CS and the NDP, both of which have been adopted or made sufficiently recently to be considered up-to-date.

430. Even if I am wrong on this last point, and the SoS considers that the policies which are most important for determining this proposal are out-of-date, such that determination follows the route of paragraph 11(d) of the Framework, the application of protective policies in relation to the Green Belt, referred to in the footnote to paragraph 11(d)(i), provide a clear reason for refusing the development proposed. As the first limb of the presumption in favour of sustainable development has not been met, there is no need to consider the application of paragraph 11(d)(ii) of the Framework.
431. With these points in mind, it is my overall conclusion that this appeal should be dismissed.
432. However, if the SoS takes a contrary view, and decides to grant planning permission for the scheme, then the Conditions Nos 1-30 set out in Appendix C to this Report should be imposed. These conditions and the reasons for their imposition have been agreed between the parties. They are appropriate to the development proposed and all meet the relevant tests set out in paragraph 55 of the Framework. The SoS will also need to consider whether or not to impose Condition 31, suggested by SWP. If considered necessary, then this condition would also meet the relevant tests set out in the Framework.

Recommendation

433. I recommend that the appeal be dismissed.

David Wildsmith

INSPECTOR

APPENDIX A - APPEARANCES

FOR WARRINGTON BOROUGH COUNCIL (WBC):

Mr Freddie Humphreys of
Counsel

Instructed by Warrington Borough
Council

Mr Humphreys called no witnesses, but simply made an opening statement indicating that the Council no longer resisted the appeal and would not call evidence at the inquiry. Council participation was limited to the Round Table Sessions dealing with the submitted planning obligation and the agreed conditions, and representation at the accompanied site visit. Mr Humphreys also made a closing statement to summarise the Council's case.

FOR THE APPELLANTS, LIBERTY PROPERTIES DEVELOPMENTS LTD & EDDIE STOBART LTD:

Mr Paul Tucker QC

Instructed by Mr Gary Halman BSc(Hons)
FRICS FRTPI, Avison Young Ltd

He called

Mr Gary Halman BSc(Hons)
FRICS FRTPI

Principal & Senior Director, Avison Young
Ltd, Manchester

FOR THE SOUTH WARRINGTON PARISH COUNCILS LOCAL PLAN WORKING GROUP (SWP) (RULE 6(6) PARTY):

Mr Piers Riley-Smith of
Counsel

Instructed by Mr John Groves, Groves
Town Planning Ltd

He called

Mr John Groves MRTPI

Director, Groves Town Planning Ltd

INTERESTED PERSONS OPPOSING THE PROPOSALS:

Cllr Sharron Harris

Borough Councillor for Appleton,
Hatton, Stretton and Higher Walton;
Chair of Appleton Parish Council

Cllr Ryan Bate

Borough Councillor for the Grappenhall
& Appleton Thorn Ward

Cllr Gerry Palmer

Parish Councillor for Appleton Thorn;
local resident

Mr John Appleton

Chairman of the Stretton
Neighbourhood Development Steering
Group

Mr Kevin McAloon

On behalf of the Appleton Thorn Ward
NDP Team

Mr Steve Fensom

Local resident

Mr David Thrower

Ditto

Mr William Mack

Ditto

Mr Bill Roberts

Ditto

APPENDIX B - DOCUMENTS**CORE DOCUMENTS**

Planning Application Documents	
1	Cover Letter
2	Application Forms
3	Site Location Plan (10133-P-L02_A)
4	Illustrative Site Location Plan (10133-P-LOI_A)
5	Existing Site Plan and Topographic Survey (10133-P-L03_A)
6	Proposed Site Plan (10133-P-L04_C) SUPERSEDED
7	Proposed Entrance Area - Enlarged Layout (10133-P-L05_D) SUPERSEDED
8	Proposed Truck Entrance - Enlarged Area (10133-P-L06_C) SUPERSEDED
9	Proposed Staff Car Park – General Arrangement (10133-P-L07_B) SUPERSEDED
10	Vehicle Maintenance Unit - Enlarged Layout (1033-P-L08_A) SUPERSEDED
11	Proposed External Works (10133-P-LI LB) SUPERSEDED
12	Proposed Building Plan -Ground and First (10133-P-POI_B) SUPERSEDED
13	Proposed Roof Plan (10133-P-P02_B) SUPERSEDED
14	Proposed Site Sections (10133-P-S01_C) SUPERSEDED
15	Proposed Northern Boundary Site Sections (10133-P-S02_C) SUPERSEDED
16	Proposed Southern Boundary Site Sections) 0133-P-S03_C) SUPERSEDED
17	Pond Area North East Corner— Enlarged Layout (10133-P-L09_A)
18	Vehicle Washing Area (10133-P-LIO_A)
19	Site Preparation Drawing (10133-P-LI 2_A)
20	Vehicle Maintenance Unit - Plans, Sections and Elevations (10133-P-P03_A)
21	Proposed Building Sections (10133-P-S05_B)
22	North and South Elevations (10133-P-EOI_A)
23	East and West Elevations (10133-P-E02_A)
24	Materials Elevations (10133-P-EOI_A)
25	Supporting Planning Statement
26	Section 106 Draft Heads of Terms
27	Utilities Statement
28	Lighting Assessment
29	Landscape Strategy
30	Landscape Masterplan
31	Flood Risk Assessment
32	Energy and Sustainability Statement
33	Economic Impacts Report
34	Drainage Strategy
35	Design and Access Statement
36	Contaminated Land and Geotechnical Desk Study
37	Arboricultural Impact Assessment
Supplementary Planning Application Documents	
38	Supplementary Submission Cover Letter
39	Addendum Supporting Planning Statement
40	Proposed Site Plan (10133-P-L04_D)
41	Proposed Entrance Area – Enlarged Layout (10133-P-L05_E)
42	Proposed Truck Entrance Area – Enlarged Layout (10133-P-L06_D)

43	Proposed Staff Car Park — General Arrangement (10133-P-L07_C)
44	Vehicle Maintenance Unit — Enlarged Layout (10133-P-L08_B)
45	Proposed External Works (10133-P-LI I_C)
46	Proposed Building Plan — Ground and First (10133-P-POI_C)
47	Proposed Roof Plan (10133-P-P02_C)
48	Proposed Site Sections (10133-P-SOI_D)
49	Proposed Northern Boundary Site Sections (10133-P-S02_D) 50) Proposed
50	Southern Boundary Site Sections (10133-P-S03_D)
51	Updated Landscape Masterplan
Environmental Statement	
52	Non-Technical Summary
53	Volume 2: Main Text
54	Volume 3: Appendices
55	Environmental Statement Addendum
Planning Policy Compendium	
PPC1	Local Plan Core Strategy Policies
PPC2	Appleton Thorn Ward Neighbourhood Development Plan Policies
PPC3	Supplementary Planning Documents (SPDs): <ul style="list-style-type: none"> • Standards for Parking in New Development SPD • Environmental Protection SPD • Design and Construction SPD • Planning Obligations SPD
PPC4	Proposed Submission Version Local Plan (Relevant Extracts)
PPC5	Other Relevant Documents: <ul style="list-style-type: none"> • Economic Development Needs Assessment Update • Warrington Garden Suburb Development Framework • “Warrington Means Business” Regeneration Programme • Cheshire and Warrington Local Enterprise Partnership's Strategic Economic Plan

PROOFS OF EVIDENCE

Appellants	
APP/GH/1	Proof of Evidence & Appendices – Gary Halman
APP/GH/1S	Summary of Proof – Gary Halman
Rule 6(6) Party - SWP	
SWP/JG/1	Proof of Evidence & Appendices – John Groves
SWP/JG/1S	Summary of Proof – John Groves

OTHER DOCUMENTS SUBMITTED BEFORE THE INQUIRY OPENED

INSP/1	Inspector’s Pre-Inquiry Note, dated 19 September 2019
OD/1	Statement of Common Ground between the Council and the Appellants, with Appendices
OD/2	Bundle of correspondence from Avison Young on behalf of the Appellants, containing a response to Mr Groves’ Appendix 5, and a Final Report by Hatch Regeneris dated 22 March 2019

DOCUMENTS SUBMITTED AT THE INQUIRY

Doc 1	Opening Statement of behalf of the Appellants
Doc 2	Opening Statement on behalf of the Council
Doc 3	Opening Statement on behalf of the Rule 6(6) Party SWP
Doc 4	CIL Regulations Compliance Statement, submitted by the Council
Doc 5	Statement and photographs from Mr Appleton
Doc 6	Statement from Cllr Palmer
Doc 7	Bundle of 2 Statements from Cllr Harris
Doc 8	Statement from Mr McAloon
Doc 9	Statement from Mr Fensom
Doc 10	Statement and Summary Statement from Mr Thrower
Doc 11	Statement from Mr Mack
Doc 12	Statement from Cllr Bate
Doc 13	Statement from Mr Roberts
Doc 14	Extracts from the WBC Local Plan Green Belt Assessment – July 2017, submitted by the Appellants
Doc 15	Consultation Draft of the Warrington Fourth Local Transport Plan (LTP4), March 2019, submitted by the Council
Doc 16	Extracts of a Report to St Helen’s Council’s Planning Committee on 17 January 2017, relating to Application P/2016/0608/HYBR for the development of land at Florida Farm North, Slag Lane, Haydock, submitted by the Appellants
Doc 17	Extracts of a Report to Rochdale Borough Council’s Planning and Licensing Committee on 15 March 2018, relating to Application 16/01399/HYBR for the development of land at South Heywood, submitted by the Appellants
Doc 18	Note from Ramboll, containing additional air quality information, submitted by the Appellants
Doc 19	Errata Sheet to Mr Halman’s Proof of Evidence, submitted by the Appellants
Doc 20	Signed and executed S106 Agreement, along with a copy of the dated front page
Doc 21	List of Planning Conditions agreed between the Council and the Appellants
Doc 22	Email from Rupert Nichols of ESL, dated 16 October 2019, confirming the number of ESL employees who are resident within Warrington Borough
Doc 23	Report on the Economic Impact of ESL and its Proposed Expansion - Clarification Note from Hatch Regeneris, dated 17 October 2019, submitted by the Appellants
Doc 24	Technical Note dated 17 October 2019, prepared by Ramboll, providing a Supporting Statement regarding errant routing of ESL HGVs at Appleton Thorn, submitted by the Appellants
Doc 25	Plan showing the extent of existing Green Belt in the south Warrington area, submitted by the Appellants
Doc 26	Proposed Grampian condition submitted by SWP
Doc 27	Closing Submissions on behalf of SWP
Doc 28	Closing Submissions on behalf of the Council
Doc 29	Closing Submissions on behalf of the Appellants

APPENDIX C - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED (30 in total)

1. The development hereby approved shall be commenced before the expiration of 3 years from the date of this permission.

Reason: *To ensure that the local planning authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.*

2. The development shall be carried out in accordance with the following approved plans, except where revised versions are required by other conditions:

- Drawing ref P-L101: Site Location Plan (Illustrative)
- Drawing ref P-L102: Site Location Plan
- Drawing ref P-L103: Existing Site Plan based on Topographical Survey
- Drawing ref P-L104: Proposed Site Plan
- Drawing ref P-L105: Proposed Entrance Area – Enlarged Layout
- Drawing ref P-L106: Proposed Truck Entrance Area – Enlarged Area
- Drawing ref P-L107: Proposed Staff Car Park – General Arrangement
- Drawing ref P-L108: Vehicle Maintenance Unit (VMU) – Enlarged Layout
- Drawing ref P-L109: Pond Area (NE Corner) Enlarged Layout
- Drawing ref P-L110: Vehicle Washing Area
- Drawing ref P-L111: Proposed External Works
- Drawing ref P-L112: Site Preparation Drawing
- Drawing ref P-E101: Proposed Main Building Elevations (North/South)
- Drawing ref P-E102: Proposed Main Building Elevations (East/West)
- Drawing ref P-E103: Materials Elevations
- Drawing ref P-P101: Proposed Building Plan – Ground & First
- Drawing ref P-P102: Proposed Roof Plan
- Drawing ref P-P103: VMU – Plan, Sections and Elevations
- Drawing ref P-S101: Proposed Site Sections
- Drawing ref P-S102: Proposed Northern Boundary Site Sections
- Drawing ref P-S103: Proposed Southern Boundary Site Sections
- Drawing ref P-S105: Proposed Building Sections
- Drawing ref 1620002759-XX-XX-SK-C-00008 Rev I03: Proposed Junction Design Options
- Drawing ref 1620002759-XX-XX-SK-C-00009 Rev I03: Visibility Splay Check
- Drawing ref 1620002759-XX-XX-SK-C-00011 Rev I02: Vehicle Tracking Single Decker Bus
- Drawing ref 1620002759-XX-XX-SK-C-00015 Rev I01: Barleycastle Lane Improvements Sheet 1 of 2
- Drawing ref 1620002759-XX-XX-SK-C-00016 Rev I01: Barleycastle Lane Improvements Sheet 2 of 2
- Drawing ref RAM-01-M6-DR-J-00100 Rev P03: M6 Roundabout: General Improvement
- Drawing ref RAM-01-CL-DR-J-00100 Rev P03: Cliff Lane Roundabout: General Improvement
- Drawing ref D6317.001 Rev E: Landscape Strategy Plan

Reason: *To define the permission, to ensure that the proposals deliver appropriate and satisfactory development.*

3. No development pursuant to planning application number 2017/31757 shall commence unless and until the developer has submitted full design and

construction details of the required improvements to the Junction of the M6 / A50 / B5158; Such details to be agreed in writing by the local planning authority, in consultation with the secretary of State for Transport, as shown in outline on submitted drawing number RAM-01-M6-DR-J-00100 P03, including:

- a) how the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations;
- b) full signing, lighting and highway drainage details;
- c) signal phasing plan for all signalised elements of the highway improvements;
- d) confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations / departures from standards);
- e) an independent stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes; and
- f) a time table for the phasing of works.

No part of the development shall be first occupied unless and until the highway improvements, as shown in outline on drawing number RAM-01-M6-DR-J-00100 P03 and as furthermore agreed in detail in accordance with the above, has been implemented and received written approval of the local planning authority in consultation with the Secretary of State.

Reason: *To mitigate the impact of the development on the local and strategic highway network. The condition is required to be pre-commencement due to the need to agree and implement mitigation prior to significant new traffic movements being brought on to the highway network.*

4. The development authorised by this permission shall not begin until an agreement under s278 of the Highways Act 1980 (as amended by any subsequent legislation) or such other legal agreement as is capable of delivering the necessary highways improvement works has been agreed in writing by the local planning authority. Such an agreement shall include, but is not restricted to, the following matters:

A: A scheme to mitigate the impacts of the development on the local highway network based on the improvements shown on Drawings 1620002759-XX-XX-SK-C-00015 Rev I01 and 1620002759-XX-XX-SK-C-00016 Rev I01 (attached to Appendix 6 of the Transport Assessment Environmental Statement Addendum, September 2018), including the provision of cycle and pedestrian facilities as well as carriageway widening to Barleycastle Lane, has been submitted to and agreed in writing by the local planning authority. The scheme shall include details of works to:

- a) Improvements to Barleycastle Lane from the eastern limit of the site to the eastern side of the stopped-up spur connecting Barleycastle Lane and Grappenhall Lane;
- b) Implementation of the new accesses and bellmouths as shown on Drawing numbers P-L104: Proposed Site Plan and P-L105: Proposed Entrance Area – Enlarged Layout;
- c) Bellmouth and pedestrian facilities at the junction of Barleycastle Lane and Lyncastle Road; and
- d) Bellmouth and pedestrian facilities at the junction of Barleycastle Lane and Langford Way.

The submitted scheme shall include a timetable for implementation and detail the provision of appropriate lighting and highway drainage to an appropriate standard, the proposed works shall be informed by appropriate Road Safety Audits. All works shall be completed in accordance with the approved timetable.

B: A scheme to mitigate the impacts of errant HGV drivers taking inappropriate routes on the local highway network shall be submitted to and agreed in writing by the local planning authority.

The schemes detailed in "A" and "B" shall be implemented prior to first occupation of the development and retained thereafter.

Reason: *To mitigate the impact of the development on the local and strategic highway network and to ensure pedestrians and cycling improvements are implemented in a manner to promote sustainable travel in a safe and attractive environment in accordance with policies MP1 and MP7 of the Warrington Local Plan Core Strategy. The condition is required to be pre-commencement due to the need to agree and implement mitigation prior to significant new traffic movements being brought on to the highway network.*

5. No development shall take place within the red line area shown on drawing P-L102 until the Appellants, or their agents or successors in title, has secured the implementation of a programme of archaeological work including, if appropriate, recording and safeguarding, in accordance with a written scheme of investigation which has been submitted by the Appellants and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: *The condition is in line with the guidance set out in Paragraph 194 of the National Planning Policy Framework (2019) and policy QE8 of the Warrington Local Plan Core Strategy, and is required to be prior to commencement due to the potential impact of excavations on potential archaeological remains.*

6. No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the local planning authority.

This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: *To mitigate risks posed by land contamination to human health, controlled water, and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).*

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: *To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and the Planning Practise Guidance and policy QE4 of the Warrington Local Plan Core Strategy. The drainage details will need to be installed and understood at an early stage in the development process and therefore it is appropriate to require this detail prior to commencement of development.*

8. No development shall commence until a local employment scheme for the construction phase and engineering work associated with the development has been submitted to and approved in writing by the local planning authority. The scheme shall outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local businesses and job opportunities for the local community/residents. The approved employment scheme shall be fully implemented.

Reason: *To facilitate the socio-economic benefits to the local workforce outlined in the application submission and required by Policy SN6 and PV3 of the Warrington Local Plan Core Strategy. This condition is required to be pre-commencement as it relates to the construction phase of development.*

9. Prior to the commencement of development, including site clearance, a detailed ecological, tree and hedgerow protection scheme shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented to protect all trees and hedgerows to be retained in or immediately adjacent to the boundary of the application site in accordance with BS5837: 2012 "Trees in relation to construction". Any tree works shall be carried out by a recognised tree surgeon, or a person who is appropriately insured and competent in such operations.

Reason: *To protect trees on the site, and to ensure the satisfactory appearance of the finished development in accordance with policy QE5 and QE7 of the Warrington Local Plan Core Strategy. The condition is pre-commencement due to*

the need to install tree protection measures and protect trees during the construction process.

10. Prior to the commencement of development details of foul water drainage shall be submitted to and agreed in writing by the local planning authority. The foul water drainage scheme shall be implemented in accordance with the approved details.

Reason: *To ensure that the proposals do not result in pollution and foul water drainage. The condition is required to be pre-commencement due to the need for approved to be installed and understood at an early stage in the construction phase.*

11. a) No development shall take place, including any works of demolition, until a Construction Phase Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) Identification of "biodiversity protection zones" and management of sensitive works to avoid harm to biodiversity features (including the appointment of an Ecological Clerk of Works).

b) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.

Reason: *In the interest of Highway Safety, biodiversity and to ensure the free flow of traffic using the adjoining Highway and to safeguard the amenities of residents and occupiers in the vicinity in accordance with policy QE6 of the Warrington Local Plan Core Strategy. This condition is required to be pre-commencement as it relates to the construction phase of development.*

12. Prior to the commencement of development a Construction Traffic Routeing Agreement shall be submitted to and approved in writing by the local planning authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason: *To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site in accordance with policy QE6 of the Warrington Local Plan Core Strategy. This condition is required to be pre-commencement as it relates to the construction phase of development.*

13. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped area has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The management plan shall include the following elements:

- a) Description and evaluation of features to be managed;
- b) Details of maintenance regimes;

- c) Details of treatment of site boundaries and/or buffers around water bodies;
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period); and
- e) Details of management responsibilities.

Reason: *To ensure the protection of wildlife and supporting habitat in order to secure opportunities for the enhancement of the site's nature conservation value in line with national planning policy contained within the National Planning Policy Framework and policy QE5 of the Warrington Local Plan Core Strategy.*

14. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: *To ensure satisfactory development of the appeal site and in accordance with policy QE7 of the Warrington Local Plan Core Strategy.*

15. Prior to the completion of the main building shown on Drawing ref P-L104: Proposed Site Plan, Drawing ref P-E101: Proposed Main Building Elevations (North/South) and Drawing ref P-E102: Proposed Main Building Elevations (East/West), a local employment scheme for the operational phase of the development shall be submitted and approved in writing by the local planning authority. The scheme shall outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local businesses and job opportunities for the local community/residents. The approved employment scheme shall be fully implemented.

Reason: *To facilitate the socio-economic benefits to the local workforce outlined in the application submission and required by Policy SN6 and PV3 of the Warrington Local Plan Core Strategy.*

16. a) Prior to the first occupation of the development hereby approved details of the landscaping proposals and ecological improvements based on the principles outlined on the Landscaping Strategy Plan (Drawing Number D6317.001 Rev E) shall be submitted to and approved in writing by the local planning authority. The landscaping proposals shall include the following details:

- a) bat and bird boxes (including number, location and size);
- b) temporary measures to be implemented during construction process;
- c) details of new ponds (including cross sections and planting detail and wetland habitats to be created);
- d) Proposed planting species, density, and size and site preparation for soft landscaping works;
- e) New hedgerow planting (including species, density and ongoing management);
- f) New tree planting (including species, density and ongoing management);
- g) Measures to safeguard the integrity of the Bradley Brook; and
- h) Full details of all proposed boundary treatments.

b) The approved scheme shall be implemented prior to the first use of the site or within the first planting season. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period any tree, shrub or plant

which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted and any damage to protective fences shall be made good.

Reason: *To ensure that the proposal delivers appropriate level of ecological mitigation in accordance with policies QE5 and QE6 of the Warrington Local Plan Core Strategy.*

17. The development hereby permitted shall not be taken into use until the following requirements have been met and required information submitted to and approved in writing by the local planning authority:

A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the local planning authority for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the local planning authority and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the local planning authority.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A and B above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: *To mitigate risks posed by land contamination to human health, controlled water, and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).*

18. Prior to occupation of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan

Reason: *To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with policy QE4 of the Warrington Local Plan Core Strategy and the National Planning Policy Framework.*

19. Prior to first occupation of the development hereby permitted details of waste and recycling facilities shall be submitted to and agreed in writing by the local planning authority. The waste and recycling facilities shall be implemented in accordance with the agreed details prior to first occupation.

Reason: *To ensure satisfactory functioning of the application proposals and to promote recycling of waste in accordance with policy MP8 of the Warrington Local Plan Core Strategy.*

20. Prior to first occupation of the development hereby permitted and the installation of external lighting, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) Areas/features on site that are potentially sensitive to lighting for bats;
 - b) Detail of any proposed lux levels beyond the site boundary that may impact on the amenity of residents;
 - c) Detail through appropriate lighting lux contour plans that any impacts on bats and on the amenity of residents is acceptable; and
 - d) Specify frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Reason: *To ensure that the development does not cause light pollution and to manage the impact of lighting on protected species in accordance with Policy QE5 of the Warrington Local Plan Core Strategy.*

21. Prior to the first occupation of the development hereby permitted the internal roads, turning areas and parking areas shall be hard surfaced in a material to be submitted to and agreed in writing by the local planning authority and shall be completed and made available for use for the purposes of the development.

Reason: *To maintain satisfactory functioning of the site and in the interests of highway safety having regard to policies QE6 and MP1 of the Warrington Local Plan Core Strategy.*

22. Prior to the first occupation of the development hereby permitted the bus stop details, including details of a shelter, shall be submitted to and agreed in writing by the local planning authority and shall be completed and made available for use for the purposes of the development.

Reason: *To maintain satisfactory functioning of the site and in the interests of highway safety and in accordance with policies QE6, MP1 and MP7 of the Warrington Local Plan Core Strategy.*

23. Prior to first occupation of the development hereby permitted details of cycle store shall be submitted to and agreed in writing by the local planning authority. The cycle store shall be implemented in accordance with the agreed details prior to first occupation.

Reason: *To promote satisfactory functioning of the development and to promote sustainable and alternative modes of transport and satisfactory appearance of the site and to ensure cycle stores are provided in a secure and safe environment in accordance with policies MP1 and MP3 of the Warrington Local Plan Core Strategy.*

24. Prior to first occupation of the development hereby permitted, details of the gatehouse and barriers shall be submitted to and agreed in writing by the local

planning authority. The gatehouse and barriers shall be implemented in accordance with the agreed details prior to first occupation.

Reason: *To promote satisfactory functioning of the development and satisfactory appearance of the site in accordance with policies QE6 and QE7 of the Warrington Local Plan Core Strategy.*

25. a) Prior to the first occupation of the development hereby permitted, the Final Travel Plan, based on the principles of the draft Travel Plan (Ramboll June 18), shall be submitted for the written approval of the local planning authority. The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on/promoting the use of alternative modes of transport, by:
- a) The appointment of a travel plan co-ordinator;
 - b) The establishment of targets for modal shift;
 - c) The details of measures to be employed to achieve the identified targets;
 - d) Mechanisms for ongoing monitoring and review of targets and travel plan measures;
 - e) Details of penalties and/or additional measures to be investigated/implemented in the event that the identified targets are not met;
 - f) Public transport information and ticket details;
 - g) Cycle provision, showers and lockers and associated infrastructure;
 - h) Walking and cycling initiatives; and
 - i) Car park allocation and management strategy.
- b) The approved Travel Plan shall be implemented during the 6 months following the first occupation of the premises.
- c) Within 12 months of its implementation under part "b" of this condition a review of the Travel Plan shall be carried out, and submitted to the local planning authority for written approval. The review will identify any refinements and clarifications deemed necessary to the Plan. The Travel Plan shall be thereafter be reviewed and re-submitted annually.
- The development shall comply with the requirements of the revised plan approved under part "Council" of this condition, at all times.

Reason: *To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car in accordance with policies MP1 and MP7 of the Warrington Local Plan Core Strategy.*

26. Prior to first occupation of the development hereby permitted, details of electric charging points and renewable energy provision shown on the approved roof plan (Drawing ref P-P102: Proposed Roof Plan) shall be submitted to and approved in writing by the local planning authority. Parking areas not provided with charging points shall be installed in a manner to allow the future installation of electric charging points.

Reason: *To promote low carbon technologies, to tackle climate change and to ensure that future increased use of electric vehicles is managed having regard to policy MP1 of the Warrington Local Plan Core Strategy and Standards for Parking in New Development SPD.*

27. Foul and surface water shall be drained on separate systems.

Reason: *To secure proper drainage and to manage the risk of flooding and pollution in accordance with policy QE4 of the Warrington Local Plan Core Strategy.*

28. The proposed offices shown on the approved plans shall remain ancillary to the main building as a B8 use and shall not be used as a separate planning unit.

Reason: *The site is not in a recognised town centre and is not in a location appropriate location for office uses and to maintain satisfactory functioning of the site having regard to policy SN5 of the Warrington Local Plan Core Strategy and guidance within the National Planning Policy Framework.*

29. The Vehicle Maintenance Unit shown on Drawing ref P-P103: VMU – Plan, Sections and Elevations shall remain ancillary to the principal building on the site and shall not be separated from the main building.

Reason: *To maintain satisfactory functioning of the site.*

30. Prior to the installation of roof top solar PV panels as shown on Drawing ref P-P102: Proposed Roof Plan, the following information shall be submitted to and approved in writing by the local planning authority in consultation with the Aerodrome Safeguarding Authority for Manchester Airport:

- a) A Glint & Glare Assessment of the proposed solar PV installations;
- b) A formal management process (Bird Hazard Management Plan) to ensure that birds do not congregate or nest on the roof; and
- c) Written confirmation from the National Air Traffic Services (NATS) that there will be no adverse effect upon Instrument Landing Systems (ILS).

Any approved recommendations/measures contained therein shall be fully implemented as part of the solar PV installation and retained at all times unless otherwise agreed in writing by the local planning authority in consultation with the Aerodrome Safeguarding Authority for Manchester Airport.

Reason: *In the interest of aviation safety.*

Additional condition suggested by SWP – not agreed by the Appellants or the Council:

31. The development hereby permitted shall not be occupied until the alterations and improvements to the A50/B5356 Roundabout as shown on Drawing ref RAM-01-CL-DR-J-00100/P03, or any such alternative scheme as agreed in writing with the Council to mitigate the impact of the development on the local highway network, have been delivered and are operational.

Reason: *To mitigate the impact of the development on the local highway network. The condition is required to be pre-commencement due to the need to agree and implement mitigation prior to significant new traffic movements being brought on to the highway network.*

APPENDIX D - LIST OF ABBREVIATIONS

AIM	Alternative Investment Market
AQMA	Air Quality Management Area
AQO	Air Quality Objective
BMV	Best and Most Versatile
CD	Core Document
CEO	Chief Executive Officer
CIL	Community Infrastructure Levy
CS	the Warrington Local Plan Core Strategy
DAS	Design and Access Statement
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
Doc	Document
DQRA	Detailed Quantitative Risk Assessment
EBR	Evidence Base Review
EDNA	Economic Development Needs Assessment
EIA	Environmental Impact Assessment
ES	Environmental Statement
ESL	Eddie Stobart Ltd
FRA	Flood Risk Assessment
FTE	Full Time Equivalent
GQRA	Generic Quantitative Risk Assessment
GVA	Gross Value Added
ha	hectare
HE	Highways England
HGV	heavy goods vehicle
ILS	Instrument Landing Systems
J10	Junction 10 of the M56 Motorway
J20	Junction 20 of the M6 Motorway
km	kilometre
LTP4	Consultation Draft of the Council's Local Transport Plan
LVIA	Landscape and Visual Impact Assessment
m	metre
NATS	National Air Traffic Services
NDC	National Distribution Centre
NDP	the Appleton Thorn Ward Neighbourhood Development Plan
NEE	Non-Exhaust Emissions
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxides
PM ₁₀	particulates
PM _{2.5}	small particulates
PoE	Proof of Evidence
PPG	Planning Practice Guidance
PRA	Preliminary Risk Assessment
PSVLP	Proposed Submission Version of the Local Plan
Q4	Fourth Quarter
S106	Section 106
S278	Section 278
SoCG	Statement of Common Ground

SoS	Secretary of State for Housing, Communities and Local Government
SPD	Supplementary Planning Document
sqft	square feet
sqm	square metres
SRFI	Strategic Rail Freight Interchange
SRN	Strategic Road Network
SuDS	Sustainable Drainage Systems
SWP	South Warrington Parish Council's Local Plan Working Group
TA	Transport Assessment
TAA	Transport Assessment Addendum
the 1990 Act	the Town and Country Planning Act 1990
the 2004 Act	the Planning and Compulsory Purchase Act 2004
the Appellants	Liberty Properties Developments Ltd & Eddie Stobart Ltd
the Council	Warrington Borough Council
the Framework	the National Planning Policy Framework
WBC	Warrington Borough Council
WHO	World Health Organisation



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

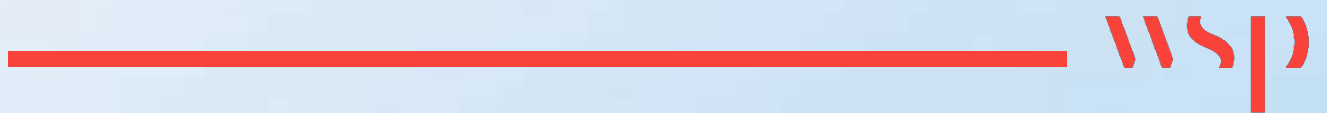
SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix D





Appeal Decision

Hearing Held on 19 February 2019

Site visit made on 19 February 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/A0665/W/18/3203413

Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Oliver Smith of Castleoak Care Developments Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref 17/03661/FUL, dated 21 August 2017, was refused by notice dated 27 November 2017.
 - The development proposed is demolition of the existing garden centre buildings and redevelopment of the site to provide a total of 110 care apartments and bungalows together with associated car parking, landscaping and amenity spaces.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garden centre buildings and redevelopment of the site to provide a total of 110 care apartments and bungalows together with associated car parking, landscaping and amenity spaces at Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD in accordance with the terms of the application, Ref 17/03661/FUL, dated 21 August 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description in the header above reflects that on the original application form. The decision notice and appeal form refer to 111 units, but the appellant's statement confirms that it should be 110. As such, for the avoidance of doubt I have used the original description in my formal decision.
3. Subsequent to the Council's decision, the Revised National Planning Policy Framework (the Framework) was published. For the avoidance of doubt, I have considered the appeal based on the most up-to-date national policy. The parties had the opportunity to address any implications of this at the hearing. In addition, new national Planning Practice Guidance (PPG) on 'Housing for older and disabled people' was published after the hearing closed. This is material to the appeal and the main parties were given the opportunity to comment. I have had regard to any comments made in my decision.
4. The emerging Cheshire West and Chester Local Plan Part 2 (LP2) had reached 'main modifications' stage at the time of the hearing. On this basis, I have

- given the plan, and the proposed main modifications, substantial weight in line with paragraph 48 of the Framework.
5. The appellant submitted late evidence in the lead up to the hearing. Parties had the opportunity to consider and discuss this at the hearing. I am satisfied that no interests were prejudiced as a result. A signed and dated Unilateral Undertaking (UU) was also provided, which establishes the limitations on occupation and operation of the extra care units.
 6. The site is located in the Green Belt. There is no dispute that the proposal would not fall within any of the exceptions set out in paragraphs 145 or 146 of the Framework and should therefore be considered as inappropriate development in the Green Belt. Inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.
 7. The Council's fourth reason for refusal relates to a lack of information on impacts to biodiversity assets. The appellant has sought to address this through the submission of an ecological study. Subject to conditions, the Council no longer considers this a matter of dispute. I have considered the appeal on this basis.

Main Issues

8. As a result of the above, the main issues in this case are:
 - The effect of the development on the openness of the Green Belt and the purposes of designating land within the Green Belt.
 - Whether the development is in an appropriate location in relation to development plan policy, with particular regard to its effect on the character and appearance of the area and access to services and facilities;
 - Whether the development makes appropriate provision for affordable housing; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Openness and the purpose of the Green Belt

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. Paragraph 134 identifies the five purposes the Green Belt serves.
10. The site has two distinct parts. The northern element includes a dwelling and vacant buildings associated with the former garden centre and a bungalow fronting the main road. The southern part of the site is an open area of grassland. The site is bounded to the west by the A41, to the north by Whitchurch Road and to the east by a large park and ride facility. An access road to the park and ride creates the southern boundary. There is a substantial amount of screening from mature landscaping, particularly on the eastern, western and southern boundaries. The overall density of development

- on the site is low, with large areas of hard standing between low profile and often lightweight buildings. Part of the site is given over to the display and sale of sheds, which as well as being small in scale also appear temporary in nature.
11. The one and two storey 'bungalows' would be located mainly in the area of open and undeveloped grassland. These would be well screened and thus the visual impact on openness would be mitigated to an extent. However, openness is not a purely visual matter. As a matter of fact, the introduction of buildings and other associated domestic paraphernalia, access roads and parking into an area where there is currently no development would clearly have a significant impact on the openness of this part of the site.
 12. The apartment block would be a substantial three storey building of a considerably larger scale, bulk and volume than anything already on the site. Though it would be set back from the road, the building would nevertheless be a highly visible and prominent feature. The overt increase in coverage, scale and volume of development on this part of the site would also have a substantial impact on both the spatial and visual openness of the site. Taken together, I therefore must conclude that the development would result in a substantial reduction in the openness of this part of the Green Belt.
 13. In considering the degree of additional harm caused to the purposes of including land within the Green Belt, I have had regard to the existing character of the site and its environs, the distance between the site and Christleton, the nature of intervening development, the degree of enclosure and visual containment the site benefits from, and the scale of development proposed. The development sits outside any defined settlement boundary and is thus classified as countryside in policy terms. As a result of this, and the expansion of built form into the open area, there would be inevitable degree of encroachment into the countryside. Nevertheless, the scale of this encroachment would not be significant.
 14. There is a clear and distinct change in the density of development either side of the A41. Between the roundabout and the A55 overpass to the east, development on the southern side of the A41 is quite sporadic and low key. The park and ride and neighbouring allotments are generally open and, while there is a short row of houses and a hotel further east, there is a general sense of an area of transition on the fringes of the main urban area. As a result, the development would not appear isolated or remote from the main built form of Chester. The increase in density of development may give rise to a small sense of 'overspill' from the west. However, any sense of urban sprawl would be minimal in scale. For the same reasons, any real or perceived effect on the gap between Chester and Christleton would be very minor. I am not convinced therefore that there would be material harm to either of these purposes.
 15. I am satisfied there would no harm in terms of preserving the setting of an historic town. Furthermore, while resisting development here might encourage regeneration outside the Green Belt, the scale of development is such that it would be difficult to attribute any material harm to this objective.
 16. In conclusion on this matter, I find that the development would have a significant adverse impact on the openness of the Green Belt. There would also be some limited additional harm relating to encroachment in the countryside. These factors would add to the harm caused by being inappropriate development in the Green Belt.

Location, including impact on character and appearance and access to facilities

17. The Council's second reason for refusal primarily stems from the requirements of Cheshire West and Chester Local Plan Part 1 (LP1) Policy STRAT9. This states that the intrinsic character and beauty of the countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. Policy HO7 of the Chester District Local Plan (CDLP) states that dwellings will not be permitted in the open countryside. While not referred to in the Council's reason for refusal, Policy DM26 is also relevant in this regard. This states that new large-scale extra care villages located outside of settlement boundaries will be resisted in line with Policy STRAT9. However, it also states that such facilities should be in areas with good accessibility to services and facilities.¹
18. The Council's concerns appear to relate to the principle of this type of development outside a defined settlement and the 'resetting' of the edge of the settlement through the urbanisation of the site. Indeed, the appeal statement refers to the 'intrinsic beauty' of the countryside being linked to it being 'open and undeveloped'. Such concerns are closely related to those expressed in relation to Green Belt.
19. While the aim of Policy STRAT9 might be to protect the intrinsic beauty of the countryside by guiding development to defined settlements, it cannot be said that all parts of the countryside have the same degree of intrinsic beauty. Moreover, it is important to differentiate between harm to openness, which has already been considered, and any visual impact of development.
20. The site is not within any formally designated landscape area. It sits on the edge of the built-up area of Chester and forms parts of a sporadic ribbon of development along the southern edge of Whitchurch Road. Although the built form here is low key, it clearly forms part of the urban fringe. The site is also well contained by busy roads and mature landscaping. The site therefore forms a relatively unremarkable plot that neither adds to nor detracts from the wider character of the area. The main features of note are the trees and hedgerows, which would be largely retained, and the area of open grassland, which is relatively small and somewhat disconnected to the more open countryside to the south.
21. The Council raises no particular concerns over the design of the buildings or their impacts on local character. I have seen nothing that would lead me to a different conclusion. The apartment block would be a large three storey flat roofed structure. Although set back and down from the road, it would still be a prominent feature on a busy junction. In the main, buildings fronting the road here are either one or two storey pitched roof dwellings of differing designs. The development would differ considerably from anything in the immediate area. However, there would be nothing objectionable about the design of the apartments, and the relatively enclosed and self-contained nature of the site means that it would be largely set in its own context. On this basis, it would not appear as an unduly discordant, intrusive or harmful addition to the street scene.
22. The 'bungalows' would be well screened and of a design that would not be out of keeping with the local area. Visual impacts would be mitigated to a large

¹ MM58 of the LP2 Main Modifications Consultation.

- degree by landscaping and views into the site would be fleeting and glimpsed in nature. The impact from both types of development would be softened further by additional landscaping, which can be required by condition.
23. Therefore, although there would be a degree of intensification of the site, the quality of design, the existing character of the area and the level of screening available would combine to ensure that any impact on the character and landscape value of the area would not rise to the level of material harm.
24. The site is relatively well related to services and facilities. Although crossing the road here can be a lengthy process, there is a large supermarket within walking distance of the site. Perhaps of more importance are the bus stops outside the site and the proximity of the park and ride facility that would provide easy access to Chester. Therefore, although in conflict with the specific locational requirements of Policy DM26, the development would be broadly consistent with its intentions in terms of access to facilities and services.
25. As it is outside a defined settlement, the development must conflict with the locational requirements of policies STRAT9 HO7 and DM26. However, the purpose of these policies is to protect the character of the countryside and promote sustainable patterns of development. The weight given to this conflict will therefore be tempered to a significant degree by the extent of encroachment beyond the settlement boundary, the lack of harm to character and appearance of the area and the relative accessibility of the site.
26. I also note that the paragraph 79 of Framework states that 'isolated' homes in the countryside should be avoided. There is no blanket restriction on homes outside defined settlement boundaries within national policy. The development would not be considered 'isolated' in this context and thus there is no conflict with national policy in this particular regard.

Affordable housing

27. Each unit would be self-contained insofar as they would have their own 'front doors', with kitchens, bathrooms and living rooms. There would be several communal facilities that residents could make use of if they wish. There would also be a range of on-site care services that would be tailored to meet different needs of residents. The UU would limit occupancy to those who have a need for at least 1.5 hours of care per week and a minimum age of 65.
28. There is no dispute between the main parties that the development falls into the C2 Use Class. However, this does not alter the Council's position that such development should be liable for affordable housing. LP1 Policy SOC1 states that affordable housing will be sought on all new residential development on sites that have a capacity for 10 or more dwellings (or 0.3 hectares (ha) or more) in urban areas or have a capacity of three or more dwellings (or 0.1 ha) in rural areas. The appellant argues that as the development would be a 'residential institution' rather than 'dwellinghouse' it would not be caught by Policy SOC1.
29. Whether or not the development is C2 or C3, it is still residential development. While the policy refers to 'dwellings', there is nothing within it which specifically distinguishes between different use classes, or states that only residential development under C3 is covered by the policy. The policy is also clear that residential development over 0.3ha will be required to provide affordable

- housing. The site is around 1.6ha and thus is comfortably above this threshold.
30. Policy SOC1 provides an opportunity for the viability of any individual development to be considered. However, in this case the appellant has chosen not to avail themselves of this opportunity. I have insufficient evidence to conclude that an affordable housing contribution would be unviable, either in principle for C2 uses or for this scheme. Generalised observations about the viability of C2 uses are not enough to conclude they are exempt from Policy SOC1.
 31. I am also unconvinced by the argument that other C2 uses in the area have not been required to provide affordable housing. I cannot be certain that the examples given are comparable to that before me. This is particularly the case when considering that Policy SOC1 provides opportunities for the affordable housing requirement to be set aside under certain circumstances. Moreover, some of the examples provided appear to contain an affordable housing element. These examples do not alter my conclusion.
 32. Taking all factors into account, I am not persuaded that C2 uses are necessarily excluded from Policy SOC1. This would be a form of residential development which is above the relevant threshold and for which no specific viability evidence has been provided.
 33. This conclusion must also be considered in the context of emerging LP2 Policy DM26. This provides guidance on specialist housing. With regard to affordable housing, it states that provision will be required for all elements of a proposal that would create 'self-contained dwellings'. Again, neither the policy nor supporting text distinguish between specific use classes. However, the supporting text refers to the fact that extra care housing can provide self-contained housing with on-site care. In my view, the development falls directly into this category of development. A common sense reading of the policy and supporting text, suggests it is expected that developments of the model proposed here would be subject to the requirements of the policy.
 34. Based on what I have before me, I consider that the failure to make provision for affordable housing conflicts with Policy SOC1. In coming to this conclusion, I have had regard to the appeal decisions put to me by the appellant where Inspectors concluded that C2 development was not required to make such provision. However, all of these are in different local authority areas with different policy contexts. These may not be comparable to that before me and do not lead me to alter my conclusion.
 35. In the event of the appeal being allowed, the possibility of imposing a condition to secure affordable housing was discussed at the hearing. The appellant submitted a suggested wording for this after the site visit with my approval. The Council did not agree to the suggested wording.
 36. The PPG is clear that the best way to deliver sufficient certainty on what is being agreed is to enter into a planning obligation or other agreement prior to permission being granted. The suggested condition lacks the necessary certainty or clarity, particularly in relation to the proportion of affordable housing to be provided, which is left open ended. It also includes a caveat suggesting that a financial contribution in lieu of on-site provision could be the outcome of any approved 'scheme'. No mechanism is identified for either how

a decision on this would be made or how the contribution would be secured. There is therefore no certainty that the affordable housing element would be achieved.

37. The PPG² also states that negatively worded conditions requiring a planning obligation, or some other agreement can only be considered in exceptional circumstances in the case of complex or strategically important development, and where there is clear evidence that delivery would be put at risk. The development does not fall into this category. In this case, I am not persuaded that the use of a condition would be an acceptable mechanism to secure affordable housing. Accordingly, there is nothing before me which would address the harm caused by the lack of provision.

Other considerations

38. The appellant has submitted an assessment which indicates there is a substantial level of need in the area for private leasehold extra care of the nature being proposed. Their data suggests an existing need for 428 extra care units within the defined market catchment of the proposal and 884 units within the local authority area. The assessment also indicates such demand will grow to 696 in the market catchment and 1306 in the district by 2028. The Council has not provided figures of its own, nor does it dispute those provided by the appellant. The Development Plan does not include a specific requirement for housing for older people, and the Council expects all needs to be catered for within the general housing requirement. While the appellant's figures cannot constitute a formal requirement, they nevertheless give some indication of a level of demand for a specialist form of housing. The PPG states that the need to provide housing for older people is critical³.
39. While there may be some scope for error in the appellant's figures, there is no clear evidence that they are wholly unreasonable. I also note that they relate specifically to the need for the type of facility being proposed here. There are therefore likely to be separate 'needs' for different types of specialist housing and care models. The presence of other care homes or existing extra care facilities does not alter the fact that further provision may be required. Furthermore, it is unlikely to be the case that other forms of housing will necessarily meet the demand the appellant has identified.
40. Nevertheless, even if other housing or care models could help meet some of this need, it still seems likely that a specific need for this form of extra care housing would remain. The fact that the development would make a sizeable contribution to help meeting these demands is something to which I have attributed very substantial weight.
41. The development would also provide associated social and economic benefits. Importantly, it would assist in ensuring the well-being of elderly tenants and there is evidence to suggest such facilities can reduce pressure on local community and health facilities. In addition, it would provide short- and long-term employment in the area. Finally, it would provide the potential to free up market housing in the area as a result of tenants downsizing. Collectively, these benefits also add substantial weight in favour of the development.

² Planning Practice Guidance ID 21a-010-20140306.

³ Planning Practice Guidance ID 63-001-20190626

42. The appellant has indicated there is a lack of alternative non-Green Belt sites that could accommodate the development and that there are no extra care facilities in the pipeline that would help meet the need. An assessment has been submitted which considered a range of alternatives between 1.2ha and 4ha. Most sites looked at were ruled out based on size, or that they could not be delivered in the short to medium term. Of those identified for more detailed consideration, some were ruled out because they were also in the Green Belt, some because of planning issues such as noise and some because they were in areas the appellant considered not to be viable for development.
43. I have some concerns about the assessment. While there is likely to be a minimum site size that could accommodate an extra care development, there is little evidence that the appellant has been particularly flexible in their approach to scale or in terms of the types of location considered viable for delivery. Moreover, how much thought has gone into the likelihood of planning issues being able to be mitigated is unclear. Nevertheless, the Council has not been able to provide evidence of suitable sites for the development, nor has it demonstrated that similar developments are coming forward as windfalls.
44. While I do not agree that the Council's policies are too restrictive, there is nothing before me to suggest a reasonable prospect of the demand identified being met by windfall within defined settlements in the short term. Although there are some weaknesses in the appellant's assessment, I have seen nothing to convince me that there is a surfeit of suitable or available sites within defined settlements to address the demand identified. This is a factor to which I have attributed significant weight.
45. Over and above the potential to release market housing through downsizing, the development would make a sizeable contribution to the general housing land supply. The Council can currently demonstrate a supply of 7.56 years. Considering this relatively healthy position, I have given only moderate weight to this factor in the overall balance. I have already concluded that the development is in a relatively accessible location. While this is a basic policy requirement, this still constitutes a positive aspect of the proposal which carries a limited degree of weight in favour of the proposal.
46. I have given little weight to an earlier Council review which suggested this area might be suitable for removal from the Green Belt. Whatever the review's recommendations, the site remains in the Green Belt. There is nothing in the Framework which suggests different weight should be attributed to harm in different parts of the Green Belt. Any consideration of the site's suitability for inclusion in the Green Belt should be considered through the Development Plan.

Other matters

47. Based on the appellant's evidence on biodiversity, I am satisfied there would be no unacceptable impact on protected species. The Council is satisfied that the development would not result in a severe impact on the highway network, and that there would be adequate parking. I have seen nothing that would lead me to a different conclusion. Although located near to a busy junction, the scale of development is not such that it would exacerbate any existing issues to an unacceptable degree. The site also has good public transport accessibility, which could provide some degree of mitigation. Any issues resulting from construction traffic would be temporary and could be managed. I have noted

concerns relating to cumulative impacts with other development proposed nearby. With or without these developments in place, I am satisfied that the cumulative transport impacts of development would not be severe. With suitable conditions in place, all other potential impacts of development can be adequately addressed.

48. I have noted Christleton Parish Council's representations regarding public consultation, but this has had no bearing on my decision. I have considered the appeal based on the evidence provided and my own observations.

Planning Balance and Very Special Circumstances

49. The development would cause harm to the Green Belt by virtue of it being an inappropriate form of development and insofar as it would have a detrimental impact on the openness of the Green Belt. There is minor additional harm in relation to encroachment into the countryside. I have given substantial weight to the harm caused in this respect. There would be some additional harm resulting from the failure to provide affordable housing. The development would also conflict with the strategy for such uses as set out in policies STRAT9, HO7 and DM26. However, considering the site's accessible location, my conclusions on the visual impact of the development, and the requirements of the Framework about rural housing, I have attached only moderate weight to this conflict.
50. I have attached significant weight to the contribution the development would make to meeting the needs for specialist housing in the area for older people and the associated social and economic benefits it would bring. I have also given substantial weight to the evidence relating to alternative available sites and the likelihood of the needs identified being met in the short to medium term by development within defined settlements. Finally, I have attached moderate weight to the other benefits highlighted above relating to the housing supply and limited weight to promoting development in accessible locations.
51. Having weighed all the factors carefully, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I therefore consider that very special circumstances exist which justify the development.
52. In coming to this conclusion, I have had regard to the two appeal decisions put to me which pull in different directions on this issue⁴. The context and evidence in these cases differ to each other and to that before me. However, both are clear that the determination of whether very special circumstances exist is a matter of planning judgement based on a consideration of all relevant matters. This is the approach I have followed in this appeal.
53. I have given particular consideration to matters relating to affordable housing. Based on the evidence before me, I am not convinced that extra care housing should be exempt from affordable housing in principle. However, I am also satisfied that in this case there are material considerations which justify a decision other than in accordance with the development plan.
54. The Council raised concerns over precedent at the hearings. However, no directly similar sites or situations were put forward. Each application and appeal must be determined on its individual merits. This is particularly the

⁴ Appeal reference: APP/Q3630/W/18/3195463 & APP/H2265/W/18/3202040

case with proposals in the Green Belt. A generalised concern of this nature does not therefore justify withholding permission in this case. Furthermore, given that I have concluded the proposal would be acceptable, I see no reason why it would lead to harmful development on other sites in the area.

Conditions and Planning Obligation

55. I have considered the suggested conditions from the main parties in accordance with the PPG. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings, as this provides certainty. As discussed at the hearing, I have corrected the numbering of the plans.
56. Condition 3 is necessary in the interests of highway safety and the living conditions of nearby residents. This is by necessity a pre-commencement condition, as the demolition of existing buildings must proceed in accordance with the approved details. Rather than two separate conditions dealing with demolition and construction management plans, I have incorporated both requirements into one condition which removes unnecessary duplication. This does not fundamentally alter the requirements of the conditions that were agreed by the parties.
57. For the same reasons, I have also imposed conditions 8 and 9. I have amended the suggested wording to these conditions in the interests of clarity and precision. Conditions 4 and 5 are necessary to ensure the site can be adequately drained. I have amended the condition on sustainable drainage so that it does not unnecessarily preclude demolition or clearance works taking place. Conditions 6, 7, 14, 15, 16, 17 and 18 are necessary in the interests of the character, appearance and visual amenity of the area. Conditions 15 and 17 are also necessary to protect the living conditions of future residents.
58. Conditions 10 and 11 are necessary in the interests of promoting the use of more sustainable forms of transport. Condition 12 is necessary in the interests of biodiversity. Condition 13 is necessary in the interests of the living conditions of future residents. I have not included the 'alternative' approach in the suggested condition as this would be confusing.
59. I have not imposed the Council's suggested condition on the occupancy of the units. The condition does not adequately reflect the care element of the proposal. The UU addresses this issue. It is necessary to make the development acceptable in planning terms. Without the restrictions it places on occupancy and operation, the development would not fulfil its role as specialist housing for older people and the case for very special circumstances would not be the same. The UU is also clearly related to the development and is fairly and reasonably related in scale and kind to it. It therefore meets the relevant tests in the Framework.
60. For the reasons given above, I have not imposed the appellant's suggested condition on affordable housing.

Conclusion

61. As a result of the above, and having considered all other relevant matters, the appeal is allowed.

S J Lee INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walton, Of Counsel	Instructed by Castleoak Care Developments Ltd
David Phillips	Strutt and Parker
Andrew Smith	Fabrik UK
Verena Womersley	Castleoak Care Developments Ltd
Ben Hartley	Carterwood Ltd
Peter Nurse	Carterwood Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Steven Holmes, Senior Planning Officer	Cheshire West and Chester Council
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INTERESTED PERSONS:

Councillor L. Henley	Christleton Parish Council
Robert Chesworth	
Anya Chesworth	

DOCUMENTS SUBMITTED AT THE HEARING

1. Corrected Plans
2. Signed Unilateral Undertaking
3. Appeal Decision – APP/Q3630/W/18/3195463
4. Suggested condition on affordable housing
5. Consultation responses to Main Modifications consultation on LP2

Schedule of Conditions

- 1) The development hereby approved shall be commenced within 3 years of the date of this decision
- 2) The development hereby approved shall be carried out in accordance with the following drawings:
 - A-712 20 A – Location Plan
 - A-712 32 A1 – 1 Bed Bungalow Plans and Elevations
 - A-712 33 A1 – 2 Bed 2 Level Bungalow Plans and Elevations
 - A-712 34 A1 – 2 Bed Bungalow Plans and Elevations
 - A-712 35A – External Plant Room
 - A-712 51 B – Assisted Living Ground Floor Plan
 - A-712 52 B – Assisted Living First Floor Plan
 - A-712 53 C – Assisted Living Second Floor Plan
 - A-712 55 B – Assisted Living Elevations
 - A-712 56 A – Assisted Living Courtyard Elevations
 - A-712 57 A – Assisted Living Room Layout Types 1 & 2
 - A-712 58 A – Assisted Living Room Layout Types 3 & 4
 - A-712 59 A – Assisted Living Room Layout Types 5 & 6
 - A-712 62 C – Site Plan
 - D2535 L.100 A – Combined Hard and Soft Landscape General Arrangement Plan - Sheet 1 of 3
 - D2535 L.101 A – Combined Hard and Soft Landscape General Arrangement Plan - Sheet 2 of 3
 - D2535 L.102 A – Combined Hard and Soft Landscape General Arrangement Plan - Sheet 3 of 3
 - D2535 L.103 – Plant Schedule and Maintenance Specification
 - 17052 C-002 3 – Drainage Strategy Layout
- 3) No development shall take place until a construction management plan, which shall include full details of the phasing of demolition and site clearance traffic (including temporary highway vehicle and pedestrian accesses, suitable off highway parking for all demolition or construction related vehicles and suitable vehicle cleaning facilities) and details of construction lighting has been submitted to and approved in writing by the local planning authority. The development shall be carried wholly in accordance with the approved construction management plan.
- 4) With the exception of demolition and site clearance works, development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based on the principles recommended within the Flood Risk Assessment and Drainage Strategy and Drainage Strategy Layout drg. C-002 Rev. 3 both dated May 2017 (Quad Consult) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site.

- 5) With the exception of demolition and site clearance works, development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a timetable for its implementation, and
 - a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- 6) With the exception of demolition and site clearance works, no development shall take place until details of the existing and finished site level have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) With the exception of demolition and site clearance works, no development shall take place above ground level until details of external facing materials to be used in the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) The development hereby approved shall not be occupied until details of the modified accesses to the application site, including details of the visibility splays for the accesses, and a timetable for the implementation of any approved details have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented wholly in accordance with the approved timetable and thereafter shall be maintained with the approved visibility splays in place so long as the use remains in operation.
- 9) Prior to the occupation of any individual unit hereby approved, the parking, turning and servicing areas shown on approved drawing A-712 62 Rev C relevant to that unit have been implemented in full and made available for use.
- 10) The development hereby approved shall not be occupied until details of a scheme of electric vehicle charging points and timetable for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in full working order permanently thereafter.
- 11) The development hereby approved shall not be occupied until a scheme of secure, covered cycle parking and timetable for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 12) The development hereby approved shall not be occupied until details of a scheme of bird and bat boxes and timetable for implementation have been submitted to and approved in writing by the local planning authority. The

approved scheme shall be implemented in accordance with the approved details.

- 13) The development hereby approved shall not be occupied until a scheme of noise insulation for the unit has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that noise levels in each unit shall meet the following internal ambient noise levels in habitable rooms when they are unoccupied and with a window partially open (unless otherwise adequate ventilation to meet the standards outlined in the Building Regulations), and in all external private amenity space:
- i. Noise levels within habitable rooms during the day (0700-2300hrs) of 35dB(A)LAeq,16hrs
 - ii. Noise levels within bedrooms during the night (2300-0700hrs) of 30dB(A)LAeq,8hrs and where individual noise events should not exceed 45dB(A)LAmax.
 - iii. Noise levels within private outdoor living areas (including balconies, terraces etc.) during the daytime and evening (0700-2300hrs) should not exceed 58dB(A)LAeq,16hrs.

No unit shall be occupied until the measures approved for that dwelling have been implemented in full.

- 14) The development hereby approved shall not be occupied until details of all fences, walls (including retaining walls) or other means of enclosure and a timetable for implementation are submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 15) The development hereby approved shall not be occupied until details of a scheme of external lighting have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and no external lighting other than in accordance with the approved details shall be installed on the site.
- 16) The development hereby approved shall not be occupied until details of a scheme of hard and soft landscaping, which shall include the submission of a planting schedule prescribing details of the size and species of proposed planting, are submitted to and approved in writing by the local planning authority. The landscaping scheme shall include for the retention of the existing hedgerow on the eastern and western site boundaries and the planting of a new hedgerow comprised solely of native species on the northern site boundary. The approved scheme shall be implemented in full in the first planting season following the completion of the development or otherwise in accordance with a timetable which shall have been agreed in writing by the local planning authority. If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

- 17) The development hereby approved shall not be occupied until a timetable for the implementation of the communal gardens and areas of landscaping around the apartment building shown on approved drawing A-712 62 Rev C, and a scheme for their future management and maintenance, has been submitted to and approved in writing by the local planning authority. The gardens and landscaped areas shall be implemented wholly in accordance with the agreed timetable and thereafter managed and maintained in accordance with the agreed scheme.
- 18) The development hereby approved shall be carried out wholly in accordance with the tree protection measures set out in the document entitled "Arboricultural Survey and Planning Integration Statement Rev A" (ref AR/3616A/rg) dated 24 August 2017 produced by Quaife Woodlands.